

## As Introduced

**129th General Assembly  
Regular Session  
2011-2012**

**H. B. No. 264**

**Representatives Burke, Grossman**

**Cosponsors: Representatives Adams, J., Beck, Brenner, Boose, Combs,  
Dovilla, Duffey, Huffman, Kozlowski, Martin, McGregor, Thompson, Young**

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### **A B I L L**

To amend sections 9.90, 101.532, 101.83, 101.84,	1
101.85, 101.86, 102.02, 109.91, 121.32, 127.14,	2
173.03, 173.04, 3302.021, 3311.71, 3312.01,	3
3312.09, 3313.202, 3701.025, 3701.63, 3727.312,	4
3737.03, 3737.21, 3737.81, 3737.86, 3737.88,	5
3743.54, 3746.04, 4117.03, 4121.03, 4121.12,	6
4121.121, 4121.125, 4121.128, 4123.341, 4123.342,	7
4123.35, 5111.708, 5123.032, and 5123.093; and to	8
repeal sections 9.901, 101.37, 121.374, 122.97,	9
122.971, 122.98, 122.981, 125.833, 184.23,	10
184.231, 1349.71, 1349.72, 1501.25, 2151.282,	11
3311.77, 3312.11, 3312.12, 3319.70, 3319.71,	12
3701.92, 3727.322, 3746.03, 4121.75, 4121.76,	13
4121.77, 4121.78, 4121.79, 4501.025, 5111.709,	14
5111.7010, and 5902.15 of the Revised Code; and to	15
amend Section 5 of Sub. H.B. 125 of the 127th	16
General Assembly as subsequently amended, Section	17
20 of Am. Sub. H.B. 554 of the 127th General	18
Assembly, Section 3 of Sub. H.B. 187 of the 126th	19
General Assembly, and Section 513.03 of Am. Sub.	20
H.B. 66 of the 126th General Assembly as	21
subsequently amended; and to repeal Section 3 of	22

Sub. H.B. 495 of the 128th General Assembly,	23
Sections 209.40, 309.40.70, and 709.10 of Am. Sub.	24
H.B. 1 of the 128th General Assembly, Sections	25
755.80 and 756.40 of Am. Sub. H.B. 2 of the 128th	26
General Assembly, Section 3 of Sub. H.B. 7 of the	27
127th General Assembly, Section 555.17 of Am. Sub.	28
H.B. 67 of the 127th General Assembly, Sections	29
263.30.30, 337.20.20, 377.20, and 737.11 of Am.	30
Sub. H.B. 119 of the 127th General Assembly,	31
Sections 6 and 7 of Sub. H.B. 125 of the 127th	32
General Assembly, Section 2 of Sub. H.B. 233 of	33
the 127th General Assembly, Sections 703.30 and	34
715.50 of Am. Sub. H.B. 562 of the 127th General	35
Assembly, Section 4 of Am. Sub. S.B. 77 of the	36
127th General Assembly, Sections 206.10.12,	37
206.42.12, 206.66.24, 206.66.43, 209.63.58,	38
503.09, and 503.12 of Am. Sub. H.B. 66 of the	39
126th General Assembly, Section 4 of Sub. H.B. 187	40
of the 126th General Assembly, Section 1 of Sub.	41
H.B. 371 of the 126th General Assembly, Section	42
235.60.70 of Am. Sub. H.B. 699 of the 126th	43
General Assembly, Section 3 of Am. Sub. S.B. 167	44
of the 126th General Assembly, Section 5 of Am.	45
Sub. S.B. 260 of the 126th General Assembly,	46
Section 3 of Sub. S.B. 393 of the 126th General	47
Assembly, Sections 12 and 25 of Am. Sub. H.B. 87	48
of the 125th General Assembly, Sections 41.35 and	49
153 of Am. Sub. H.B. 95 of the 125th General	50
Assembly, Section 8 of Sub. H.B. 299 of the 125th	51
General Assembly, Section 6 of Am. Sub. H.B. 516	52
of the 125th General Assembly, Section 3 of Am.	53
Sub. S.B. 86 of the 125th General Assembly,	54
Section 3 of Sub. H.B. 230 of the 124th General	55

Assembly, Section 3 of Am. Sub. H.B. 474 of the 56  
124th General Assembly, Section 4 of Am. Sub. S.B. 57  
281 of the 124th General Assembly, Section 3 of 58  
Am. H.B. 416 of the 127th General Assembly as 59  
subsequently amended, Section 701.20 of Am. Sub. 60  
H.B. 562 of the 127th General Assembly as 61  
subsequently amended, Section 206.66.53 of Am. 62  
Sub. H.B. 66 of the 126th General Assembly as 63  
subsequently amended, Section 6 of Sub. H.B. 336 64  
of the 126th General Assembly as subsequently 65  
amended, Section 755.03 of Am. Sub. H.B. 530 of 66  
the 126th General Assembly as subsequently 67  
amended, Section 6 of Am. Sub. S.B. 238 of the 68  
126th General Assembly as subsequently amended, 69  
Section 152 of Am. Sub. H.B. 95 of the 125th 70  
General Assembly as subsequently amended, and 71  
Section 59.29 of Am. Sub. H.B. 95 of the 125th 72  
General Assembly as subsequently amended to 73  
implement the recommendations of the Sunset Review 74  
Committee by abolishing, terminating, 75  
transferring, or renewing various agencies and by 76  
reestablishing the Sunset Review Committee but 77  
postponing its operation until the 131st General 78  
Assembly, to terminate the operation of certain 79  
provisions of this act on December 31, 2016, by 80  
repealing sections 101.82, 101.83, 101.84, 101.85, 81  
101.86, and 101.87 of the Revised Code on that 82  
date, and to declare an emergency. 83

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

**Section 1.** That sections 9.90, 101.532, 101.83, 101.84, 84  
101.85, 101.86, 102.02, 109.91, 121.32, 127.14, 173.03, 173.04, 85

3302.021, 3311.71, 3312.01, 3312.09, 3313.202, 3701.025, 3701.63, 86  
3727.312, 3737.03, 3737.21, 3737.81, 3737.86, 3737.88, 3743.54, 87  
3746.04, 4117.03, 4121.03, 4121.12, 4121.121, 4121.125, 4121.128, 88  
4123.341, 4123.342, 4123.35, 5111.708, 5123.032, and 5123.093 of 89  
the Revised Code be amended to read as follows: 90

**Sec. 9.90.** (A) The governing board of any public institution 91  
of higher education, including without limitation state 92  
universities and colleges, community college districts, university 93  
branch districts, technical college districts, and municipal 94  
universities, may, in addition to all other powers provided in the 95  
Revised Code: 96

(1) Contract for, purchase, or otherwise procure from an 97  
insurer or insurers licensed to do business by the state of Ohio 98  
for or on behalf of such of its employees as it may determine, 99  
life insurance, or sickness, accident, annuity, endowment, health, 100  
medical, hospital, dental, or surgical coverage and benefits, or 101  
any combination thereof, by means of insurance plans or other 102  
types of coverage, family, group or otherwise, and may pay from 103  
funds under its control and available for such purpose all or any 104  
portion of the cost, premium, or charge for such insurance, 105  
coverage, or benefits. However, the governing board, in addition 106  
to or as an alternative to the authority otherwise granted by 107  
division (A)(1) of this section, may elect to procure coverage for 108  
health care services, for or on behalf of such of its employees as 109  
it may determine, by means of policies, contracts, certificates, 110  
or agreements issued by at least two health insuring corporations 111  
holding a certificate of authority under Chapter 1751. of the 112  
Revised Code and may pay from funds under the governing board's 113  
control and available for such purpose all or any portion of the 114  
cost of such coverage. 115

(2) Make payments to a custodial account for investment in 116

regulated investment company stock for the purpose of providing 117  
retirement benefits as described in section 403(b)(7) of the 118  
Internal Revenue Code of 1954, as amended. Such stock shall be 119  
purchased only from persons authorized to sell such stock in this 120  
state. 121

Any income of an employee deferred under divisions (A)(1) and 122  
(2) of this section in a deferred compensation program eligible 123  
for favorable tax treatment under the Internal Revenue Code of 124  
1954, as amended, shall continue to be included as regular 125  
compensation for the purpose of computing the contributions to and 126  
benefits from the retirement system of such employee. Any sum so 127  
deferred shall not be included in the computation of any federal 128  
and state income taxes withheld on behalf of any such employee. 129

(B) All or any portion of the cost, premium, or charge 130  
therefor may be paid in such other manner or combination of 131  
manners as the governing board may determine, including direct 132  
payment by the employee in cases under division (A)(1) of this 133  
section, and, if authorized in writing by the employee in cases 134  
under division (A)(1) or (2) of this section, by such governing 135  
board with moneys made available by deduction from or reduction in 136  
salary or wages or by the foregoing of a salary or wage increase. 137  
Nothing in section 3917.01 or section 3917.06 of the Revised Code 138  
shall prohibit the issuance or purchase of group life insurance 139  
authorized by this section by reason of payment of premiums 140  
therefor by the governing board from its funds, and such group 141  
life insurance may be so issued and purchased if otherwise 142  
consistent with the provisions of sections 3917.01 to 3917.07 of 143  
the Revised Code. 144

(C) The board of education of any school district may 145  
exercise any of the powers granted to the governing boards of 146  
public institutions of higher education under divisions (A) and 147  
(B) of this section, ~~except in relation to the provision of health~~ 148

~~care benefits to employees. All health care benefits provided to 149  
persons employed by the public schools of this state shall be 150  
health care plans that contain best practices established by the 151  
school employees health care board pursuant to section 9.901 of 152  
the Revised Code. 153~~

**Sec. 101.532.** The main operating appropriations bill shall 154  
not contain appropriations for the industrial commission, ~~the 155  
workers' compensation council,~~ or the bureau of workers' 156  
compensation. Appropriations for the bureau ~~and the council~~ shall 157  
be enacted in one bill, and appropriations for the industrial 158  
commission shall be enacted in a separate bill. 159

**Sec. 101.83.** (A) An agency in existence on January 1, ~~2005~~ 160  
2011, shall expire on December 31, ~~2010~~ 2016, unless the agency is 161  
renewed in accordance with division (D) of this section and, if so 162  
renewed, shall expire thereafter on the thirty-first day of 163  
December of the fourth year after the year in which it was most 164  
recently renewed unless the agency is renewed in accordance with 165  
division (D) of this section. An agency created after January 1, 166  
~~2005~~ 2011, that is created on the thirty-first day of December 167  
shall expire not later than four years after its creation, unless 168  
the agency is renewed in accordance with division (D) of this 169  
section. An agency created after January 1, ~~2005~~ 2011, that is 170  
created on any other date shall be considered for the purpose of 171  
this section to have been created on the preceding thirty-first 172  
day of December, and the agency shall expire not later than four 173  
years after the date it was considered to have been created, 174  
unless the agency is renewed in accordance with division (D) of 175  
this section. Any act creating or renewing an agency shall contain 176  
a distinct section providing a specific expiration date for the 177  
agency in accordance with this division. 178

(B) If the general assembly does not renew or transfer an 179

agency on or before its expiration date, it shall expire on that 180  
date. 181

The director of budget and management shall not authorize the 182  
expenditure of any moneys for any agency on or after the date of 183  
its expiration. 184

(C) The general assembly may provide by law for the orderly, 185  
efficient, and expeditious conclusion of an agency's business and 186  
operation. The rules, orders, licenses, contracts, and other 187  
actions made, taken, granted, or performed by the agency shall 188  
continue in effect according to their terms notwithstanding the 189  
agency's abolition, unless the general assembly provides otherwise 190  
by law. The general assembly may provide by law for the temporary 191  
or permanent transfer of some or all of a terminated or 192  
transferred agency's functions and personnel to a successor agency 193  
or officer. 194

The abolition, termination, or transfer of an agency shall 195  
not cause the termination or dismissal of any claim pending 196  
against the agency by any person, or any claim pending against any 197  
person by the agency. Unless the general assembly provides 198  
otherwise by law for the substitution of parties, the attorney 199  
general shall succeed the agency with reference to any pending 200  
claim. 201

(D) An agency may be renewed by passage of a bill that 202  
continues the statutes creating and empowering the agency, that 203  
amends or repeals those statutes, or that enacts new statutes, to 204  
improve agency usefulness, performance, or effectiveness. 205

**Sec. 101.84.** (A) There is hereby created the sunset review 206  
committee, to be composed of nine members and function in calendar 207  
years ~~2009~~ 2015 and ~~2010~~ 2016. The president of the senate shall 208  
appoint three members of the senate to the committee, not more 209  
than two of whom shall be members of the same political party. The 210

speaker of the house of representatives shall appoint three 211  
members of the house of representatives to the committee, not more 212  
than two of whom shall be members of the same political party. The 213  
governor, with the advice and consent of the senate, shall appoint 214  
three members to the committee, not more than two of whom shall be 215  
members of the same political party. Members shall be appointed 216  
within fifteen days after the commencement of the first regular 217  
session of the ~~128th~~ 131st general assembly. 218

(B) Each member of the committee who is appointed by the 219  
president of the senate or the speaker of the house of 220  
representatives shall serve during that committee member's term of 221  
office or until that committee member no longer is a member of the 222  
senate or the house of representatives, whichever is applicable. 223  
Each member of the committee who is appointed by the governor 224  
shall serve a two-year term that ends on the thirty-first day of 225  
December in ~~2010~~ 2016. A vacancy on the committee shall be filled 226  
in the same manner as the original appointment. 227

In the first regular session of the ~~128th~~ 131st general 228  
assembly, the chairperson of the committee shall be a member of 229  
the house of representatives, and the vice-chairperson of the 230  
committee shall be a member of the senate. In the second regular 231  
session of the ~~128th~~ 131st general assembly, the chairperson of 232  
the committee shall be a member of the senate, and the 233  
vice-chairperson of the committee shall be a member of the house 234  
of representatives. 235

Members of the committee shall receive no compensation, but 236  
shall be reimbursed for their necessary expenses incurred in the 237  
performance of their official duties. 238

(C) The committee shall meet not later than thirty days after 239  
the first day of the first regular session of the ~~128th~~ 131st 240  
general assembly to choose a chairperson and to commence 241



establishment of the schedule for agency review provided for in 242  
section 101.85 of the Revised Code or perform other committee 243  
duties under sections 101.82 to 101.87 of the Revised Code. Five 244  
members of the committee shall constitute a quorum for the conduct 245  
of committee business. 246

**Sec. 101.85.** (A) The sunset review committee, not later than 247  
sixty days after its first meeting in ~~2009~~ 2015, shall schedule 248  
for review each agency in existence on January 1, ~~2009~~ 2015. The 249  
committee, by a unanimous vote, also may schedule for review any 250  
state board or commission described in division (A)(9) of section 251  
101.82 of the Revised Code that is in existence on that date, and 252  
any board or commission so scheduled shall be considered an agency 253  
for purposes of sections 101.82 to 101.87 of the Revised Code. 254

(B) The chairperson of the committee shall send a copy of the 255  
schedule for review of agencies for calendar year ~~2009~~ 2015 and 256  
calendar year ~~2010~~ 2016 to each of the agencies scheduled for 257  
review during that year and to the director of the legislative 258  
service commission. The director shall publish a copy of the 259  
schedule in the Ohio Administrative Code and in the register of 260  
Ohio created under section 103.051 of the Revised Code. The 261  
commission shall provide the committee with a list of agencies, 262  
and state boards and commissions described in division (A)(9) of 263  
section 101.82 of the Revised Code, in existence on January 1, 264  
~~2009~~ 2015, to assist the committee in identifying agencies and 265  
exercising its duties under sections 101.82 to 101.87 of the 266  
Revised Code with respect to those agencies. 267

**Sec. 101.86.** (A) Not later than six months prior to the date 268  
on which an agency in existence on January 1, ~~2009~~ 2015, is 269  
scheduled to expire under division (A) of section 101.83 of the 270  
Revised Code, the sunset review committee shall hold hearings to 271  
receive the testimony of the public and of the chief executive 272

officer of each agency scheduled for review and otherwise shall 273  
consider and evaluate the usefulness, performance, and 274  
effectiveness of the agency. 275

(B) Each agency that is scheduled for review shall submit to 276  
the committee a report that contains all of the following 277  
information: 278

(1) The agency's primary purpose and its various goals and 279  
objectives; 280

(2) The agency's past and anticipated workload, the number of 281  
staff required to complete that workload, and the agency's total 282  
number of staff; 283

(3) The agency's past and anticipated budgets and its sources 284  
of funding; 285

(4) The number of members of its governing board or other 286  
governing entity and their compensation, if any. 287

(C) Each agency shall have the burden of demonstrating to the 288  
committee a public need for its continued existence. In 289  
determining whether an agency has demonstrated that need, the 290  
committee shall consider all of the following: 291

(1) The extent to which the agency has permitted qualified 292  
applicants to serve the public; 293

(2) The cost-effectiveness of the agency in terms of number 294  
of employees, services rendered, and administrative costs 295  
incurred, both past and present; 296

(3) The extent to which the agency has operated in the public 297  
interest, and whether its operation has been impeded or enhanced 298  
by existing statutes and procedures and by budgetary, resource, 299  
and personnel practices; 300

(4) Whether the agency has recommended statutory changes to 301  
the general assembly that would benefit the public as opposed to 302

the persons regulated by the agency, if any, and whether its 303  
recommendations and other policies have been adopted and 304  
implemented; 305

(5) Whether the agency has required any persons it regulates 306  
to report to it the impact of agency rules and decisions on the 307  
public as they affect service costs and service delivery; 308

(6) Whether persons regulated by the agency, if any, have 309  
been required to assess problems in their business operations that 310  
affect the public; 311

(7) Whether the agency has encouraged public participation in 312  
its rule-making and decision-making; 313

(8) The efficiency with which formal public complaints filed 314  
with the agency have been processed to completion; 315

(9) Whether the programs or services of the agency duplicate 316  
or overlap those of other agencies; 317

(10) Whether the purpose for which the agency was created has 318  
been fulfilled, has changed, or no longer exists; 319

(11) Whether federal law requires that the agency be renewed 320  
in some form; 321

(12) Changes needed in the enabling laws of the agency in 322  
order for it to comply with the criteria suggested by the 323  
considerations listed in divisions (C)(1) to (11) of this section. 324

(D) In its initial review of each agency, the committee, 325  
whenever possible, shall realign agency titles to conform to the 326  
following descriptions: 327

(1) Commission: an administrative appeals or hearing agency; 328

(2) Authority: an agency empowered to issue bonds or notes; 329

(3) Board: an agency having a licensing function only; 330

(4) Council: an advisory body to a major agency or 331

department; 332

(5) Committee: an advisory body to a minor agency or 333  
department. 334

**Sec. 102.02.** (A) Except as otherwise provided in division (H) 335  
of this section, all of the following shall file with the 336  
appropriate ethics commission the disclosure statement described 337  
in this division on a form prescribed by the appropriate 338  
commission: every person who is elected to or is a candidate for a 339  
state, county, or city office and every person who is appointed to 340  
fill a vacancy for an unexpired term in such an elective office; 341  
all members of the state board of education; the director, 342  
assistant directors, deputy directors, division chiefs, or persons 343  
of equivalent rank of any administrative department of the state; 344  
the president or other chief administrative officer of every state 345  
institution of higher education as defined in section 3345.011 of 346  
the Revised Code; the executive director and the members of the 347  
capitol square review and advisory board appointed or employed 348  
pursuant to section 105.41 of the Revised Code; all members of the 349  
Ohio casino control commission, the executive director of the 350  
commission, all professional employees of the commission, and all 351  
technical employees of the commission who perform an internal 352  
audit function; the individuals set forth in division (B)(2) of 353  
section 187.03 of the Revised Code; the chief executive officer 354  
and the members of the board of each state retirement system; each 355  
employee of a state retirement board who is a state retirement 356  
system investment officer licensed pursuant to section 1707.163 of 357  
the Revised Code; the members of the Ohio retirement study council 358  
appointed pursuant to division (C) of section 171.01 of the 359  
Revised Code; employees of the Ohio retirement study council, 360  
other than employees who perform purely administrative or clerical 361  
functions; the administrator of workers' compensation and each 362  
member of the bureau of workers' compensation board of directors; 363

the bureau of workers' compensation director of investments; the 364  
chief investment officer of the bureau of workers' compensation; 365  
~~the director appointed by the workers' compensation council;~~ all 366  
members of the board of commissioners on grievances and discipline 367  
of the supreme court and the ethics commission created under 368  
section 102.05 of the Revised Code; every business manager, 369  
treasurer, or superintendent of a city, local, exempted village, 370  
joint vocational, or cooperative education school district or an 371  
educational service center; every person who is elected to or is a 372  
candidate for the office of member of a board of education of a 373  
city, local, exempted village, joint vocational, or cooperative 374  
education school district or of a governing board of an 375  
educational service center that has a total student count of 376  
twelve thousand or more as most recently determined by the 377  
department of education pursuant to section 3317.03 of the Revised 378  
Code; every person who is appointed to the board of education of a 379  
municipal school district pursuant to division (B) or (F) of 380  
section 3311.71 of the Revised Code; all members of the board of 381  
directors of a sanitary district that is established under Chapter 382  
6115. of the Revised Code and organized wholly for the purpose of 383  
providing a water supply for domestic, municipal, and public use, 384  
and that includes two municipal corporations in two counties; 385  
every public official or employee who is paid a salary or wage in 386  
accordance with schedule C of section 124.15 or schedule E-2 of 387  
section 124.152 of the Revised Code; members of the board of 388  
trustees and the executive director of the southern Ohio 389  
agricultural and community development foundation; all members 390  
appointed to the Ohio livestock care standards board under section 391  
904.02 of the Revised Code; and every other public official or 392  
employee who is designated by the appropriate ethics commission 393  
pursuant to division (B) of this section. 394

The disclosure statement shall include all of the following: 395

(1) The name of the person filing the statement and each 396  
member of the person's immediate family and all names under which 397  
the person or members of the person's immediate family do 398  
business; 399

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 400  
and except as otherwise provided in section 102.022 of the Revised 401  
Code, identification of every source of income, other than income 402  
from a legislative agent identified in division (A)(2)(b) of this 403  
section, received during the preceding calendar year, in the 404  
person's own name or by any other person for the person's use or 405  
benefit, by the person filing the statement, and a brief 406  
description of the nature of the services for which the income was 407  
received. If the person filing the statement is a member of the 408  
general assembly, the statement shall identify the amount of every 409  
source of income received in accordance with the following ranges 410  
of amounts: zero or more, but less than one thousand dollars; one 411  
thousand dollars or more, but less than ten thousand dollars; ten 412  
thousand dollars or more, but less than twenty-five thousand 413  
dollars; twenty-five thousand dollars or more, but less than fifty 414  
thousand dollars; fifty thousand dollars or more, but less than 415  
one hundred thousand dollars; and one hundred thousand dollars or 416  
more. Division (A)(2)(a) of this section shall not be construed to 417  
require a person filing the statement who derives income from a 418  
business or profession to disclose the individual items of income 419  
that constitute the gross income of that business or profession, 420  
except for those individual items of income that are attributable 421  
to the person's or, if the income is shared with the person, the 422  
partner's, solicitation of services or goods or performance, 423  
arrangement, or facilitation of services or provision of goods on 424  
behalf of the business or profession of clients, including 425  
corporate clients, who are legislative agents. A person who files 426  
the statement under this section shall disclose the identity of 427  
and the amount of income received from a person who the public 428

official or employee knows or has reason to know is doing or 429  
seeking to do business of any kind with the public official's or 430  
employee's agency. 431

(b) If the person filing the statement is a member of the 432  
general assembly, the statement shall identify every source of 433  
income and the amount of that income that was received from a 434  
legislative agent during the preceding calendar year, in the 435  
person's own name or by any other person for the person's use or 436  
benefit, by the person filing the statement, and a brief 437  
description of the nature of the services for which the income was 438  
received. Division (A)(2)(b) of this section requires the 439  
disclosure of clients of attorneys or persons licensed under 440  
section 4732.12 of the Revised Code, or patients of persons 441  
certified under section 4731.14 of the Revised Code, if those 442  
clients or patients are legislative agents. Division (A)(2)(b) of 443  
this section requires a person filing the statement who derives 444  
income from a business or profession to disclose those individual 445  
items of income that constitute the gross income of that business 446  
or profession that are received from legislative agents. 447

(c) Except as otherwise provided in division (A)(2)(c) of 448  
this section, division (A)(2)(a) of this section applies to 449  
attorneys, physicians, and other persons who engage in the 450  
practice of a profession and who, pursuant to a section of the 451  
Revised Code, the common law of this state, a code of ethics 452  
applicable to the profession, or otherwise, generally are required 453  
not to reveal, disclose, or use confidences of clients, patients, 454  
or other recipients of professional services except under 455  
specified circumstances or generally are required to maintain 456  
those types of confidences as privileged communications except 457  
under specified circumstances. Division (A)(2)(a) of this section 458  
does not require an attorney, physician, or other professional 459  
subject to a confidentiality requirement as described in division 460

(A)(2)(c) of this section to disclose the name, other identity, or address of a client, patient, or other recipient of professional services if the disclosure would threaten the client, patient, or other recipient of professional services, would reveal details of the subject matter for which legal, medical, or professional advice or other services were sought, or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services. Division (A)(2)(a) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A)(2)(c) of this section to disclose in the brief description of the nature of services required by division (A)(2)(a) of this section any information pertaining to specific professional services rendered for a client, patient, or other recipient of professional services that would reveal details of the subject matter for which legal, medical, or professional advice was sought or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services.

(3) The name of every corporation on file with the secretary of state that is incorporated in this state or holds a certificate of compliance authorizing it to do business in this state, trust, business trust, partnership, or association that transacts business in this state in which the person filing the statement or any other person for the person's use and benefit had during the preceding calendar year an investment of over one thousand dollars at fair market value as of the thirty-first day of December of the preceding calendar year, or the date of disposition, whichever is earlier, or in which the person holds any office or has a fiduciary relationship, and a description of the nature of the investment, office, or relationship. Division (A)(3) of this section does not require disclosure of the name of any bank, savings and loan association, credit union, or building and loan



association with which the person filing the statement has a 494  
deposit or a withdrawable share account. 495

(4) All fee simple and leasehold interests to which the 496  
person filing the statement holds legal title to or a beneficial 497  
interest in real property located within the state, excluding the 498  
person's residence and property used primarily for personal 499  
recreation; 500

(5) The names of all persons residing or transacting business 501  
in the state to whom the person filing the statement owes, in the 502  
person's own name or in the name of any other person, more than 503  
one thousand dollars. Division (A)(5) of this section shall not be 504  
construed to require the disclosure of debts owed by the person 505  
resulting from the ordinary conduct of a business or profession or 506  
debts on the person's residence or real property used primarily 507  
for personal recreation, except that the superintendent of 508  
financial institutions shall disclose the names of all 509  
state-chartered savings and loan associations and of all service 510  
corporations subject to regulation under division (E)(2) of 511  
section 1151.34 of the Revised Code to whom the superintendent in 512  
the superintendent's own name or in the name of any other person 513  
owes any money, and that the superintendent and any deputy 514  
superintendent of banks shall disclose the names of all 515  
state-chartered banks and all bank subsidiary corporations subject 516  
to regulation under section 1109.44 of the Revised Code to whom 517  
the superintendent or deputy superintendent owes any money. 518

(6) The names of all persons residing or transacting business 519  
in the state, other than a depository excluded under division 520  
(A)(3) of this section, who owe more than one thousand dollars to 521  
the person filing the statement, either in the person's own name 522  
or to any person for the person's use or benefit. Division (A)(6) 523  
of this section shall not be construed to require the disclosure 524  
of clients of attorneys or persons licensed under section 4732.12 525

or 4732.15 of the Revised Code, or patients of persons certified 526  
under section 4731.14 of the Revised Code, nor the disclosure of 527  
debts owed to the person resulting from the ordinary conduct of a 528  
business or profession. 529

(7) Except as otherwise provided in section 102.022 of the 530  
Revised Code, the source of each gift of over seventy-five 531  
dollars, or of each gift of over twenty-five dollars received by a 532  
member of the general assembly from a legislative agent, received 533  
by the person in the person's own name or by any other person for 534  
the person's use or benefit during the preceding calendar year, 535  
except gifts received by will or by virtue of section 2105.06 of 536  
the Revised Code, or received from spouses, parents, grandparents, 537  
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 538  
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 539  
fathers-in-law, mothers-in-law, or any person to whom the person 540  
filing the statement stands in loco parentis, or received by way 541  
of distribution from any inter vivos or testamentary trust 542  
established by a spouse or by an ancestor; 543

(8) Except as otherwise provided in section 102.022 of the 544  
Revised Code, identification of the source and amount of every 545  
payment of expenses incurred for travel to destinations inside or 546  
outside this state that is received by the person in the person's 547  
own name or by any other person for the person's use or benefit 548  
and that is incurred in connection with the person's official 549  
duties, except for expenses for travel to meetings or conventions 550  
of a national or state organization to which any state agency, 551  
including, but not limited to, any legislative agency or state 552  
institution of higher education as defined in section 3345.011 of 553  
the Revised Code, pays membership dues, or any political 554  
subdivision or any office or agency of a political subdivision 555  
pays membership dues; 556

(9) Except as otherwise provided in section 102.022 of the 557

Revised Code, identification of the source of payment of expenses 558  
for meals and other food and beverages, other than for meals and 559  
other food and beverages provided at a meeting at which the person 560  
participated in a panel, seminar, or speaking engagement or at a 561  
meeting or convention of a national or state organization to which 562  
any state agency, including, but not limited to, any legislative 563  
agency or state institution of higher education as defined in 564  
section 3345.011 of the Revised Code, pays membership dues, or any 565  
political subdivision or any office or agency of a political 566  
subdivision pays membership dues, that are incurred in connection 567  
with the person's official duties and that exceed one hundred 568  
dollars aggregated per calendar year; 569

(10) If the disclosure statement is filed by a public 570  
official or employee described in division (B)(2) of section 571  
101.73 of the Revised Code or division (B)(2) of section 121.63 of 572  
the Revised Code who receives a statement from a legislative 573  
agent, executive agency lobbyist, or employer that contains the 574  
information described in division (F)(2) of section 101.73 of the 575  
Revised Code or division (G)(2) of section 121.63 of the Revised 576  
Code, all of the nondisputed information contained in the 577  
statement delivered to that public official or employee by the 578  
legislative agent, executive agency lobbyist, or employer under 579  
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 580  
the Revised Code. 581

A person may file a statement required by this section in 582  
person or by mail. A person who is a candidate for elective office 583  
shall file the statement no later than the thirtieth day before 584  
the primary, special, or general election at which the candidacy 585  
is to be voted on, whichever election occurs soonest, except that 586  
a person who is a write-in candidate shall file the statement no 587  
later than the twentieth day before the earliest election at which 588  
the person's candidacy is to be voted on. A person who holds 589

elective office shall file the statement on or before the 590  
fifteenth day of April of each year unless the person is a 591  
candidate for office. A person who is appointed to fill a vacancy 592  
for an unexpired term in an elective office shall file the 593  
statement within fifteen days after the person qualifies for 594  
office. Other persons shall file an annual statement on or before 595  
the fifteenth day of April or, if appointed or employed after that 596  
date, within ninety days after appointment or employment. No 597  
person shall be required to file with the appropriate ethics 598  
commission more than one statement or pay more than one filing fee 599  
for any one calendar year. 600

The appropriate ethics commission, for good cause, may extend 601  
for a reasonable time the deadline for filing a statement under 602  
this section. 603

A statement filed under this section is subject to public 604  
inspection at locations designated by the appropriate ethics 605  
commission except as otherwise provided in this section. 606

(B) The Ohio ethics commission, the joint legislative ethics 607  
committee, and the board of commissioners on grievances and 608  
discipline of the supreme court, using the rule-making procedures 609  
of Chapter 119. of the Revised Code, may require any class of 610  
public officials or employees under its jurisdiction and not 611  
specifically excluded by this section whose positions involve a 612  
substantial and material exercise of administrative discretion in 613  
the formulation of public policy, expenditure of public funds, 614  
enforcement of laws and rules of the state or a county or city, or 615  
the execution of other public trusts, to file an annual statement 616  
on or before the fifteenth day of April under division (A) of this 617  
section. The appropriate ethics commission shall send the public 618  
officials or employees written notice of the requirement by the 619  
fifteenth day of February of each year the filing is required 620  
unless the public official or employee is appointed after that 621

date, in which case the notice shall be sent within thirty days 622  
after appointment, and the filing shall be made not later than 623  
ninety days after appointment. 624

Except for disclosure statements filed by members of the 625  
board of trustees and the executive director of the southern Ohio 626  
agricultural and community development foundation, disclosure 627  
statements filed under this division with the Ohio ethics 628  
commission by members of boards, commissions, or bureaus of the 629  
state for which no compensation is received other than reasonable 630  
and necessary expenses shall be kept confidential. Disclosure 631  
statements filed with the Ohio ethics commission under division 632  
(A) of this section by business managers, treasurers, and 633  
superintendents of city, local, exempted village, joint 634  
vocational, or cooperative education school districts or 635  
educational service centers shall be kept confidential, except 636  
that any person conducting an audit of any such school district or 637  
educational service center pursuant to section 115.56 or Chapter 638  
117. of the Revised Code may examine the disclosure statement of 639  
any business manager, treasurer, or superintendent of that school 640  
district or educational service center. Disclosure statements 641  
filed with the Ohio ethics commission under division (A) of this 642  
section by the individuals set forth in division (B)(2) of section 643  
187.03 of the Revised Code shall be kept confidential. The Ohio 644  
ethics commission shall examine each disclosure statement required 645  
to be kept confidential to determine whether a potential conflict 646  
of interest exists for the person who filed the disclosure 647  
statement. A potential conflict of interest exists if the private 648  
interests of the person, as indicated by the person's disclosure 649  
statement, might interfere with the public interests the person is 650  
required to serve in the exercise of the person's authority and 651  
duties in the person's office or position of employment. If the 652  
commission determines that a potential conflict of interest 653  
exists, it shall notify the person who filed the disclosure 654

statement and shall make the portions of the disclosure statement 655  
that indicate a potential conflict of interest subject to public 656  
inspection in the same manner as is provided for other disclosure 657  
statements. Any portion of the disclosure statement that the 658  
commission determines does not indicate a potential conflict of 659  
interest shall be kept confidential by the commission and shall 660  
not be made subject to public inspection, except as is necessary 661  
for the enforcement of Chapters 102. and 2921. of the Revised Code 662  
and except as otherwise provided in this division. 663

(C) No person shall knowingly fail to file, on or before the 664  
applicable filing deadline established under this section, a 665  
statement that is required by this section. 666

(D) No person shall knowingly file a false statement that is 667  
required to be filed under this section. 668

(E)(1) Except as provided in divisions (E)(2) and (3) of this 669  
section, the statement required by division (A) or (B) of this 670  
section shall be accompanied by a filing fee of forty dollars. 671

(2) The statement required by division (A) of this section 672  
shall be accompanied by the following filing fee to be paid by the 673  
person who is elected or appointed to, or is a candidate for, any 674  
of the following offices: 675

For state office, except member of the		676
state board of education	\$65	677
For office of member of general assembly	\$40	678
For county office	\$40	679
For city office	\$25	680
For office of member of the state board		681
of education	\$25	682
For office of member of the Ohio		683
livestock care standards board	\$25	684
For office of member of a city, local,		685

exempted village, or cooperative	686
education board of	687
education or educational service	688
center governing board	\$20 689
For position of business manager,	690
treasurer, or superintendent of a	691
city, local, exempted village, joint	692
vocational, or cooperative education	693
school district or	694
educational service center	\$20 695

(3) No judge of a court of record or candidate for judge of a 696  
court of record, and no referee or magistrate serving a court of 697  
record, shall be required to pay the fee required under division 698  
(E)(1) or (2) or (F) of this section. 699

(4) For any public official who is appointed to a nonelective 700  
office of the state and for any employee who holds a nonelective 701  
position in a public agency of the state, the state agency that is 702  
the primary employer of the state official or employee shall pay 703  
the fee required under division (E)(1) or (F) of this section. 704

(F) If a statement required to be filed under this section is 705  
not filed by the date on which it is required to be filed, the 706  
appropriate ethics commission shall assess the person required to 707  
file the statement a late filing fee of ten dollars for each day 708  
the statement is not filed, except that the total amount of the 709  
late filing fee shall not exceed two hundred fifty dollars. 710

(G)(1) The appropriate ethics commission other than the Ohio 711  
ethics commission and the joint legislative ethics committee shall 712  
deposit all fees it receives under divisions (E) and (F) of this 713  
section into the general revenue fund of the state. 714

(2) The Ohio ethics commission shall deposit all receipts, 715  
including, but not limited to, fees it receives under divisions 716  
(E) and (F) of this section and all moneys it receives from 717

settlements under division (G) of section 102.06 of the Revised 718  
Code, into the Ohio ethics commission fund, which is hereby 719  
created in the state treasury. All moneys credited to the fund 720  
shall be used solely for expenses related to the operation and 721  
statutory functions of the commission. 722

(3) The joint legislative ethics committee shall deposit all 723  
receipts it receives from the payment of financial disclosure 724  
statement filing fees under divisions (E) and (F) of this section 725  
into the joint legislative ethics committee investigative fund. 726

(H) Division (A) of this section does not apply to a person 727  
elected or appointed to the office of precinct, ward, or district 728  
committee member under Chapter 3517. of the Revised Code; a 729  
presidential elector; a delegate to a national convention; village 730  
or township officials and employees; any physician or psychiatrist 731  
who is paid a salary or wage in accordance with schedule C of 732  
section 124.15 or schedule E-2 of section 124.152 of the Revised 733  
Code and whose primary duties do not require the exercise of 734  
administrative discretion; or any member of a board, commission, 735  
or bureau of any county or city who receives less than one 736  
thousand dollars per year for serving in that position. 737

**Sec. 109.91.** (A) There is hereby established within the 738  
office of the attorney general the crime victims assistance 739  
office. 740

(B) There is hereby established the state victims assistance 741  
advisory ~~committee~~ council. The ~~committee~~ council shall consist of 742  
a chairperson, to be appointed by the attorney general, three ex 743  
officio members, and fifteen members to be appointed by the 744  
attorney general as follows: one member who represents the Ohio 745  
victim-witness association; three members who represent local 746  
victim assistance programs, including one from a municipally 747  
operated program and one from a county-operated program; one 748



member who represents the interests of elderly victims; one member 749  
who is a board member of any statewide or local organization that 750  
exists primarily to aid victims of domestic violence, or who is an 751  
employee of, or counselor for, such an organization; one member 752  
who is an employee or officer of a county probation department or 753  
a probation department operated by the department of 754  
rehabilitation and correction; one member who is a county 755  
prosecuting attorney; one member who is a city law director; one 756  
member who is a county sheriff; one member who is a member or 757  
officer of a township or municipal police department; one member 758  
who is a court of common pleas judge; one member who is a 759  
municipal court judge or county court judge; and two members who 760  
are private citizens and are not government employees. 761

The ~~committee~~ council shall include the following ex officio, 762  
nonvoting members: the attorney general, one member of the senate 763  
to be designated by the president of the senate, and one member of 764  
the house of representatives to be designated by the speaker of 765  
the house. 766

Members of the ~~committee~~ council shall serve without 767  
compensation, but shall be reimbursed for travel and other 768  
necessary expenses that are incurred in the conduct of their 769  
official duties as members of the ~~committee~~ council. The 770  
chairperson and members of the ~~committee~~ council appointed by the 771  
attorney general shall serve at the pleasure of the attorney 772  
general. The attorney general shall serve on the ~~committee~~ council 773  
until the end of the term of office that qualified the attorney 774  
general for membership on the ~~committee~~ council. The member of the 775  
senate and the member of the house of representatives shall serve 776  
at the pleasure of the president of the senate and the speaker of 777  
the house of representatives, respectively. 778

(C) The victims assistance advisory ~~committee~~ council shall 779  
perform both of the following duties: 780

(1) Advise the crime victims assistance office in determining 781  
crime and delinquency victim service needs, determining crime and 782  
delinquency victim policies for the state, and improving and 783  
exercising leadership in the quality of crime and delinquency 784  
victim programs in the state; 785

(2) Review and recommend to the crime victims assistance 786  
office the victim assistance programs that should be considered 787  
for the receipt of state financial assistance pursuant to section 788  
109.92 of the Revised Code. The financial assistance allocation 789  
recommendations of the ~~committee~~ council shall be based on the 790  
following priorities: 791

(a) Programs in existence on July 1, 1985, shall be given 792  
first priority; 793

(b) Programs offering or proposing to offer the broadest 794  
range of services and referrals to the community served, including 795  
medical, psychological, financial, educational, vocational, and 796  
legal services that were not in existence on July 1, 1985, shall 797  
be given second priority; 798

(c) Other qualified programs shall be given last priority. 799

(D) As used in this section and section 109.92 of the Revised 800  
Code, "victim assistance program" includes, but is not limited to 801  
a program that provides at least one of the following: 802

(1) Services to victims of any offense of violence or 803  
delinquent act that would be an offense of violence if committed 804  
by an adult; 805

(2) Financial assistance or property repair services to 806  
victims of crime or delinquent acts; 807

(3) Assistance to victims of crime or delinquent acts in 808  
judicial proceedings; 809

(4) Assistance to victims of crime or delinquent acts under 810

the operation of any political subdivision of the state or a 811  
branch of the criminal justice system set forth in division 812  
(B)(1)(a), (b), or (c) of section 5502.61 of the Revised Code; 813

(5) Technical assistance to persons or organizations that 814  
provide services to victims of crime or delinquent acts under the 815  
operation of a branch of the criminal justice system set forth in 816  
division (B)(1)(a), (b), or (c) of section 5502.61 of the Revised 817  
Code. 818

A victim assistance program does not include the program for 819  
the reparation of crime victims established pursuant to Chapter 820  
2743. of the Revised Code. 821

**Sec. 121.32.** The commission on Hispanic-Latino affairs shall: 822  
823

(A) Gather and disseminate information and conduct hearings, 824  
conferences, investigations, and special studies on problems and 825  
programs concerning Spanish-speaking people; 826

(B) Secure appropriate recognition of the accomplishments and 827  
contributions of Spanish-speaking people to this state; 828

(C) Stimulate public awareness of the problems of 829  
Spanish-speaking people by conducting a program of public 830  
education; 831

(D) Develop, coordinate, and assist other public and private 832  
organizations that serve Spanish-speaking people, including the 833  
conducting of training programs for community leadership and 834  
service project staff; 835

(E) Advise the governor, general assembly, and state 836  
departments and agencies of the nature, magnitude, and priorities 837  
of the problems of Spanish-speaking people; 838

(F) Advise the governor, general assembly, and state 839  
departments and agencies on, and assist in the development and 840

implementation of, comprehensive and coordinated policies, 841  
programs, and procedures focusing on the special problems and 842  
needs of Spanish-speaking people, especially in the fields of 843  
education, employment, energy, health, housing, welfare, and 844  
recreation; 845

(G) Propose new programs concerning Spanish-speaking people 846  
to public and private agencies and evaluate for such agencies 847  
existing programs or prospective legislation concerning 848  
Spanish-speaking people; 849

(H) Review and approve grants to be made from federal, state, 850  
or private funds which are administered or subcontracted by the 851  
office of Spanish-speaking affairs; 852

(I) Review and approve the annual report prepared by the 853  
office of Spanish-speaking affairs; 854

~~(J) Create an interagency council consisting of the following 855  
persons or their authorized representatives: one member of the 856  
senate appointed by the president of the senate; one member of the 857  
house of representatives appointed by the speaker of the house of 858  
representatives; the directors of administrative services, 859  
agriculture, education, development, health, highway safety, job 860  
and family services, liquor control, mental health, developmental 861  
disabilities, natural resources, rehabilitation and correction, 862  
youth services, transportation, environmental protection, and 863  
budget and management; the chairperson of the Ohio civil rights 864  
commission, the administrators of the bureau of workers' 865  
compensation and the rehabilitation services commission, and an 866  
additional member of the governor's cabinet appointed by the 867  
governor. The commission on Hispanic Latino affairs, by rule, may 868  
designate other state officers or their representatives to be 869  
members of the council. The director of the commission shall be 870  
the chairperson of the council. 871~~

~~The interagency council shall provide~~ Provide and coordinate 872  
the exchange of information relative to the needs of 873  
Spanish-speaking people and promote the delivery of state services 874  
to such people. ~~The council shall meet at the call of the~~ 875  
~~chairperson.~~ 876

**Sec. 127.14.** The controlling board may, at the request of any 877  
state agency or the director of budget and management, authorize, 878  
with respect to the provisions of any appropriation act: 879  
880

(A) Transfers of all or part of an appropriation within but 881  
not between state agencies, except such transfers as the director 882  
of budget and management is authorized by law to make, provided 883  
that no transfer shall be made by the director for the purpose of 884  
effecting new or changed levels of program service not authorized 885  
by the general assembly; 886

(B) Transfers of all or part of an appropriation from one 887  
fiscal year to another; 888

(C) Transfers of all or part of an appropriation within or 889  
between state agencies made necessary by administrative 890  
reorganization or by the abolition of an agency or part of an 891  
agency; 892

(D) Transfers of all or part of cash balances in excess of 893  
needs from any fund of the state to the general revenue fund or to 894  
such other fund of the state to which the money would have been 895  
credited in the absence of the fund from which the transfers are 896  
authorized to be made, except that the controlling board may not 897  
authorize such transfers from the accrued leave liability fund, 898  
auto registration distribution fund, budget stabilization fund, 899  
development bond retirement fund, facilities establishment fund, 900  
gasoline excise tax fund, general revenue fund, higher education 901  
improvement fund, highway improvement bond retirement fund, 902

highway obligations bond retirement fund, highway capital 903  
improvement fund, highway operating fund, horse racing tax fund, 904  
improvements bond retirement fund, public library fund, liquor 905  
control fund, local government fund, local transportation 906  
improvement program fund, mental health facilities improvement 907  
fund, Ohio fairs fund, parks and recreation improvement fund, 908  
public improvements bond retirement fund, school district income 909  
tax fund, state agency facilities improvement fund, state and 910  
local government highway distribution fund, state highway safety 911  
fund, state lottery fund, undivided liquor permit fund, Vietnam 912  
conflict compensation bond retirement fund, volunteer fire 913  
fighters' dependents fund, waterways safety fund, wildlife fund, 914  
workers' compensation fund, ~~workers' compensation council~~ 915  
~~remuneration fund,~~ or any fund not specified in this division that 916  
the director of budget and management determines to be a bond fund 917  
or bond retirement fund; 918

(E) Transfers of all or part of those appropriations included 919  
in the emergency purposes account of the controlling board; 920

(F) Temporary transfers of all or part of an appropriation or 921  
other moneys into and between existing funds, or new funds, as may 922  
be established by law when needed for capital outlays for which 923  
notes or bonds will be issued; 924

(G) Transfer or release of all or part of an appropriation to 925  
a state agency requiring controlling board approval of such 926  
transfer or release as provided by law; 927

(H) Temporary transfer of funds included in the emergency 928  
purposes appropriation of the controlling board. Such temporary 929  
transfers may be made subject to conditions specified by the 930  
controlling board at the time temporary transfers are authorized. 931  
No transfers shall be made under this division for the purpose of 932  
effecting new or changed levels of program service not authorized 933  
by the general assembly. 934

As used in this section, "request" means an application by a 935  
state agency or the director of budget and management seeking some 936  
action by the controlling board. 937

When authorizing the transfer of all or part of an 938  
appropriation under this section, the controlling board may 939  
authorize the transfer to an existing appropriation item and the 940  
creation of and transfer to a new appropriation item. 941

Whenever there is a transfer of all or part of funds included 942  
in the emergency purposes appropriation by the controlling board, 943  
pursuant to division (E) of this section, the state agency or the 944  
director of budget and management receiving such transfer shall 945  
keep a detailed record of the use of the transferred funds. At the 946  
earliest scheduled meeting of the controlling board following the 947  
accomplishment of the purposes specified in the request originally 948  
seeking the transfer, or following the total expenditure of the 949  
transferred funds for the specified purposes, the state agency or 950  
the director of budget and management shall submit a report on the 951  
expenditure of such funds to the board. The portion of any 952  
appropriation so transferred which is not required to accomplish 953  
the purposes designated in the original request to the controlling 954  
board shall be returned to the proper appropriation of the 955  
controlling board at this time. 956

Notwithstanding any provisions of law providing for the 957  
deposit of revenues received by a state agency to the credit of a 958  
particular fund in the state treasury, whenever there is a 959  
temporary transfer of funds included in the emergency purposes 960  
appropriation of the controlling board pursuant to division (H) of 961  
this section, revenues received by any state agency receiving such 962  
a temporary transfer of funds shall, as directed by the 963  
controlling board, be transferred back to the emergency purposes 964  
appropriation. 965

The board may delegate to the director of budget and 966

management authority to approve transfers among items of 967  
appropriation under division (A) of this section. 968

**Sec. 173.03.** (A) There is hereby created the Ohio advisory 969  
council for the aging, which shall consist of twelve members to be 970  
appointed by the governor with the advice and consent of the 971  
senate. Two ex officio members of the council shall be members of 972  
the house of representatives appointed by the speaker of the house 973  
of representatives and shall be members of two different political 974  
parties. Two ex officio members of the council shall be members of 975  
the senate appointed by the president of the senate and shall be 976  
members of two different political parties. The directors of 977  
mental health, developmental disabilities, health, and job and 978  
family services, or their designees, shall serve as ex officio 979  
members of the council. The council shall carry out its role as 980  
defined under the "Older Americans Act of 1965," 79 Stat. 219, 42 981  
U.S.C. 3001, as amended. 982

At the first meeting of the council, and annually thereafter, 983  
the members shall select one of their members to serve as 984  
chairperson and one of their members to serve as vice-chairperson. 985

(B) Members of the council shall be appointed for a term of 986  
three years, except that for the first appointment members of the 987  
Ohio commission on aging who were serving on the commission 988  
immediately prior to July 26, 1984, shall become members of the 989  
council for the remainder of their unexpired terms. Thereafter, 990  
appointment to the council shall be for a three-year term by the 991  
governor. Each member shall hold office from the date of 992  
appointment until the end of the term for which the member was 993  
appointed. Any member appointed to fill a vacancy occurring prior 994  
to the expiration of the term for which the member's predecessor 995  
was appointed shall hold office for the remainder of the term. ~~Any~~ 996  
No member ~~may~~ shall continue in office subsequent to the 997



expiration date of the member's term ~~until a successor takes~~ 998  
~~office and shall be compensated for the period served between the~~ 999  
~~expiration of the member's term and the beginning of the~~ 1000  
~~successor's term~~ unless reappointed under the provisions of this 1001  
section, and no member shall serve more than three consecutive 1002  
terms on the council. 1003

(C) Membership of the council shall represent all areas of 1004  
Ohio and shall be as follows: 1005

(1) A majority of members of the council shall have attained 1006  
the age of sixty and have a knowledge of and continuing interest 1007  
in the affairs and welfare of the older citizens of Ohio. The 1008  
fields of business, labor, health, law, and human services shall 1009  
be represented in the membership. 1010

(2) No more than seven members shall be of the same political 1011  
party. 1012

(D) Any member of the council may be removed from office by 1013  
the governor for neglect of duty, misconduct, or malfeasance in 1014  
office after being informed in writing of the charges and afforded 1015  
an opportunity for a hearing. Two consecutive unexcused absences 1016  
from regularly scheduled meetings constitute neglect of duty. 1017

(E) ~~Members of the council shall be compensated at the rate~~ 1018  
~~of fifty dollars for each day actually employed in the discharge~~ 1019  
~~of official duties but not to exceed two thousand dollars per year~~ 1020  
~~and in addition shall be allowed actual and necessary expenses~~ The 1021  
director of aging may reimburse a member for actual and necessary 1022  
traveling and other expenses incurred in the discharge of official 1023  
duties. But reimbursement shall be made in the manner and at rates 1024  
that do not exceed those prescribed by the director of budget and 1025  
management for any officer, member, or employee of, or consultant 1026  
to, any state agency. 1027

(F) Council members are not limited as to the number of terms 1028

they may serve. 1029

(G) ~~Council members shall not be interested directly or~~ 1030  
~~indirectly in any contract awarded by the department of aging (1)~~ 1031  
The department of aging may award grants to or enter into 1032  
contracts with a member of the advisory council or an entity that 1033  
the member represents if any of the following apply: 1034

(a) The department determines that the member or the entity 1035  
the member represents is capable of providing the goods or 1036  
services specified under the terms of the grant or contract. 1037

(b) The member has not taken part in any discussion or vote 1038  
of the council related to whether the council should recommend 1039  
that the department of aging award the grant to or enter into the 1040  
contract with the member of the advisory council or the entity 1041  
that the member represents. 1042

(2) A member of the advisory council is not in violation of 1043  
Chapter 102. or section 2921.42 of the Revised Code with regard to 1044  
receiving a grant or entering into a contract under this section 1045  
if the conditions of division (G)(1)(a) and (b) of this section 1046  
have been met. 1047

**Sec. 173.04.** (A) As used in this section, "respite care" 1048  
means short-term, temporary care or supervision provided to a 1049  
person who has Alzheimer's disease in the absence of the person 1050  
who normally provides that care or supervision. 1051

(B) Through the internet web site maintained by the 1052  
department of aging, the director of aging shall disseminate 1053  
Alzheimer's disease training materials for licensed physicians, 1054  
registered nurses, licensed practical nurses, administrators of 1055  
health care programs, social workers, and other health care and 1056  
social service personnel who participate or assist in the care or 1057  
treatment of persons who have Alzheimer's disease. The training 1058

materials disseminated through the web site may be developed by 1059  
the director or obtained from other sources. 1060

(C) To the extent funds are available, the director shall 1061  
administer respite care programs and other supportive services for 1062  
persons who have Alzheimer's disease and their families or care 1063  
givers. Respite care programs shall be approved by the director 1064  
and shall be provided for the following purposes: 1065

(1) Giving persons who normally provide care or supervision 1066  
for a person who has Alzheimer's disease relief from the stresses 1067  
and responsibilities that result from providing such care; 1068

(2) Preventing or reducing inappropriate institutional care 1069  
and enabling persons who have Alzheimer's disease to remain at 1070  
home as long as possible. 1071

(D) The director may provide services under this section to 1072  
persons with Alzheimer's disease and their families regardless of 1073  
the age of the persons with Alzheimer's disease. 1074

(E) The director ~~shall~~ may adopt rules in accordance with 1075  
Chapter 119. of the Revised Code governing respite care programs 1076  
and other supportive services, the distribution of funds, and the 1077  
purpose for which funds may be utilized under this section. 1078

~~(F) The director may create an Alzheimer's disease and~~ 1079  
~~related disorders task force to advise the director on the~~ 1080  
~~following:~~ 1081

~~(1) The rights of persons with Alzheimer's disease and~~ 1082  
~~related disorders;~~ 1083

~~(2) The development and evaluation of education and training~~ 1084  
~~programs, home care programs, and respite care programs that serve~~ 1085  
~~persons with Alzheimer's disease and related disorders;~~ 1086

~~(3) How to serve persons with Alzheimer's disease and related~~ 1087  
~~disorders in Ohio's unified long term care budget system.~~ 1088

~~If a task force is created, the members shall include~~ 1089  
~~representatives of the Alzheimer's disease association and other~~ 1090  
~~organizations the director considers appropriate.~~ 1091

**Sec. 3302.021.** (A) Not earlier than July 1, 2005, and not 1092  
later than July 1, 2007, the department of education shall 1093  
implement a value-added progress dimension for school districts 1094  
and buildings and shall incorporate the value-added progress 1095  
dimension into the report cards and performance ratings issued for 1096  
districts and buildings under section 3302.03 of the Revised Code. 1097

The state board of education shall adopt rules, pursuant to 1098  
Chapter 119. of the Revised Code, for the implementation of the 1099  
value-added progress dimension. In adopting rules, the state board 1100  
shall consult with the Ohio accountability task force established 1101  
under division (E) of this section. The rules adopted under this 1102  
division shall specify both of the following: 1103

(1) A scale for describing the levels of academic progress in 1104  
reading and mathematics relative to a standard year of academic 1105  
growth in those subjects for each of grades three through eight; 1106

(2) That the department shall maintain the confidentiality of 1107  
individual student test scores and individual student reports in 1108  
accordance with sections 3301.0711, 3301.0714, and 3319.321 of the 1109  
Revised Code and federal law. The department may require school 1110  
districts to use a unique identifier for each student for this 1111  
purpose. Individual student test scores and individual student 1112  
reports shall be made available only to a student's classroom 1113  
teacher and other appropriate educational personnel and to the 1114  
student's parent or guardian. 1115

(B) The department shall use a system designed for collecting 1116  
necessary data, calculating the value-added progress dimension, 1117  
analyzing data, and generating reports, which system has been used 1118  
previously by a ~~non-profit~~ nonprofit organization led by the Ohio 1119

business community for at least one year in the operation of a 1120  
pilot program in cooperation with school districts to collect and 1121  
report student achievement data via electronic means and to 1122  
provide information to the districts regarding the academic 1123  
performance of individual students, grade levels, school 1124  
buildings, and the districts as a whole. 1125

(C) The department shall not pay more than two dollars per 1126  
student for data analysis and reporting to implement the 1127  
value-added progress dimension in the same manner and with the 1128  
same services as under the pilot program described by division (B) 1129  
of this section. However, nothing in this section shall preclude 1130  
the department or any school district from entering into a 1131  
contract for the provision of more services at a higher fee per 1132  
student. Any data analysis conducted under this section by an 1133  
entity under contract with the department shall be completed in 1134  
accordance with timelines established by the superintendent of 1135  
public instruction. 1136

(D) The department shall share any aggregate student data and 1137  
any calculation, analysis, or report utilizing aggregate student 1138  
data that is generated under this section with the chancellor of 1139  
the Ohio board of regents. The department shall not share 1140  
individual student test scores and individual student reports with 1141  
the chancellor. 1142

(E)(1) There is hereby established the Ohio accountability 1143  
task force. The task force shall consist of the following thirteen 1144  
members: 1145

(a) The chairpersons and ranking minority members of the 1146  
house of representatives and senate standing committees primarily 1147  
responsible for education legislation, who shall be nonvoting 1148  
members; 1149

(b) One representative of the governor's office, appointed by 1150

the governor; 1151

(c) The superintendent of public instruction, or the 1152  
superintendent's designee; 1153

(d) One representative of teacher employee organizations 1154  
formed pursuant to Chapter 4117. of the Revised Code, appointed by 1155  
the speaker of the house of representatives; 1156

(e) One representative of school district boards of 1157  
education, appointed by the president of the senate; 1158

(f) One school district superintendent, appointed by the 1159  
speaker of the house of representatives; 1160

(g) One representative of business, appointed by the 1161  
president of the senate; 1162

(h) One representative of a ~~non-profit~~ nonprofit organization 1163  
led by the Ohio business community, appointed by the governor; 1164

(i) One school building principal, appointed by the president 1165  
of the senate; 1166

(j) A member of the state board of education, appointed by 1167  
the speaker of the house of representatives. 1168

Initial appointed members of the task force shall serve until 1169  
January 1, 2005. Thereafter, terms of office for appointed members 1170  
shall be for two years, each term ending on the same day of the 1171  
same month as did the term that it succeeds. Each appointed member 1172  
shall hold office from the date of appointment until the end of 1173  
the term for which the member was appointed. Members may be 1174  
reappointed. Vacancies shall be filled in the same manner as the 1175  
original appointment. Any member appointed to fill a vacancy 1176  
occurring prior to the expiration of the term for which the 1177  
member's predecessor was appointed shall hold office for the 1178  
remainder of that term. 1179

The task force shall select from among its members a 1180

chairperson. The task force shall meet at least ~~six times~~ once 1181  
each calendar year and at other times upon the call of the 1182  
chairperson to conduct its business. Members of the task force 1183  
shall serve without compensation. 1184

(2) The task force shall do all of the following: 1185

(a) Examine the implementation of the value-added progress 1186  
dimension by the department, including the system described in 1187  
division (B) of this section, the reporting of performance data to 1188  
school districts and buildings, and the provision of professional 1189  
development on the interpretation of the data to classroom 1190  
teachers and administrators; 1191

(b) Periodically review any fees for data analysis and 1192  
reporting paid by the department pursuant to division (C) of this 1193  
section and determine if the fees are appropriate based upon the 1194  
level of services provided; 1195

(c) Periodically report to the department and the state board 1196  
on all issues related to the school district and building 1197  
accountability system established under this chapter; 1198

(d) Not later than seven years after its initial meeting, 1199  
make recommendations to improve the school district and building 1200  
accountability system established under this chapter. The task 1201  
force shall adopt recommendations by a majority vote of its 1202  
members. Copies of the recommendations shall be provided to the 1203  
state board, the governor, the speaker of the house of 1204  
representatives, and the president of the senate. 1205

(e) Determine starting dates for the implementation of the 1206  
value-added progress dimension and its incorporation into school 1207  
district and building report cards and performance ratings. 1208

**Sec. 3311.71.** (A) As used in this section and in sections 1209  
3311.72 to ~~3311.77~~ 3311.76 of the Revised Code: 1210

(1) "Municipal school district" means a school district that 1211  
is or has ever been under a federal court order requiring 1212  
supervision and operational, fiscal, and personnel management of 1213  
the district by the state superintendent of public instruction. 1214

(2) "Mayor" means the mayor of the municipal corporation 1215  
containing the greatest portion of a municipal school district's 1216  
territory. 1217

(B) Whenever any municipal school district is released by a 1218  
federal court from an order requiring supervision and operational, 1219  
fiscal, and personnel management of the district by the state 1220  
superintendent, the management and control of that district shall 1221  
be assumed, effective immediately, by a new nine-member board of 1222  
education. Members of the new board shall be appointed by the 1223  
mayor, who shall also designate one member as the chairperson of 1224  
the board. In addition to the rights, authority, and duties 1225  
conferred upon the chairperson by sections 3311.71 to 3311.76 of 1226  
the Revised Code, the chairperson shall have all the rights, 1227  
authority, and duties conferred upon the president of a board of 1228  
education by the Revised Code that are not inconsistent with 1229  
sections 3311.71 to 3311.76 of the Revised Code. 1230

(C) No school board member shall be appointed by the mayor 1231  
pursuant to division (B) of this section until the mayor has 1232  
received a slate of at least eighteen candidates nominated by a 1233  
municipal school district nominating panel, at least three of whom 1234  
reside in the municipal school district but not in the municipal 1235  
corporation containing the greatest portion of the district's 1236  
territory. The municipal school district nominating panel shall be 1237  
initially convened and chaired by the state superintendent of 1238  
public instruction, who shall serve as a nonvoting member for the 1239  
first two years of the panel's existence, and shall consist of 1240  
eleven persons selected as follows: 1241

(1) Three parents or guardians of children attending the 1242



schools of the municipal school district appointed by the district 1243  
parent-teacher association, or similar organization selected by 1244  
the state superintendent; 1245

(2) Three persons appointed by the mayor; 1246

(3) One person appointed by the president of the legislative 1247  
body of the municipal corporation containing the greatest portion 1248  
of the municipal school district's territory; 1249

(4) One teacher appointed by the collective bargaining 1250  
representative of the school district's teachers; 1251

(5) One principal appointed through a vote of the school 1252  
district's principals, which vote shall be conducted by the state 1253  
superintendent; 1254

(6) One representative of the business community appointed by 1255  
an organized collective business entity selected by the mayor; 1256

(7) One president of a public or private institution of 1257  
higher education located within the municipal school district 1258  
appointed by the state superintendent of public instruction. 1259

The municipal school district nominating panel shall select 1260  
one of its members as its chairperson commencing two years after 1261  
the date of the first meeting of the panel, at which time the 1262  
state superintendent of public instruction shall no longer convene 1263  
or chair the panel. Thereafter, the panel shall meet as necessary 1264  
to make nominations at the call of the chairperson. All members of 1265  
the panel shall serve at the pleasure of the appointing authority. 1266  
Vacancies on the panel shall be filled in the same manner as the 1267  
initial appointments. 1268

(D) No individual shall be appointed by the mayor pursuant to 1269  
division (B) or (F) of this section unless the individual has been 1270  
nominated by the nominating panel, resides in the school district, 1271  
and holds no elected public office. At any given time, four of the 1272

nine members appointed by the mayor to serve on the board pursuant 1273  
to either division (B) or (F) of this section shall have 1274  
displayed, prior to appointment, significant expertise in either 1275  
the education field, finance, or business management. At all times 1276  
at least one member of the board shall be an individual who 1277  
resides in the municipal school district but not in the municipal 1278  
corporation containing the greatest portion of the district's 1279  
territory. 1280

(E) The terms of office of all members appointed by the mayor 1281  
pursuant to division (B) of this section shall expire on the next 1282  
thirtieth day of June following the referendum election required 1283  
by section 3311.73 of the Revised Code. The mayor may, with the 1284  
advice and consent of the nominating panel, remove any member 1285  
appointed pursuant to that division or division (F) of this 1286  
section for cause. 1287

(F) If the voters of the district approve the continuation of 1288  
an appointed board at the referendum election required by section 1289  
3311.73 of the Revised Code, the mayor shall appoint the members 1290  
of a new board from a slate prepared by the nominating panel in 1291  
the same manner as the initial board was appointed pursuant to 1292  
divisions (B), (C), and (D) of this section. Five of the members 1293  
of the new board shall be appointed to four-year terms and the 1294  
other four shall be appointed to two-year terms, each term 1295  
beginning on the first day of July. Thereafter, the mayor shall 1296  
appoint members to four-year terms in the same manner as described 1297  
in divisions (B), (C), and (D) of this section. The minimum number 1298  
of individuals who shall be on the slate prepared by the 1299  
nominating panel for this purpose shall be at least twice the 1300  
number of members to be appointed, including at least two who 1301  
reside in the municipal school district but not in the municipal 1302  
corporation containing the greatest portion of the district's 1303  
territory. 1304

(G) In addition to the nine members appointed by the mayor, 1305  
the boards appointed pursuant to divisions (B) and (F) of this 1306  
section shall include the following nonvoting ex officio members: 1307

(1) If the main campus of a state university specified in 1308  
section 3345.011 of the Revised Code is located within the 1309  
municipal school district, the president of the university or the 1310  
president's designee; 1311

(2) If any community college has its main branch located 1312  
within the district, the president of the community college that 1313  
has the largest main branch within the district, or the 1314  
president's designee. 1315

**Sec. 3312.01.** (A) The educational regional service system is 1316  
hereby established. The system shall support state and regional 1317  
education initiatives and efforts to improve school effectiveness 1318  
and student achievement. Services, including special education and 1319  
related services, shall be provided under the system to school 1320  
districts, community schools established under Chapter 3314. of 1321  
the Revised Code, and chartered nonpublic schools. 1322

It is the intent of the general assembly that the educational 1323  
regional service system reduce the unnecessary duplication of 1324  
programs and services and provide for a more streamlined and 1325  
efficient delivery of educational services without reducing the 1326  
availability of the services needed by school districts and 1327  
schools. 1328

(B) The educational regional service system shall consist of 1329  
the following: 1330

~~(1) The state regional alliance advisory board established 1331  
under section 3312.11 of the Revised Code; 1332~~

~~(2) The advisory councils and subcommittees established under 1333  
sections 3312.03 and 3312.05 of the Revised Code; 1334~~

~~(3)~~(2) A fiscal agent for each of the regions as configured 1335  
under section 3312.02 of the Revised Code; 1336

~~(4)~~(3) Educational service centers, information technology 1337  
centers established under section 3301.075 of the Revised Code, 1338  
and other regional education service providers. 1339

(C) Educational service centers shall provide the services 1340  
that they are specifically required to provide by the Revised Code 1341  
and may enter into agreements pursuant to section 3313.843, 1342  
3313.844, or 3313.845 of the Revised Code for the provision of 1343  
other services, which may include any of the following: 1344

(1) Assistance in improving student performance; 1345

(2) Services to enable a school district or school to operate 1346  
more efficiently or economically; 1347

(3) Professional development for teachers or administrators; 1348

(4) Assistance in the recruitment and retention of teachers 1349  
and administrators; 1350

(5) Any other educational, administrative, or operational 1351  
services. 1352

In addition to implementing state and regional education 1353  
initiatives and school improvement efforts under the educational 1354  
regional service system, educational service centers shall 1355  
implement state or federally funded initiatives assigned to the 1356  
service centers by the general assembly or the department of 1357  
education. 1358

Any educational service center selected to be a fiscal agent 1359  
for its region pursuant to section 3312.07 of the Revised Code 1360  
shall continue to operate as an educational service center for the 1361  
part of the region that comprises its territory. 1362

(D) Information technology centers may enter into agreements 1363  
for the provision of services pursuant to section 3312.10 of the 1364

Revised Code. 1365

(E) No school district, community school, or chartered 1366  
nonpublic school shall be required to purchase services from an 1367  
educational service center or information technology center in the 1368  
region in which the district or school is located, except that a 1369  
local school district shall receive any services required by the 1370  
Revised Code to be provided by an educational service center to 1371  
the local school districts in its territory from the educational 1372  
service center in whose territory the district is located. 1373

**Sec. 3312.09.** (A) Each performance contract entered into by 1374  
the department of education and the fiscal agent of a region for 1375  
implementation of a state or regional education initiative or 1376  
school improvement effort shall include the following: 1377

(1) An explanation of how the regional needs and priorities 1378  
for educational services have been identified by the advisory 1379  
council of the region, the advisory council's subcommittees, and 1380  
the department; 1381

(2) A definition of the services to be provided to school 1382  
districts, community schools, and chartered nonpublic schools in 1383  
the region, including any services provided pursuant to division 1384  
(A) of section 3302.04 of the Revised Code; 1385

(3) Expected outcomes from the provision of the services 1386  
defined in the contract; 1387

(4) The method the department will use to evaluate whether 1388  
the expected outcomes have been achieved; 1389

(5) A requirement that the fiscal agent develop and implement 1390  
a corrective action plan if the results of the evaluation are 1391  
unsatisfactory; 1392

(6) Data reporting requirements; 1393

(7) The aggregate fees to be charged by the fiscal agent and 1394

any entity with which it subcontracts to cover personnel and 1395  
program costs associated with administering the contract, which 1396  
fees shall be subject to controlling board approval if in excess 1397  
of four per cent of the value of the contract; 1398

~~(8) A requirement that a member of the advisory council in 1399  
the region be a member of the state regional alliance advisory 1400  
board established under section 3312.11 of the Revised Code. 1401~~

(B) Upon completion of each evaluation described in a 1402  
performance contract, the department shall post the results of 1403  
that evaluation on its web site. 1404

**Sec. 3313.202.** Any elected or appointed member of the board 1405  
of education of a school district and the dependent children and 1406  
spouse of the member may be covered, at the option of the member, 1407  
under any health care plan ~~containing best practices prescribed by~~ 1408  
~~the school employees health care board~~ authorized under section 1409  
~~9.901~~ 9.90 of the Revised Code. The member shall pay all premiums 1410  
for that coverage. ~~Payments for such coverage shall be made, in~~ 1411  
~~advance, in a manner prescribed by the school employees health~~ 1412  
~~care board.~~ The member's exercise of an option to be covered under 1413  
this section shall be in writing, announced at a regular public 1414  
meeting of the board of education, and recorded as a public record 1415  
in the minutes of the board. 1416

**Sec. 3701.025.** ~~(A)~~ There is hereby created the medically 1417  
handicapped children's medical advisory council consisting of 1418  
twenty-one members to be appointed by the director of health for 1419  
terms set in accordance with rules adopted by the public health 1420  
council under division (A)(11) of section 3701.021 of the Revised 1421  
Code. The medically handicapped children's medical advisory 1422  
council shall advise the director regarding the administration of 1423  
the program for medically handicapped children, the suitable 1424

quality of medical practice for providers, and the requirements 1425  
for medical eligibility for the program. 1426

All members of the council shall be licensed physicians, 1427  
surgeons, dentists, and other professionals in the field of 1428  
medicine, representative of the various disciplines involved in 1429  
the treatment of children with medically handicapping conditions, 1430  
and representative of the treatment facilities involved, such as 1431  
hospitals, private and public health clinics, and private 1432  
physicians' offices, and shall be eligible for the program. 1433

Members of the council shall receive no compensation, but 1434  
shall receive their actual and necessary travel expenses incurred 1435  
in the performance of their official duties in accordance with the 1436  
rules of the office of budget and management. 1437

~~(B) The director of health may appoint a maternal and child 1438  
health council to represent the views of service providers, other 1439  
interest groups, consumers, and various geographic areas of the 1440  
state. The maternal and child health council shall advise the 1441  
department of health on matters pertaining to maternal and child 1442  
health and, in particular, the "Maternal and Child Health Block 1443  
Grant," Title V of the "Social Security Act," 95 Stat. 818, (1981) 1444  
42 U.S.C.A. 701, as amended. Members of the council shall receive 1445  
no compensation, but shall receive their actual and necessary 1446  
travel expenses incurred in the performance of their official 1447  
duties in accordance with the rules of the office of budget and 1448  
management. 1449~~

**Sec. 3701.63.** (A) As used in this section and section 3701.64 1450  
of the Revised Code: 1451

(1) "Child day-care center," "type A family day-care home," 1452  
and "certified type B family day-care home" have the same meanings 1453  
as in section 5104.01 of the Revised Code. 1454

(2) "Child care facility" means a child day-care center, a type A family day-care home, or a certified type B family day-care home.

(3) "Freestanding birthing center" has the same meaning as in section 3702.51 of the Revised Code.

(4) "Hospital" means a hospital classified pursuant to rules adopted under section 3701.07 of the Revised Code as a general hospital or children's hospital.

(5) "Maternity unit" means any unit or place in a hospital where women are regularly received and provided care during all or part of the maternity cycle, except that "maternity unit" does not include an emergency department or similar place dedicated to providing emergency health care.

(6) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. "Parent" also means a prospective adoptive parent with whom a child is placed.

(7) "Shaken Baby Syndrome" means signs and symptoms, including, but not limited to, retinal hemorrhages in one or both eyes, subdural hematoma, or brain swelling, resulting from the violent shaking or the shaking and impacting of the head of an infant or small child.

(B) The director of health shall establish the shaken baby syndrome education program by doing all of the following:

(1) By not later than one year after ~~the effective date of this section, with the advice of the work group appointed under division (D) of this section~~ February 29, 2008, developing educational materials that present readily comprehensible information on shaken baby syndrome;



(2) Making available on the department of health web site in 1485  
an easily accessible format the educational materials developed 1486  
under division (B)(1) of this section; 1487

(3) Beginning in 2009, annually assessing the effectiveness 1488  
of the shaken baby syndrome education program by evaluating the 1489  
reports received pursuant to section 5101.135 of the Revised Code. 1490

(C) In meeting the requirements under division (B) of this 1491  
section, the director shall not develop educational materials that 1492  
will impose an administrative or financial burden on any of the 1493  
entities or persons listed in section 3701.64 of the Revised Code. 1494

~~(D) The director of health shall appoint and convene a work 1495  
group to advise the director on the shaken baby syndrome 1496  
educational materials the director is required to develop under 1497  
division (B) of this section. The work group shall include at 1498  
least one representative of each of the following: 1499~~

~~(1) Child abuse prevention advocates; 1500~~

~~(2) The staff of the "help me grow" program established 1501  
pursuant to section 3701.61 of the Revised Code; 1502~~

~~(3) Experts in the field of infant care, particularly in the 1503  
area of infant calming methods; 1504~~

~~(4) Maternity unit directors; 1505~~

~~(5) Parenting skills educators; 1506~~

~~(6) Child care facilities. 1507~~

~~The work group may also include, at the director's 1508  
discretion, representatives of other professions whose members 1509  
have practical experience regarding shaken baby syndrome and 1510  
representatives of citizens' organizations whose members are 1511  
knowledgeable about shaken baby syndrome. 1512~~

**Sec. 3727.312.** The hospital measures advisory council shall 1513

do all of the following: 1514

(A) Study the issue of hospitals reporting information 1515  
regarding their performance in meeting measures for hospital 1516  
inpatient and outpatient services, including how such reports are 1517  
made in other states; 1518

(B) Not later than one year after the date the last of the 1519  
initial council members is appointed, issue a report to the 1520  
director of health with recommendations for all of the following: 1521

(1) Collecting, pursuant to section 3727.33 of the Revised 1522  
Code, information from hospitals that shows their performance in 1523  
meeting measures for hospital inpatient and outpatient services; 1524

(2) The audits conducted pursuant to section 3727.331 of the 1525  
Revised Code; 1526

(3) Disseminating information about the performance of 1527  
hospitals in meeting the measures, including effective methods of 1528  
displaying information on any internet web site established under 1529  
section 3727.39 of the Revised Code; 1530

(4) Explaining to the public how to use the information about 1531  
the performance of hospitals in meeting the measures, including 1532  
explanations about the limitations of the information. 1533

(C) Provide the director of health ongoing advice on all of 1534  
the following: 1535

(1) The issue of hospitals reporting information regarding 1536  
their performance in meeting measures for hospital inpatient and 1537  
outpatient services; 1538

(2) Disseminating the information reported by hospitals; 1539

(3) Making improvements to the reports and dissemination of 1540  
information; 1541

(4) Making changes to the information collection requirements 1542

and dissemination methods; 1543

(5) Recommendations regarding measurers for children's 1544  
hospital inpatient and outpatient services. 1545

(D) Convene a group of health care consumers, nurses, and 1546  
experts in infection control, the members of which shall be 1547  
appointed by the council according to a method selected by the 1548  
council, to provide information about infection issues to the 1549  
council as needed for the council to perform its duties. 1550

**Sec. 3737.03.** The state fire ~~commission~~ council may do all of 1551  
the following: 1552

(A) Conduct research, make and publish reports on fire 1553  
safety, and recommend to the governor, the general assembly, the 1554  
board of building standards, and other state agencies, any needed 1555  
changes in the laws, rules, or administrative policies relating to 1556  
fire safety; 1557

(B) Recommend revisions in the rules included in the state 1558  
fire code adopted by the fire marshal. The recommendations may 1559  
propose the adoption of new rules or the amendment or repeal of 1560  
existing rules. The ~~commission~~ council shall file its 1561  
recommendations in the office of the fire marshal, and, within 1562  
sixty days after the recommendations are filed, the fire marshal 1563  
shall file with the chairperson of the ~~commission~~ council the fire 1564  
marshal's comments on, and proposed action in response to, the 1565  
recommendations. 1566

(C) Maintain the Ohio fire service hall of fame. In 1567  
maintaining the hall of fame, the ~~commission~~ council shall keep 1568  
official commendations that recognize and commemorate exemplary 1569  
accomplishments and acts of heroism by firefighters and other 1570  
persons at fire-related incidents or similar events occurring in 1571  
the state. The ~~commission~~ council may adopt criteria and 1572

guidelines for selecting individuals for that recognition and 1573  
commemoration. The recognition and commemoration of individuals 1574  
may occur annually and include an annual awards ceremony. The 1575  
expenses associated with the recognition and commemoration of 1576  
individuals shall be paid in accordance with division (F) of 1577  
section 3737.81 of the Revised Code. 1578

**Sec. 3737.21.** (A) The director of the department of commerce 1579  
shall appoint, from names submitted to the director by the state 1580  
fire ~~commission~~ council, a fire marshal, who shall serve at the 1581  
pleasure of the director and shall possess the following 1582  
qualifications: 1583

(1) A degree from an accredited college or university with 1584  
specialized study in either the field of fire protection or fire 1585  
protection engineering, or the equivalent qualifications 1586  
determined from training, experience, and duties in a fire 1587  
service; 1588

(2) Five years of recent, progressively more responsible 1589  
experience in fire inspection, fire code enforcement, fire 1590  
investigation, fire protection engineering, teaching of fire 1591  
safety engineering, or fire fighting. 1592

(B) When a vacancy occurs in the position of fire marshal, 1593  
the director shall notify the state fire ~~commission~~ council. The 1594  
~~commission~~ council shall communicate the fact of the vacancy by 1595  
regular mail to all fire chiefs and fire protection engineers 1596  
known to the ~~commission~~ council, or whose identity may be 1597  
ascertained by the ~~commission~~ council by the exercise of due 1598  
diligence. The ~~commission~~ council, no earlier than thirty days 1599  
after mailing the notification, shall compile a list of all 1600  
applicants for the position of fire marshal who are qualified 1601  
under this section. The ~~commission~~ council shall submit the names 1602  
of at least three persons on the list to the director. The 1603

director shall appoint the fire marshal from the list of at least 1604  
three names or may request the ~~commission~~ council to submit 1605  
additional names. 1606

**Sec. 3737.81.** (A) There is hereby created the state fire 1607  
~~commission~~ council consisting of ten members to be appointed by 1608  
the governor with the advice and consent of the senate. The fire 1609  
marshal or chief deputy fire marshal, a representative designated 1610  
by the department of public safety who has tenure in fire 1611  
suppression, and a representative designated by the board of 1612  
building standards shall be ex officio members. Of the initial 1613  
appointments made to the ~~commission~~ council, two shall be for a 1614  
term ending one year after November 1, 1978, two shall be for a 1615  
term ending two years after that date, two shall be for a term 1616  
ending three years after that date, two shall be for a term ending 1617  
four years after that date, and two shall be for a term ending 1618  
five years after that date. Thereafter, terms of office shall be 1619  
for five years, each term ending on the same day of the same month 1620  
of the year as did the term which it succeeds. Each member shall 1621  
hold office from the date of appointment until the end of the term 1622  
for which the member was appointed. Any member appointed to fill a 1623  
vacancy occurring prior to the expiration of the term for which 1624  
the member's predecessor was appointed shall hold office for the 1625  
remainder of that term. Any member shall continue in office 1626  
subsequent to the expiration date of the member's term until a 1627  
successor takes office, or until a period of sixty days has 1628  
elapsed, whichever occurs first. Members shall be qualified by 1629  
experience and training to deal with the matters that are the 1630  
responsibility of the ~~commission~~ council. Two members shall be 1631  
members of paid fire services, one shall be a member of volunteer 1632  
fire services, two shall be mayors, managers, or members of 1633  
legislative authorities of municipal corporations, one shall 1634  
represent commerce and industry, one shall be a representative of 1635

a fire insurance company domiciled in this state, one shall  
represent the flammable liquids industry, one shall represent the  
construction industry, and one shall represent the public. At no  
time shall more than six members be members of or associated with  
the same political party. Membership on the ~~commission~~ council  
shall not constitute holding a public office, and no person shall  
forfeit or otherwise vacate the person's office or position of  
employment because of membership on the ~~commission~~ council.

(B) The ex officio members may not vote, except that the fire  
marshal or chief deputy fire marshal may vote in case of a tie.

(C) Each member of the ~~commission~~ council, other than ex  
officio members, shall be paid an amount fixed pursuant to  
division (J) of section 124.15 of the Revised Code, and the  
member's actual and necessary expenses.

(D) The ~~commission~~ council shall select a chairperson and a  
vice-chairperson from among its members. No business may be  
transacted in the absence of a quorum. A quorum shall be at least  
six members, excluding ex officio members, and shall include  
either the chairperson or vice-chairperson. The ~~commission~~ council  
shall hold regular meetings at least once every two months and may  
meet at any other time at the call of the chairperson.

(E) The fire marshal shall provide the ~~commission~~ council  
with office space, meeting rooms, staff, and clerical assistance  
necessary for the ~~commission~~ council to perform its duties. If the  
~~commission~~ council maintains the Ohio fire service hall of fame  
under division (C) of section 3737.03 of the Revised Code, the  
fire marshal shall preserve, in an appropriate manner, in the  
office space or meeting rooms provided to the ~~commission~~ council  
under this division or in another location, copies of all official  
commendations awarded to individuals recognized and commemorated  
for their exemplary accomplishments and acts of heroism at  
fire-related incidents or similar events that occurred in this

state. 1668

(F) If the ~~commission~~ council maintains the Ohio fire service 1669  
hall of fame under division (C) of section 3737.03 of the Revised 1670  
Code, the expenses incurred for the recognition and commemoration 1671  
of individuals for their exemplary accomplishments and acts of 1672  
heroism at fire-related incidents or similar events that occurred 1673  
in this state, including, but not limited to, expenses for 1674  
official commendations and an annual awards ceremony as described 1675  
in division (B) of section 3737.03 of the Revised Code, may be 1676  
paid from moneys appropriated by the general assembly for purposes 1677  
of that recognition and commemoration, from moneys that are 1678  
available to the fire marshal under this chapter, or from other 1679  
funding sources available to the ~~commission~~ council. 1680

**Sec. 3737.86.** (A) As used in this section, "rule" includes 1681  
the adoption, amendment, or repeal of any rule by the fire marshal 1682  
under sections 3737.82 to 3737.86 of the Revised Code, regardless 1683  
of whether or not the rule is included in the state fire code. 1684

(B) The fire marshal shall adopt rules in accordance with 1685  
Chapter 119. of the Revised Code. In adopting rules, the fire 1686  
marshal shall consider and make appropriate findings with respect 1687  
to the degree and nature of the risk of injury that the rule is 1688  
designed to prevent or reduce, the approximate number of products 1689  
or types or classes of products subject to the rule, the public 1690  
need for the products involved, the probable effect of the rule on 1691  
the utility, cost, or availability of such product, and any means 1692  
of achieving the objective of the rule that will minimize adverse 1693  
effects on competition or disruption or dislocation of 1694  
manufacturing and other commercial practices. The minimum 1695  
standards embodied in the rules shall be published in such a 1696  
manner as to assure that all interested parties have a reasonable 1697  
opportunity to be informed of the standards so established. 1698

(C) The fire marshal shall file a copy of the full text of  
any proposed rule with the ~~chairman~~ chairperson of the state fire  
~~commission~~ council. The fire marshal shall not adopt the proposed  
rule until the ~~commission~~ council has filed in the office of the  
fire marshal recommendations for revisions in the proposed rule or  
until a period of sixty days has elapsed since the proposed rule  
was filed with the ~~chairman~~ chairperson of the ~~commission~~ council,  
whichever occurs first. The fire marshal shall consider any  
recommendations made by the ~~commission~~ council before adopting the  
proposed rule, but may accept, reject, or modify the  
recommendations.

**Sec. 3737.88.** (A)(1) The fire marshal shall have  
responsibility for implementation of the underground storage tank  
program and corrective action program for releases from  
underground petroleum storage tanks established by the "Resource  
Conservation and Recovery Act of 1976," 90 Stat. 2795, 42 U.S.C.A.  
6901, as amended. To implement the program, the fire marshal may  
adopt, amend, and rescind such rules, conduct such inspections,  
require annual registration of underground storage tanks, issue  
such citations and orders to enforce those rules, enter into  
environmental covenants in accordance with sections 5301.80 to  
5301.92 of the Revised Code, and perform such other duties, as are  
consistent with those programs. The fire marshal, by rule, may  
delegate the authority to conduct inspections of underground  
storage tanks to certified fire safety inspectors.

(2) In the place of any rules regarding release containment  
and release detection for underground storage tanks adopted under  
division (A)(1) of this section, the fire marshal, by rule, shall  
designate areas as being sensitive for the protection of human  
health and the environment and adopt alternative rules regarding  
release containment and release detection methods for new and  
upgraded underground storage tank systems located in those areas.



In designating such areas, the fire marshal shall take into 1731  
consideration such factors as soil conditions, hydrogeology, water 1732  
use, and the location of public and private water supplies. Not 1733  
later than July 11, 1990, the fire marshal shall file the rules 1734  
required under this division with the secretary of state, director 1735  
of the legislative service commission, and joint committee on 1736  
agency rule review in accordance with divisions (B) and (H) of 1737  
section 119.03 of the Revised Code. 1738

(B) Before adopting any rule under this section or section 1739  
3737.881 or 3737.882 of the Revised Code, the fire marshal shall 1740  
file written notice of the proposed rule with the chairperson of 1741  
the state fire ~~commission~~ council, and, within sixty days after 1742  
notice is filed, the ~~commission~~ council may file responses to or 1743  
comments on and may recommend alternative or supplementary rules 1744  
to the fire marshal. At the end of the sixty-day period or upon 1745  
the filing of responses, comments, or recommendations by the 1746  
~~commission~~ council, the fire marshal may adopt the rule filed with 1747  
the ~~commission~~ council or any alternative or supplementary rule 1748  
recommended by the ~~commission~~ council. 1749

(C) The state fire ~~commission~~ council may recommend courses 1750  
of action to be taken by the fire marshal in carrying out the fire 1751  
marshal's duties under this section. The ~~commission~~ council shall 1752  
file its recommendations in the office of the fire marshal, and, 1753  
within sixty days after the recommendations are filed, the fire 1754  
marshal shall file with the chairperson of the ~~commission~~ council 1755  
comments on, and proposed action in response to, the 1756  
recommendations. 1757

(D) For the purpose of sections 3737.87 to 3737.89 of the 1758  
Revised Code, the fire marshal shall adopt, and may amend and 1759  
rescind, rules identifying or listing hazardous substances. The 1760  
rules shall be consistent with and equivalent in scope, coverage, 1761  
and content to regulations identifying or listing hazardous 1762

substances adopted under the "Comprehensive Environmental 1763  
Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 1764  
42 U.S.C.A. 9602, as amended, except that the fire marshal shall 1765  
not identify or list as a hazardous substance any hazardous waste 1766  
identified or listed in rules adopted under division (A) of 1767  
section 3734.12 of the Revised Code. 1768

(E) Notwithstanding any provision of the laws of this state 1769  
to the contrary, the fire marshal has exclusive jurisdiction to 1770  
regulate the storage, treatment, and disposal of petroleum 1771  
contaminated soil generated from corrective actions undertaken in 1772  
response to releases of petroleum. The fire marshal may adopt, 1773  
amend, or rescind such rules as the fire marshal considers to be 1774  
necessary or appropriate to regulate the storage, treatment, or 1775  
disposal of petroleum contaminated soil so generated. 1776

(F) The fire marshal shall adopt, amend, and rescind rules 1777  
under sections 3737.88 to 3737.882 of the Revised Code in 1778  
accordance with Chapter 119. of the Revised Code. 1779

**Sec. 3743.54.** (A) A licensed exhibitor of fireworks may 1780  
acquire fireworks for use at a public fireworks exhibition only 1781  
from a licensed manufacturer of fireworks or licensed wholesaler 1782  
of fireworks, and only in accordance with the procedures specified 1783  
in this section and section 3743.55 of the Revised Code. 1784

(B)(1) A licensed exhibitor of fireworks who wishes to 1785  
conduct a public fireworks exhibition shall apply for approval to 1786  
conduct the exhibition to whichever of the following persons is 1787  
appropriate under the circumstances: 1788

(a) Unless division (B)(1)(c) or (d) of this section applies, 1789  
if the exhibition will take place in a municipal corporation, the 1790  
approval shall be obtained from the fire chief, and from the 1791  
police chief or other similar chief law enforcement officer, or 1792  
the designee of the police chief or similar chief law enforcement 1793

officer, of the particular municipal corporation. 1794

(b) Unless division (B)(1)(c) or (d) of this section applies, 1795  
if the exhibition will take place in an unincorporated area, the 1796  
approval shall be obtained from the fire chief of the particular 1797  
township or township fire district, and from the police chief or 1798  
other similar chief law enforcement officer, or the designee of 1799  
the police chief or similar chief law enforcement officer, of the 1800  
particular township or township police district. 1801

(c) If fire protection services for the premises on which the 1802  
exhibition will take place are provided in accordance with a 1803  
contract between political subdivisions, the approval shall be 1804  
obtained from the fire chief of the political subdivision 1805  
providing the fire protection services and from the police chief 1806  
or other similar chief law enforcement officer, or the designee of 1807  
the police chief or similar chief law enforcement officer, of the 1808  
political subdivision in which the premises on which the 1809  
exhibition will take place are located. If police services for the 1810  
premises on which the exhibition will take place are provided in 1811  
accordance with a contract between political subdivisions, the 1812  
approval shall be obtained from the police chief or other similar 1813  
chief law enforcement officer, or the designee of the police chief 1814  
or similar chief law enforcement officer, of the political 1815  
subdivision providing the police services and from the fire chief 1816  
of the political subdivision in which the premises on which the 1817  
exhibition will take place are located. If both fire and police 1818  
protection services for the premises on which the exhibition will 1819  
take place are provided in accordance with a contract between 1820  
political subdivisions, the approval shall be obtained from the 1821  
fire chief, and from the police chief or other similar chief law 1822  
enforcement officer, or the designee of the police chief or 1823  
similar chief law enforcement officer, of the political 1824  
subdivisions providing the police and fire protection services. 1825

(d) If there is no municipal corporation, township, or 1826  
township fire district fire department, no municipal corporation, 1827  
township, or township police district police department, and no 1828  
contract for police or fire protection services between political 1829  
subdivisions covering the premises on which the exhibition will 1830  
take place, the approval shall be obtained from the fire 1831  
prevention officer, and from the police chief or other similar 1832  
chief law enforcement officer, or the designee of the police chief 1833  
or other similar chief law enforcement officer, having 1834  
jurisdiction over the premises. 1835

(2) The approval required by division (B)(1) of this section 1836  
shall be evidenced by the fire chief or fire prevention officer 1837  
and by the police chief or other similar chief law enforcement 1838  
officer, or the designee of the police chief or other similar 1839  
chief law enforcement officer, signing a permit for the 1840  
exhibition. The fire marshal shall prescribe the form of 1841  
exhibition permits and distribute copies of the form to fire 1842  
chiefs, to fire prevention officers, and to police chiefs or other 1843  
similar chief law enforcement officers of municipal corporations, 1844  
townships, or township police districts, or their designees, in 1845  
this state. Any exhibitor of fireworks who wishes to conduct a 1846  
public fireworks exhibition may obtain a copy of the form from the 1847  
fire marshal or, if it is available, from a fire chief, a fire 1848  
prevention officer, a police chief or other similar chief law 1849  
enforcement officer of a municipal corporation, township, or 1850  
township police district, or a designee of such a police chief or 1851  
other similar chief law enforcement officer. 1852

(C) Before a permit is signed and issued to a licensed 1853  
exhibitor of fireworks, the fire chief or fire prevention officer, 1854  
in consultation with the police chief or other similar chief law 1855  
enforcement officer or with the designee of the police chief or 1856  
other similar chief law enforcement officer, shall inspect the 1857

premises on which the exhibition will take place and shall 1858  
determine that, in fact, the applicant for the permit is a 1859  
licensed exhibitor of fireworks. Each applicant shall show the 1860  
applicant's license as an exhibitor of fireworks to the fire chief 1861  
or fire prevention officer. 1862

The fire chief or fire prevention officer, and the police 1863  
chief or other similar chief law enforcement officer, or the 1864  
designee of the police chief or other similar chief law 1865  
enforcement officer, shall give approval to conduct a public 1866  
fireworks exhibition only if satisfied, based on the inspection, 1867  
that the premises on which the exhibition will be conducted allow 1868  
the exhibitor to comply with the rules adopted by the fire marshal 1869  
pursuant to divisions (B) and (E) of section 3743.53 of the 1870  
Revised Code and that the applicant is, in fact, a licensed 1871  
exhibitor of fireworks. The fire chief or fire prevention officer, 1872  
in consultation with the police chief or other similar chief law 1873  
enforcement officer or with the designee of the police chief or 1874  
other similar chief law enforcement officer, may inspect the 1875  
premises immediately prior to the exhibition to determine if the 1876  
exhibitor has complied with the rules, and may revoke a permit for 1877  
noncompliance with the rules. 1878

(D) If the legislative authorities of their political 1879  
subdivisions have prescribed a fee for the issuance of a permit 1880  
for a public fireworks exhibition, fire chiefs or fire prevention 1881  
officers, and police chiefs, other similar chief law enforcement 1882  
officers, or their designee, shall not issue a permit until the 1883  
exhibitor pays the requisite fee. 1884

Each exhibitor shall provide an indemnity bond in the amount 1885  
of at least one million dollars, with surety satisfactory to the 1886  
fire chief or fire prevention officer and to the police chief or 1887  
other similar chief law enforcement officer, or the designee of 1888  
the police chief or other similar chief law enforcement officer, 1889

conditioned for the payment of all final judgments that may be  
rendered against the exhibitor on account of injury, death, or  
loss to persons or property emanating from the fireworks  
exhibition, or proof of insurance coverage of at least one million  
dollars for liability arising from injury, death, or loss to  
persons or property emanating from the fireworks exhibition. The  
legislative authority of a political subdivision in which a public  
fireworks exhibition will take place may require the exhibitor to  
provide an indemnity bond or proof of insurance coverage in  
amounts greater than those required by this division. Fire chiefs  
or fire prevention officers, and police chiefs, other similar  
chief law enforcement officers, or their designee, shall not issue  
a permit until the exhibitor provides the bond or proof of the  
insurance coverage required by this division or by the political  
subdivision in which the fireworks exhibition will take place.

(E)(1) Each permit for a fireworks exhibition issued by a  
fire chief or fire prevention officer, and by the police chief or  
other similar chief law enforcement officer, or the designee of  
the police chief or other similar chief law enforcement officer,  
shall contain a distinct number, designate the municipal  
corporation, township, or township fire or police district of the  
fire chief, fire prevention officer, police chief or other similar  
chief law enforcement officer, or designee of the police chief or  
other similar chief law enforcement officer, and identify the  
certified fire safety inspector, fire chief, or fire prevention  
officer who will be present before, during, and after the  
exhibition, where appropriate. A copy of each permit issued shall  
be forwarded by the fire chief or fire prevention officer, and by  
the police chief or other similar chief law enforcement officer,  
or the designee of the police chief or other similar chief law  
enforcement officer, issuing it to the fire marshal, who shall  
keep a record of the permits received. A permit is not  
transferable or assignable.

(2) Each fire chief, fire prevention officer, police chief or 1923  
other similar chief law enforcement officer, and designee of a 1924  
police chief or other similar chief law enforcement officer shall 1925  
keep a record of issued permits for fireworks exhibitions. In this 1926  
list, the fire chief, fire prevention officer, police chief or 1927  
other similar chief law enforcement officer, and designee of a 1928  
police chief or other similar chief law enforcement officer shall 1929  
list the name of the exhibitor, the exhibitor's license number, 1930  
the premises on which the exhibition will be conducted, the date 1931  
and time of the exhibition, and the number and political 1932  
subdivision designation of the permit issued to the exhibitor for 1933  
the exhibition. 1934

(F) The governing authority having jurisdiction in the 1935  
location where an exhibition is to take place shall require that a 1936  
certified fire safety inspector, fire chief, or fire prevention 1937  
officer be present before, during, and after the exhibition, and 1938  
shall require the certified fire safety inspector, fire chief, or 1939  
fire prevention officer to inspect the premises where the 1940  
exhibition is to take place and determine whether the exhibition 1941  
is in compliance with this chapter. 1942

(G) Notwithstanding any provision of the Revised Code to the 1943  
contrary, the state fire marshal is hereby authorized to create 1944  
additional license categories for fireworks exhibitors and to 1945  
create additional permit requirements for fireworks exhibitions 1946  
for the indoor use of fireworks and other uses of pyrotechnics, 1947  
including the use of pyrotechnic materials that do not meet the 1948  
definition of fireworks as described in section 3743.01 of the 1949  
Revised Code. Such licenses and permits and the fees for such 1950  
licenses and permits shall be described in rules adopted by the 1951  
fire marshal under Chapter 119. of the Revised Code. Such rules 1952  
may provide for different standards for exhibitor licensure and 1953  
the permitting and conducting of a fireworks exhibition than the 1954

requirements of this chapter. 1955

~~Prior to the state fire marshal's adoption of the rules 1956~~  
~~described in this division, the director of commerce shall appoint 1957~~  
~~a committee consisting of the state fire marshal or the marshal's 1958~~  
~~designee, three representatives of the fireworks industry, and 1959~~  
~~three representatives of the fire service to assist the state fire 1960~~  
~~marshal in adopting these rules. Unless an extension is granted by 1961~~  
~~the director of commerce, the state fire marshal shall adopt 1962~~  
~~initial rules under this section not later than July 1, 2010. 1963~~

**Sec. 3746.04.** Within one year after September 28, 1994, the 1964  
director of environmental protection, in accordance with Chapter 1965  
119. of the Revised Code ~~and with the advice of the 1966~~  
~~multidisciplinary council appointed under section 3746.03 of the 1967~~  
~~Revised Code~~, shall adopt, and subsequently may amend, suspend, or 1968  
rescind, rules that do both of the following: 1969

(A) Revise the rules adopted under Chapters 3704., 3714., 1970  
3734., 6109., and 6111. of the Revised Code to incorporate the 1971  
provisions necessary to conform those rules to the requirements of 1972  
this chapter. The amended rules adopted under this division also 1973  
shall establish response times for all submittals to the 1974  
environmental protection agency required under this chapter or 1975  
rules adopted under it. 1976

(B) Establish requirements and procedures that are reasonably 1977  
necessary for the implementation and administration of this 1978  
chapter, including, without limitation, all of the following: 1979

(1) Appropriate generic numerical clean-up standards for the 1980  
treatment or removal of soils, sediments, and water media for 1981  
hazardous substances and petroleum. The rules shall establish 1982  
separate generic numerical clean-up standards based upon the 1983  
intended use of properties after the completion of voluntary 1984  
actions, including industrial, commercial, and residential uses 1985



and such other categories of land use as the director considers to be appropriate. The generic numerical clean-up standards established for each category of land use shall be the concentration of each contaminant that may be present on a property that shall ensure protection of public health and safety and the environment for the reasonable exposure for that category of land use. When developing the standards, the director shall consider such factors as all of the following:

(a) Scientific information, including, without limitation, toxicological information and realistic assumptions regarding human and environmental exposure to hazardous substances or petroleum;

(b) Climatic factors;

(c) Human activity patterns;

(d) Current statistical techniques;

(e) For petroleum at industrial property, alternatives to the use of total petroleum hydrocarbons.

The generic numerical clean-up standards established in the rules adopted under division (B)(1) of this section shall be consistent with and equivalent in scope, content, and coverage to any applicable standard established by federal environmental laws and regulations adopted under them, including, without limitation, the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended; the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended; the "Toxic Substances Control Act," 90 Stat. 2003 (1976), 15 U.S.C.A. 2601, as amended; the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9601, as amended; and the "Safe Drinking Water Act," 88 Stat. 1660 (1974), 42 U.S.C.A. 300f, as amended.

In order for the rules adopted under division (B)(1) of this section to require that any such federal environmental standard apply to a property, the property shall meet the requirements of the particular federal statute or regulation involved in the manner specified by the statute or regulation.

The generic numerical clean-up standards for petroleum at commercial or residential property shall be the standards established in rules adopted under division (B) of section 3737.882 of the Revised Code.

(2)(a) Procedures for performing property-specific risk assessments that would be performed at a property to demonstrate that the remedy evaluated in a risk assessment results in protection of public health and safety and the environment instead of complying with the generic numerical clean-up standards established in the rules adopted under division (B)(1) of this section. The risk assessment procedures shall describe a methodology to establish, on a property-specific basis, allowable levels of contamination to remain at a property to ensure protection of public health and safety and the environment on the property and off the property when the contamination is emanating off the property, taking into account all of the following:

(i) The implementation of treatment, storage, or disposal, or a combination thereof, of hazardous substances or petroleum;

(ii) The existence of institutional controls or activity and use limitations that eliminate or mitigate exposure to hazardous substances or petroleum through the restriction of access to hazardous substances or petroleum;

(iii) The existence of engineering controls that eliminate or mitigate exposure to hazardous substances or petroleum through containment of, control of, or restrictions of access to hazardous substances or petroleum, including, without limitation, fences,

cap systems, cover systems, and landscaping. 2048

(b) The risk assessment procedures and levels of acceptable 2049  
risk set forth in the rules adopted under division (B)(2) of this 2050  
section shall be based upon all of the following: 2051

(i) Scientific information, including, without limitation, 2052  
toxicological information and actual or proposed human and 2053  
environmental exposure; 2054

(ii) Locational and climatic factors; 2055

(iii) Surrounding land use and human activities; 2056

(iv) Differing levels of remediation that may be required 2057  
when an existing land use is continued compared to when a 2058  
different land use follows the remediation. 2059

(c) Any standards established pursuant to rules adopted under 2060  
division (B)(2) of this section shall be no more stringent than 2061  
standards established under the environmental statutes of this 2062  
state and rules adopted under them for the same contaminant in the 2063  
same environmental medium that are in effect at the time the risk 2064  
assessment is conducted. 2065

(3) Minimum standards for phase I property assessments. The 2066  
standards shall specify the information needed to demonstrate that 2067  
there is no reason to believe that contamination exists on a 2068  
property. The rules adopted under division (B)(3) of this section, 2069  
at a minimum, shall require that a phase I property assessment 2070  
include all of the following: 2071

(a) A review and analysis of deeds, mortgages, easements of 2072  
record, and similar documents relating to the chain of title to 2073  
the property that are publicly available or that are known to and 2074  
reasonably available to the owner or operator; 2075

(b) A review and analysis of any previous environmental 2076  
assessments, property assessments, environmental studies, or 2077

geologic studies of the property and any land within two thousand 2078  
feet of the boundaries of the property that are publicly available 2079  
or that are known to and reasonably available to the owner or 2080  
operator; 2081

(c) A review of current and past environmental compliance 2082  
histories of persons who owned or operated the property; 2083

(d) A review of aerial photographs of the property that 2084  
indicate prior uses of the property; 2085

(e) Interviews with managers of activities conducted at the 2086  
property who have knowledge of environmental conditions at the 2087  
property; 2088

(f) Conducting an inspection of the property consisting of a 2089  
walkover; 2090

(g) Identifying the current and past uses of the property, 2091  
adjoining tracts of land, and the area surrounding the property, 2092  
including, without limitation, interviews with persons who reside 2093  
or have resided, or who are or were employed, within the area 2094  
surrounding the property regarding the current and past uses of 2095  
the property and adjacent tracts of land. 2096

The rules adopted under division (B)(3) of this section shall 2097  
establish criteria to determine when a phase II property 2098  
assessment shall be conducted when a phase I property assessment 2099  
reveals facts that establish a reason to believe that hazardous 2100  
substances or petroleum have been treated, stored, managed, or 2101  
disposed of on the property if the person undertaking the phase I 2102  
property assessment wishes to obtain a covenant not to sue under 2103  
section 3746.12 of the Revised Code. 2104

(4) Minimum standards for phase II property assessments. The 2105  
standards shall specify the information needed to demonstrate that 2106  
any contamination present at the property does not exceed 2107  
applicable standards or that the remedial activities conducted at 2108

the property have achieved compliance with applicable standards. 2109  
The rules adopted under division (B)(4) of this section, at a 2110  
minimum, shall require that a phase II property assessment include 2111  
all of the following: 2112

(a) A review and analysis of all documentation prepared in 2113  
connection with a phase I property assessment conducted within the 2114  
one hundred eighty days before the phase II property assessment 2115  
begins. The rules adopted under division (B)(4)(a) of this section 2116  
shall require that if a period of more than one hundred eighty 2117  
days has passed between the time that the phase I assessment of 2118  
the property was completed and the phase II assessment begins, the 2119  
phase II assessment shall include a reasonable inquiry into the 2120  
change in the environmental condition of the property during the 2121  
intervening period. 2122

(b) Quality assurance objectives for measurements taken in 2123  
connection with a phase II assessment; 2124

(c) Sampling procedures to ensure the representative sampling 2125  
of potentially contaminated environmental media; 2126

(d) Quality assurance and quality control requirements for 2127  
samples collected in connection with phase II assessments; 2128

(e) Analytical and data assessment procedures; 2129

(f) Data objectives to ensure that samples collected in 2130  
connection with phase II assessments are biased toward areas where 2131  
information indicates that contamination by hazardous substances 2132  
or petroleum is likely to exist. 2133

(5) Standards governing the conduct of certified 2134  
professionals, criteria and procedures for the certification of 2135  
professionals to issue no further action letters under section 2136  
3746.11 of the Revised Code, and criteria for the suspension and 2137  
revocation of those certifications. The director shall take an 2138  
action regarding a certification as a final action. The issuance, 2139

denial, renewal, suspension, and revocation of those 2140  
certifications are subject to Chapter 3745. of the Revised Code, 2141  
except that, in lieu of publishing an action regarding a 2142  
certification in a newspaper of general circulation as required in 2143  
section 3745.07 of the Revised Code, such an action shall be 2144  
published on the environmental protection agency's web site and in 2145  
the agency's weekly review not later than fifteen days after the 2146  
date of the issuance, denial, renewal, suspension, or revocation 2147  
of the certification and not later than thirty days before a 2148  
hearing or public meeting concerning the action. 2149

The rules adopted under division (B)(5) of this section shall 2150  
do all of the following: 2151

(a) Provide for the certification of environmental 2152  
professionals to issue no further action letters pertaining to 2153  
investigations and remedies in accordance with the criteria and 2154  
procedures set forth in the rules. The rules adopted under 2155  
division (B)(5)(a) of this section shall do at least all of the 2156  
following: 2157

(i) Authorize the director to consider such factors as an 2158  
environmental professional's previous performance record regarding 2159  
such investigations and remedies and the environmental 2160  
professional's environmental compliance history when determining 2161  
whether to certify the environmental professional; 2162

(ii) Ensure that an application for certification is reviewed 2163  
in a timely manner; 2164

(iii) Require the director to certify any environmental 2165  
professional who the director determines complies with those 2166  
criteria; 2167

(iv) Require the director to deny certification for any 2168  
environmental professional who does not comply with those 2169  
criteria. 2170

(b) Establish an annual fee to be paid by environmental professionals certified pursuant to the rules adopted under division (B)(5)(a) of this section. The fee shall be established at an amount calculated to defray the costs to the agency for the required reviews of the qualifications of environmental professionals for certification and for the issuance of the certifications.

(c) Develop a schedule for and establish requirements governing the review by the director of the credentials of environmental professionals who were deemed to be certified professionals under division (D) of section 3746.07 of the Revised Code in order to determine if they comply with the criteria established in rules adopted under division (B)(5) of this section. The rules adopted under division (B)(5)(c) of this section shall do at least all of the following:

(i) Ensure that the review is conducted in a timely fashion;

(ii) Require the director to certify any such environmental professional who the director determines complies with those criteria;

(iii) Require any such environmental professional initially to pay the fee established in the rules adopted under division (B)(5)(b) of this section at the time that the environmental professional is so certified by the director;

(iv) Establish a time period within which any such environmental professional who does not comply with those criteria may obtain the credentials that are necessary for certification;

(v) Require the director to deny certification for any such environmental professional who does not comply with those criteria and who fails to obtain the necessary credentials within the established time period.

(d) Require that any information submitted to the director

for the purposes of the rules adopted under division (B)(5)(a) or 2202  
(c) of this section comply with division (A) of section 3746.20 of 2203  
the Revised Code; 2204

(e) Authorize the director to suspend or revoke the 2205  
certification of an environmental professional if the director 2206  
finds that the environmental professional's performance has 2207  
resulted in the issuance of no further action letters under 2208  
section 3746.11 of the Revised Code that are not consistent with 2209  
applicable standards or finds that the certified environmental 2210  
professional has not substantially complied with section 3746.31 2211  
of the Revised Code; 2212

(f) Authorize the director to suspend for a period of not 2213  
more than five years or to permanently revoke a certified 2214  
environmental professional's certification for any violation of or 2215  
failure to comply with an ethical standard established in rules 2216  
adopted under division (B)(5) of this section; 2217

(g) Require the director to revoke the certification of an 2218  
environmental professional if the director finds that the 2219  
environmental professional falsified any information on the 2220  
environmental professional's application for certification 2221  
regarding the environmental professional's credentials or 2222  
qualifications or any other information generated for the purposes 2223  
of or use under this chapter or rules adopted under it; 2224

(h) Require the director permanently to revoke the 2225  
certification of an environmental professional who has violated or 2226  
is violating division (A) of section 3746.18 of the Revised Code; 2227

(i) Preclude the director from revoking the certification of 2228  
an environmental professional who only conducts investigations and 2229  
remedies at property contaminated solely with petroleum unless the 2230  
director first consults with the director of commerce. 2231

(6) Criteria and procedures for the certification of 2232



laboratories to perform analyses under this chapter and rules 2233  
adopted under it. The issuance, denial, suspension, and revocation 2234  
of those certifications are subject to Chapter 3745. of the 2235  
Revised Code, and the director of environmental protection shall 2236  
take any such action regarding a certification as a final action. 2237

The rules adopted under division (B)(6) of this section shall 2238  
do all of the following: 2239

(a) Provide for the certification to perform analyses of 2240  
laboratories in accordance with the criteria and procedures 2241  
established in the rules adopted under division (B)(6)(a) of this 2242  
section and establish an annual fee to be paid by those 2243  
laboratories. The fee shall be established at an amount calculated 2244  
to defray the costs to the agency for the review of the 2245  
qualifications of those laboratories for certification and for the 2246  
issuance of the certifications. The rules adopted under division 2247  
(B)(6)(a) of this section may provide for the certification of 2248  
those laboratories to perform only particular types or categories 2249  
of analyses, specific test parameters or group of test parameters, 2250  
or a specific matrix or matrices under this chapter. 2251

(b) Develop a schedule for and establish requirements 2252  
governing the review by the director of the operations of 2253  
laboratories that were deemed to be certified laboratories under 2254  
division (E) of section 3746.07 of the Revised Code in order to 2255  
determine if they comply with the criteria established in rules 2256  
adopted under division (B)(6) of this section. The rules adopted 2257  
under division (B)(6)(b) of this section shall do at least all of 2258  
the following: 2259

(i) Ensure that the review is conducted in a timely fashion; 2260

(ii) Require the director to certify any such laboratory that 2261  
the director determines complies with those criteria; 2262

(iii) Require any such laboratory initially to pay the fee 2263

established in the rules adopted under division (B)(6)(a) of this 2264  
section at the time that the laboratory is so certified by the 2265  
director; 2266

(iv) Establish a time period within which any such laboratory 2267  
that does not comply with those criteria may make changes in its 2268  
operations necessary for the performance of analyses under this 2269  
chapter and rules adopted under it in order to be certified by the 2270  
director; 2271

(v) Require the director to deny certification for any such 2272  
laboratory that does not comply with those criteria and that fails 2273  
to make the necessary changes in its operations within the 2274  
established time period. 2275

(c) Require that any information submitted to the director 2276  
for the purposes of the rules adopted under division (B)(6)(a) or 2277  
(b) of this section comply with division (A) of section 3746.20 of 2278  
the Revised Code; 2279

(d) Authorize the director to suspend or revoke the 2280  
certification of a laboratory if the director finds that the 2281  
laboratory's performance has resulted in the issuance of no 2282  
further action letters under section 3746.11 of the Revised Code 2283  
that are not consistent with applicable standards; 2284

(e) Authorize the director to suspend or revoke the 2285  
certification of a laboratory if the director finds that the 2286  
laboratory falsified any information on its application for 2287  
certification regarding its credentials or qualifications; 2288

(f) Require the director permanently to revoke the 2289  
certification of a laboratory that has violated or is violating 2290  
division (A) of section 3746.18 of the Revised Code. 2291

(7) Information to be included in a no further action letter 2292  
prepared under section 3746.11 of the Revised Code, including, 2293  
without limitation, all of the following: 2294

(a) A summary of the information required to be submitted to the certified environmental professional preparing the no further action letter under division (C) of section 3746.10 of the Revised Code;

(b) Notification that a risk assessment was performed in accordance with rules adopted under division (B)(2) of this section if such an assessment was used in lieu of generic numerical clean-up standards established in rules adopted under division (B)(1) of this section;

(c) The contaminants addressed at the property, if any, their source, if known, and their levels prior to remediation;

(d) The identity of any other person who performed work to support the request for the no further action letter as provided in division (B)(2) of section 3746.10 of the Revised Code and the nature and scope of the work performed by that person;

(e) A list of the data, information, records, and documents relied upon by the certified environmental professional in preparing the no further action letter.

(8) Methods for determining fees to be paid for the following services provided by the agency under this chapter and rules adopted under it:

(a) Site- or property-specific technical assistance in developing or implementing plans in connection with a voluntary action;

(b) Reviewing applications for and issuing consolidated standards permits under section 3746.15 of the Revised Code and monitoring compliance with those permits;

(c) Negotiating, preparing, and entering into agreements necessary for the implementation and administration of this chapter and rules adopted under it;

(d) Reviewing no further action letters, issuing covenants 2325  
not to sue, and monitoring compliance with any terms and 2326  
conditions of those covenants and with operation and maintenance 2327  
agreements entered into pursuant to those covenants, including, 2328  
without limitation, conducting audits of properties where 2329  
voluntary actions are being or were conducted under this chapter 2330  
and rules adopted under it. 2331

The fees established pursuant to the rules adopted under 2332  
division (B)(8) of this section shall be at a level sufficient to 2333  
defray the direct and indirect costs incurred by the agency for 2334  
the administration and enforcement of this chapter and rules 2335  
adopted under it other than the provisions regarding the 2336  
certification of professionals and laboratories. 2337

(9) Criteria for selecting the no further action letters 2338  
issued under section 3746.11 of the Revised Code that will be 2339  
audited under section 3746.17 of the Revised Code, and the scope 2340  
and procedures for conducting those audits. The rules adopted 2341  
under division (B)(9) of this section, at a minimum, shall require 2342  
the director to establish priorities for auditing no further 2343  
action letters to which any of the following applies: 2344

(a) The letter was prepared by an environmental professional 2345  
who was deemed to be a certified professional under division (D) 2346  
of section 3746.07 of the Revised Code, but who does not comply 2347  
with the criteria established in rules adopted under division 2348  
(B)(5) of this section as determined pursuant to rules adopted 2349  
under division (B)(5)(d) of this section; 2350

(b) The letter was submitted fraudulently; 2351

(c) The letter was prepared by a certified environmental 2352  
professional whose certification subsequently was revoked in 2353  
accordance with rules adopted under division (B)(5) of this 2354  
section, or analyses were performed for the purposes of the no 2355

further action letter by a certified laboratory whose 2356  
certification subsequently was revoked in accordance with rules 2357  
adopted under division (B)(6) of this section; 2358

(d) A covenant not to sue that was issued pursuant to the 2359  
letter was revoked under this chapter; 2360

(e) The letter was for a voluntary action that was conducted 2361  
pursuant to a risk assessment in accordance with rules adopted 2362  
under division (B)(2) of this section; 2363

(f) The letter was for a voluntary action that included as 2364  
remedial activities engineering controls or institutional controls 2365  
or activity and use limitations authorized under section 3746.05 2366  
of the Revised Code. 2367

The rules adopted under division (B)(9) of this section shall 2368  
provide for random audits of no further action letters to which 2369  
the rules adopted under divisions (B)(9)(a) to (f) of this section 2370  
do not apply. 2371

(10) A classification system to characterize ground water 2372  
according to its capability to be used for human use and its 2373  
impact on the environment and a methodology that shall be used to 2374  
determine when ground water that has become contaminated from 2375  
sources on a property for which a covenant not to sue is requested 2376  
under section 3746.11 of the Revised Code shall be remediated to 2377  
the standards established in the rules adopted under division 2378  
(B)(1) or (2) of this section. 2379

(a) In adopting rules under division (B)(10) of this section 2380  
to characterize ground water according to its capability for human 2381  
use, the director shall consider all of the following: 2382

(i) The presence of legally enforceable, reliable 2383  
restrictions on the use of ground water, including, without 2384  
limitation, local rules or ordinances; 2385

(ii) The presence of regional commingled contamination from multiple sources that diminishes the quality of ground water; 2386  
2387

(iii) The natural quality of ground water; 2388

(iv) Regional availability of ground water and reasonable alternative sources of drinking water; 2389  
2390

(v) The productivity of the aquifer; 2391

(vi) The presence of restrictions on the use of ground water implemented under this chapter and rules adopted under it; 2392  
2393

(vii) The existing use of ground water. 2394

(b) In adopting rules under division (B)(10) of this section to characterize ground water according to its impacts on the environment, the director shall consider both of the following: 2395  
2396  
2397

(i) The risks posed to humans, fauna, surface water, sediments, soil, air, and other resources by the continuing presence of contaminated ground water; 2398  
2399  
2400

(ii) The availability and feasibility of technology to remedy ground water contamination. 2401  
2402

(11) Governing the application for and issuance of variances under section 3746.09 of the Revised Code; 2403  
2404

(12)(a) In the case of voluntary actions involving contaminated ground water, specifying the circumstances under which the generic numerical clean-up standards established in rules adopted under division (B)(1) of this section and standards established through a risk assessment conducted pursuant to rules adopted under division (B)(2) of this section shall be inapplicable to the remediation of contaminated ground water and under which the standards for remediating contaminated ground water shall be established on a case-by-case basis prior to the commencement of the voluntary action pursuant to rules adopted under division (B)(12)(b) of this section; 2405  
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(b) Criteria and procedures for the case-by-case 2416  
establishment of standards for the remediation of contaminated 2417  
ground water under circumstances in which the use of the generic 2418  
numerical clean-up standards and standards established through a 2419  
risk assessment are precluded by the rules adopted under division 2420  
(B)(12)(a) of this section. The rules governing the procedures for 2421  
the case-by-case development of standards for the remediation of 2422  
contaminated ground water shall establish application, public 2423  
participation, adjudication, and appeals requirements and 2424  
procedures that are equivalent to the requirements and procedures 2425  
established in section 3746.09 of the Revised Code and rules 2426  
adopted under division (B)(11) of this section, except that the 2427  
procedural rules shall not require an applicant to make the 2428  
demonstrations set forth in divisions (A)(1) to (3) of section 2429  
3746.09 of the Revised Code. 2430

(13) A definition of the evidence that constitutes sufficient 2431  
evidence for the purpose of division (A)(5) of section 3746.02 of 2432  
the Revised Code. 2433

At least thirty days before filing the proposed rules 2434  
required to be adopted under this section with the secretary of 2435  
state, director of the legislative service commission, and joint 2436  
committee on agency rule review in accordance with divisions (B) 2437  
and (H) of section 119.03 of the Revised Code, the director of 2438  
environmental protection shall hold at least one public meeting on 2439  
the proposed rules in each of the five districts into which the 2440  
agency has divided the state for administrative purposes. 2441

**Sec. 4117.03.** (A) Public employees have the right to: 2442

(1) Form, join, assist, or participate in, or refrain from 2443  
forming, joining, assisting, or participating in, except as 2444  
otherwise provided in Chapter 4117. of the Revised Code, any 2445  
employee organization of their own choosing; 2446

(2) Engage in other concerted activities for the purpose of collective bargaining or other mutual aid and protection;

(3) Representation by an employee organization;

(4) Bargain collectively with their public employers to determine wages, hours, terms and other conditions of employment and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement, and enter into collective bargaining agreements;

(5) Present grievances and have them adjusted, without the intervention of the bargaining representative, as long as the adjustment is not inconsistent with the terms of the collective bargaining agreement then in effect and as long as the bargaining representatives have the opportunity to be present at the adjustment.

(B) Persons on active duty or acting in any capacity as members of the organized militia do not have collective bargaining rights.

(C) Except as provided in division (D) of this section, nothing in Chapter 4117. of the Revised Code prohibits public employers from electing to engage in collective bargaining, to meet and confer, to hold discussions, or to engage in any other form of collective negotiations with public employees who are not subject to Chapter 4117. of the Revised Code pursuant to division (C) of section 4117.01 of the Revised Code.

(D) A public employer shall not engage in collective bargaining or other forms of collective negotiations with the employees of county boards of elections referred to in division (C)(12) of section 4117.01 of the Revised Code.

(E) Employees of public schools may bargain collectively for health care benefits; ~~however, all health care benefits shall include best practices prescribed by the school employees health~~



~~care board, in accordance with section 9.901 of the Revised Code.~~ 2478

**Sec. 4121.03.** (A) The governor shall appoint from among the 2479  
members of the industrial commission the chairperson of the 2480  
industrial commission. The chairperson shall serve as chairperson 2481  
at the pleasure of the governor. The chairperson is the head of 2482  
the commission and its chief executive officer. 2483

(B) The chairperson shall appoint, after consultation with 2484  
other commission members and obtaining the approval of at least 2485  
one other commission member, an executive director of the 2486  
commission. The executive director shall serve at the pleasure of 2487  
the chairperson. The executive director, under the direction of 2488  
the chairperson, shall perform all of the following duties: 2489

(1) Act as chief administrative officer for the commission; 2490

(2) Ensure that all commission personnel follow the rules of 2491  
the commission; 2492

(3) Ensure that all orders, awards, and determinations are 2493  
properly heard and signed, prior to attesting to the documents; 2494

(4) Coordinate, to the fullest extent possible, commission 2495  
activities with the bureau of workers' compensation activities; 2496

(5) Do all things necessary for the efficient and effective 2497  
implementation of the duties of the commission. 2498

The responsibilities assigned to the executive director of 2499  
the commission do not relieve the chairperson from final 2500  
responsibility for the proper performance of the acts specified in 2501  
this division. 2502

(C) The chairperson shall do all of the following: 2503

(1) Except as otherwise provided in this division, employ, 2504  
promote, supervise, remove, and establish the compensation of all 2505  
employees as needed in connection with the performance of the 2506

commission's duties under this chapter and Chapters 4123., 4127., 2507  
and 4131. of the Revised Code and may assign to them their duties 2508  
to the extent necessary to achieve the most efficient performance 2509  
of its functions, and to that end may establish, change, or 2510  
abolish positions, and assign and reassign duties and 2511  
responsibilities of every employee of the commission. The civil 2512  
service status of any person employed by the commission prior to 2513  
November 3, 1989, is not affected by this section. Personnel 2514  
employed by the bureau or the commission who are subject to 2515  
Chapter 4117. of the Revised Code shall retain all of their rights 2516  
and benefits conferred pursuant to that chapter as it presently 2517  
exists or is hereafter amended and nothing in this chapter or 2518  
Chapter 4123. of the Revised Code shall be construed as 2519  
eliminating or interfering with Chapter 4117. of the Revised Code 2520  
or the rights and benefits conferred under that chapter to public 2521  
employees or to any bargaining unit. 2522

(2) Hire district and staff hearing officers after 2523  
consultation with other commission members and obtaining the 2524  
approval of at least one other commission member; 2525

(3) Fire staff and district hearing officers when the 2526  
chairperson finds appropriate after obtaining the approval of at 2527  
least one other commission member; 2528

(4) Maintain the office for the commission in Columbus; 2529

(5) To the maximum extent possible, use electronic data 2530  
processing equipment for the issuance of orders immediately 2531  
following a hearing, scheduling of hearings and medical 2532  
examinations, tracking of claims, retrieval of information, and 2533  
any other matter within the commission's jurisdiction, and shall 2534  
provide and input information into the electronic data processing 2535  
equipment as necessary to effect the success of the claims 2536  
tracking system established pursuant to division (B)(15) of 2537  
section 4121.121 of the Revised Code; 2538

(6) Exercise all administrative and nonadjudicatory powers 2539  
and duties conferred upon the commission by Chapters 4121., 4123., 2540  
4127., and 4131. of the Revised Code; 2541

(7) Approve all contracts for special services. 2542

(D) The chairperson is responsible for all administrative 2543  
matters and may secure for the commission facilities, equipment, 2544  
and supplies necessary to house the commission, any employees, and 2545  
files and records under the commission's control and to discharge 2546  
any duty imposed upon the commission by law, the expense thereof 2547  
to be audited and paid in the same manner as other state expenses. 2548  
For that purpose, the chairperson, separately from the budget 2549  
prepared by the administrator of workers' compensation ~~and the~~ 2550  
~~budget prepared by the director of the workers' compensation~~ 2551  
~~council~~, shall prepare and submit to the office of budget and 2552  
management a budget for each biennium according to sections 2553  
101.532 and 107.03 of the Revised Code. The budget submitted shall 2554  
cover the costs of the commission and staff and district hearing 2555  
officers in the discharge of any duty imposed upon the 2556  
chairperson, the commission, and hearing officers by law. 2557

(E) A majority of the commission constitutes a quorum to 2558  
transact business. No vacancy impairs the rights of the remaining 2559  
members to exercise all of the powers of the commission, so long 2560  
as a majority remains. Any investigation, inquiry, or hearing that 2561  
the commission may hold or undertake may be held or undertaken by 2562  
or before any one member of the commission, or before one of the 2563  
deputies of the commission, except as otherwise provided in this 2564  
chapter and Chapters 4123., 4127., and 4131. of the Revised Code. 2565  
Every order made by a member, or by a deputy, when approved and 2566  
confirmed by a majority of the members, and so shown on its record 2567  
of proceedings, is the order of the commission. The commission may 2568  
hold sessions at any place within the state. The commission is 2569  
responsible for all of the following: 2570

(1) Establishing the overall adjudicatory policy and 2571  
management of the commission under this chapter and Chapters 2572  
4123., 4127., and 4131. of the Revised Code, except for those 2573  
administrative matters within the jurisdiction of the chairperson, 2574  
bureau of workers' compensation, and the administrator of workers' 2575  
compensation under those chapters; 2576

(2) Hearing appeals and reconsiderations under this chapter 2577  
and Chapters 4123., 4127., and 4131. of the Revised Code; 2578

(3) Engaging in rulemaking where required by this chapter or 2579  
Chapter 4123., 4127., or 4131. of the Revised Code. 2580

**Sec. 4121.12.** (A) There is hereby created the bureau of 2581  
workers' compensation board of directors consisting of eleven 2582  
members to be appointed by the governor with the advice and 2583  
consent of the senate. One member shall be an individual who, on 2584  
account of the individual's previous vocation, employment, or 2585  
affiliations, can be classed as a representative of employees; two 2586  
members shall be individuals who, on account of their previous 2587  
vocation, employment, or affiliations, can be classed as 2588  
representatives of employee organizations and at least one of 2589  
these two individuals shall be a member of the executive committee 2590  
of the largest statewide labor federation; three members shall be 2591  
individuals who, on account of their previous vocation, 2592  
employment, or affiliations, can be classed as representatives of 2593  
employers, one of whom represents self-insuring employers, one of 2594  
whom is a state fund employer who employs one hundred or more 2595  
employees, and one of whom is a state fund employer who employs 2596  
less than one hundred employees; two members shall be individuals 2597  
who, on account of their vocation, employment, or affiliations, 2598  
can be classed as investment and securities experts who have 2599  
direct experience in the management, analysis, supervision, or 2600  
investment of assets and are residents of this state; one member 2601

who shall be a certified public accountant; one member who shall 2602  
be an actuary who is a member in good standing with the American 2603  
academy of actuaries or who is an associate or fellow with the 2604  
society of actuaries; and one member shall represent the public 2605  
and also be an individual who, on account of the individual's 2606  
previous vocation, employment, or affiliations, cannot be classed 2607  
as either predominantly representative of employees or of 2608  
employers. The governor shall select the chairperson of the board 2609  
who shall serve as chairperson at the pleasure of the governor. 2610

None of the members of the board, within one year immediately 2611  
preceding the member's appointment, shall have been employed by 2612  
the bureau of workers' compensation or by any person, partnership, 2613  
or corporation that has provided to the bureau services of a 2614  
financial or investment nature, including the management, 2615  
analysis, supervision, or investment of assets. 2616

(B) Of the initial appointments made to the board, the 2617  
governor shall appoint the member who represents employees, one 2618  
member who represents employers, and the member who represents the 2619  
public to a term ending one year after June 11, 2007; one member 2620  
who represents employers, one member who represents employee 2621  
organizations, one member who is an investment and securities 2622  
expert, and the member who is a certified public accountant to a 2623  
term ending two years after June 11, 2007; and one member who 2624  
represents employers, one member who represents employee 2625  
organizations, one member who is an investment and securities 2626  
expert, and the member who is an actuary to a term ending three 2627  
years after June 11, 2007. Thereafter, terms of office shall be 2628  
for three years, with each term ending on the same day of the same 2629  
month as did the term that it succeeds. Each member shall hold 2630  
office from the date of the member's appointment until the end of 2631  
the term for which the member was appointed. 2632

Members may be reappointed. Any member appointed to fill a 2633

vacancy occurring prior to the expiration date of the term for 2634  
which the member's predecessor was appointed shall hold office as 2635  
a member for the remainder of that term. A member shall continue 2636  
in office subsequent to the expiration date of the member's term 2637  
until a successor takes office or until a period of sixty days has 2638  
elapsed, whichever occurs first. 2639

(C) In making appointments to the board, the governor shall 2640  
select the members from the list of names submitted by the 2641  
workers' compensation board of directors nominating committee 2642  
pursuant to this division. The nominating committee shall submit 2643  
to the governor a list containing four separate names for each of 2644  
the members on the board. Within fourteen days after the 2645  
submission of the list, the governor shall appoint individuals 2646  
from the list. 2647

At least thirty days prior to a vacancy occurring as a result 2648  
of the expiration of a term and within thirty days after other 2649  
vacancies occurring on the board, the nominating committee shall 2650  
submit an initial list containing four names for each vacancy. 2651  
Within fourteen days after the submission of the initial list, the 2652  
governor either shall appoint individuals from that list or 2653  
request the nominating committee to submit another list of four 2654  
names for each member the governor has not appointed from the 2655  
initial list, which list the nominating committee shall submit to 2656  
the governor within fourteen days after the governor's request. 2657  
The governor then shall appoint, within seven days after the 2658  
submission of the second list, one of the individuals from either 2659  
list to fill the vacancy for which the governor has not made an 2660  
appointment from the initial list. If the governor appoints an 2661  
individual to fill a vacancy occurring as a result of the 2662  
expiration of a term, the individual appointed shall begin serving 2663  
as a member of the board when the term for which the individual's 2664  
predecessor was appointed expires or immediately upon appointment 2665

by the governor, whichever occurs later. With respect to the 2666  
filling of vacancies, the nominating committee shall provide the 2667  
governor with a list of four individuals who are, in the judgment 2668  
of the nominating committee, the most fully qualified to accede to 2669  
membership on the board. 2670

In order for the name of an individual to be submitted to the 2671  
governor under this division, the nominating committee shall 2672  
approve the individual by an affirmative vote of a majority of its 2673  
members. 2674

(D) All members of the board shall receive their reasonable 2675  
and necessary expenses pursuant to section 126.31 of the Revised 2676  
Code while engaged in the performance of their duties as members 2677  
and also shall receive an annual salary not to exceed sixty 2678  
thousand dollars in total, payable on the following basis: 2679

(1) Except as provided in division (D)(2) of this section, a 2680  
member shall receive two thousand five hundred dollars during a 2681  
month in which the member attends one or more meetings of the 2682  
board and shall receive no payment during a month in which the 2683  
member attends no meeting of the board. 2684

(2) A member may receive no more than thirty thousand dollars 2685  
per year to compensate the member for attending meetings of the 2686  
board, regardless of the number of meetings held by the board 2687  
during a year or the number of meetings in excess of twelve within 2688  
a year that the member attends. 2689

(3) Except as provided in division (D)(4) of this section, if 2690  
a member serves on the workers' compensation audit committee, 2691  
workers' compensation actuarial committee, or the workers' 2692  
compensation investment committee, the member shall receive two 2693  
thousand five hundred dollars during a month in which the member 2694  
attends one or more meetings of the committee on which the member 2695  
serves and shall receive no payment during any month in which the 2696

member attends no meeting of that committee. 2697

(4) A member may receive no more than thirty thousand dollars 2698  
per year to compensate the member for attending meetings of any of 2699  
the committees specified in division (D)(3) of this section, 2700  
regardless of the number of meetings held by a committee during a 2701  
year or the number of committees on which a member serves. 2702

The chairperson of the board shall set the meeting dates of 2703  
the board as necessary to perform the duties of the board under 2704  
this chapter and Chapters 4123., 4125., 4127., 4131., and 4167. of 2705  
the Revised Code. The board shall meet at least twelve times a 2706  
year. The administrator of workers' compensation shall provide 2707  
professional and clerical assistance to the board, as the board 2708  
considers appropriate. 2709

(E) Before entering upon the duties of office, each appointed 2710  
member of the board shall take an oath of office as required by 2711  
sections 3.22 and 3.23 of the Revised Code and file in the office 2712  
of the secretary of state the bond required under section 4121.127 2713  
of the Revised Code. 2714

(F) The board shall: 2715

(1) Establish the overall administrative policy for the 2716  
bureau for the purposes of this chapter and Chapters 4123., 4125., 2717  
4127., 4131., and 4167. of the Revised Code; 2718

(2) Review progress of the bureau in meeting its cost and 2719  
quality objectives and in complying with this chapter and Chapters 2720  
4123., 4125., 4127., 4131., and 4167. of the Revised Code; 2721

(3) Submit an annual report to the president of the senate, 2722  
the speaker of the house of representatives, and the governor, ~~and~~ 2723  
~~the workers' compensation council~~ and include all of the following 2724  
in that report: 2725

(a) An evaluation of the cost and quality objectives of the 2726



bureau;	2727
(b) A statement of the net assets available for the provision	2728
of compensation and benefits under this chapter and Chapters	2729
4123., 4127., and 4131. of the Revised Code as of the last day of	2730
the fiscal year;	2731
(c) A statement of any changes that occurred in the net	2732
assets available, including employer premiums and net investment	2733
income, for the provision of compensation and benefits and payment	2734
of administrative expenses, between the first and last day of the	2735
fiscal year immediately preceding the date of the report;	2736
(d) The following information for each of the six consecutive	2737
fiscal years occurring previous to the report:	2738
(i) A schedule of the net assets available for compensation	2739
and benefits;	2740
(ii) The annual cost of the payment of compensation and	2741
benefits;	2742
(iii) Annual administrative expenses incurred;	2743
(iv) Annual employer premiums allocated for the provision of	2744
compensation and benefits.	2745
(e) A description of any significant changes that occurred	2746
during the six years for which the board provided the information	2747
required under division (F)(3)(d) of this section that affect the	2748
ability of the board to compare that information from year to	2749
year.	2750
(4) Review all independent financial audits of the bureau.	2751
The administrator shall provide access to records of the bureau to	2752
facilitate the review required under this division.	2753
(5) Study issues as requested by the administrator or the	2754
governor;	2755
(6) Contract with all of the following:	2756

(a) An independent actuarial firm to assist the board in making recommendations to the administrator regarding premium rates;	2757 2758 2759
(b) An outside investment counsel to assist the workers' compensation investment committee in fulfilling its duties;	2760 2761
(c) An independent fiduciary counsel to assist the board in the performance of its duties.	2762 2763
(7) Approve the investment policy developed by the workers' compensation investment committee pursuant to section 4121.129 of the Revised Code if the policy satisfies the requirements specified in section 4123.442 of the Revised Code.	2764 2765 2766 2767
(8) Review and publish the investment policy no less than annually and make copies available to interested parties.	2768 2769
(9) Prohibit, on a prospective basis, any specific investment it finds to be contrary to the investment policy approved by the board.	2770 2771 2772
(10) Vote to open each investment class and allow the administrator to invest in an investment class only if the board, by a majority vote, opens that class;	2773 2774 2775
(11) After opening a class but prior to the administrator investing in that class, adopt rules establishing due diligence standards for employees of the bureau to follow when investing in that class and establish policies and procedures to review and monitor the performance and value of each investment class;	2776 2777 2778 2779 2780
(12) Submit a report annually on the performance and value of each investment class to the governor, the president and minority leader of the senate, <u>and</u> the speaker and minority leader of the house of representatives, <del>and the workers' compensation council.</del>	2781 2782 2783 2784
(13) Advise and consent on all of the following:	2785
(a) Administrative rules the administrator submits to it	2786

pursuant to division (B)(5) of section 4121.121 of the Revised Code for the classification of occupations or industries, for premium rates and contributions, for the amount to be credited to the surplus fund, for rules and systems of rating, rate revisions, and merit rating;

(b) The duties and authority conferred upon the administrator pursuant to section 4121.37 of the Revised Code;

(c) Rules the administrator adopts for the health partnership program and the qualified health plan system, as provided in sections 4121.44, 4121.441, and 4121.442 of the Revised Code;

(d) Rules the administrator submits to it pursuant to Chapter 4167. of the Revised Code regarding the public employment risk reduction program and the protection of public health care workers from exposure incidents.

As used in this division, "public health care worker" and "exposure incident" have the same meanings as in section 4167.25 of the Revised Code.

(14) Perform all duties required under this chapter and Chapters 4123., 4125., 4127., 4131., and 4167. of the Revised Code;

(15) Meet with the governor on an annual basis to discuss the administrator's performance of the duties specified in this chapter and Chapters 4123., 4125., 4127., 4131., and 4167. of the Revised Code;

(16) Develop and participate in a bureau of workers' compensation board of directors education program that consists of all of the following:

(a) An orientation component for newly appointed members;

(b) A continuing education component for board members who have served for at least one year;

(c) A curriculum that includes education about each of the following topics:	2817 2818
(i) Board member duties and responsibilities;	2819
(ii) Compensation and benefits paid pursuant to this chapter and Chapters 4123., 4127., and 4131. of the Revised Code;	2820 2821
(iii) Ethics;	2822
(iv) Governance processes and procedures;	2823
(v) Actuarial soundness;	2824
(vi) Investments;	2825
(vii) Any other subject matter the board believes is reasonably related to the duties of a board member.	2826 2827
<del>(17) Submit the program developed pursuant to division (F)(16) of this section to the workers' compensation council for approval;</del>	2828 2829 2830
<del>(18)</del> Hold all sessions, classes, and other events for the program developed pursuant to division (F)(16) of this section in this state.	2831 2832 2833
(G) The board may do both of the following:	2834
(1) Vote to close any investment class;	2835
(2) Create any committees in addition to the workers' compensation audit committee, the workers' compensation actuarial committee, and the workers' compensation investment committee that the board determines are necessary to assist the board in performing its duties.	2836 2837 2838 2839 2840
(H) The office of a member of the board who is convicted of or pleads guilty to a felony, a theft offense as defined in section 2913.01 of the Revised Code, or a violation of section 102.02, 102.03, 102.04, 2921.02, 2921.11, 2921.13, 2921.31, 2921.41, 2921.42, 2921.43, or 2921.44 of the Revised Code shall be	2841 2842 2843 2844 2845

deemed vacant. The vacancy shall be filled in the same manner as 2846  
the original appointment. A person who has pleaded guilty to or 2847  
been convicted of an offense of that nature is ineligible to be a 2848  
member of the board. A member who receives a bill of indictment 2849  
for any of the offenses specified in this section shall be 2850  
automatically suspended from the board pending resolution of the 2851  
criminal matter. 2852

(I) For the purposes of division (G)(1) of section 121.22 of 2853  
the Revised Code, the meeting between the governor and the board 2854  
to review the administrator's performance as required under 2855  
division (F)(15) of this section shall be considered a meeting 2856  
regarding the employment of the administrator. 2857

**Sec. 4121.121.** (A) There is hereby created the bureau of 2858  
workers' compensation, which shall be administered by the 2859  
administrator of workers' compensation. A person appointed to the 2860  
position of administrator shall possess significant management 2861  
experience in effectively managing an organization or 2862  
organizations of substantial size and complexity. A person 2863  
appointed to the position of administrator also shall possess a 2864  
minimum of five years of experience in the field of workers' 2865  
compensation insurance or in another insurance industry, except as 2866  
otherwise provided when the conditions specified in division (C) 2867  
of this section are satisfied. The governor shall appoint the 2868  
administrator as provided in section 121.03 of the Revised Code, 2869  
and the administrator shall serve at the pleasure of the governor. 2870  
The governor shall fix the administrator's salary on the basis of 2871  
the administrator's experience and the administrator's 2872  
responsibilities and duties under this chapter and Chapters 4123., 2873  
4125., 4127., 4131., and 4167. of the Revised Code. The governor 2874  
shall not appoint to the position of administrator any person who 2875  
has, or whose spouse has, given a contribution to the campaign 2876  
committee of the governor in an amount greater than one thousand 2877

dollars during the two-year period immediately preceding the date 2878  
of the appointment of the administrator. 2879

The administrator shall hold no other public office and shall 2880  
devote full time to the duties of administrator. Before entering 2881  
upon the duties of the office, the administrator shall take an 2882  
oath of office as required by sections 3.22 and 3.23 of the 2883  
Revised Code, and shall file in the office of the secretary of 2884  
state, a bond signed by the administrator and by surety approved 2885  
by the governor, for the sum of fifty thousand dollars payable to 2886  
the state, conditioned upon the faithful performance of the 2887  
administrator's duties. 2888

(B) The administrator is responsible for the management of 2889  
the bureau and for the discharge of all administrative duties 2890  
imposed upon the administrator in this chapter and Chapters 4123., 2891  
4125., 4127., 4131., and 4167. of the Revised Code, and in the 2892  
discharge thereof shall do all of the following: 2893

(1) Perform all acts and exercise all authorities and powers, 2894  
discretionary and otherwise that are required of or vested in the 2895  
bureau or any of its employees in this chapter and Chapters 4123., 2896  
4125., 4127., 4131., and 4167. of the Revised Code, except the 2897  
acts and the exercise of authority and power that is required of 2898  
and vested in the bureau of workers' compensation board of 2899  
directors or the industrial commission pursuant to those chapters. 2900  
The treasurer of state shall honor all warrants signed by the 2901  
administrator, or by one or more of the administrator's employees, 2902  
authorized by the administrator in writing, or bearing the 2903  
facsimile signature of the administrator or such employee under 2904  
sections 4123.42 and 4123.44 of the Revised Code. 2905

(2) Employ, direct, and supervise all employees required in 2906  
connection with the performance of the duties assigned to the 2907  
bureau by this chapter and Chapters 4123., 4125., 4127., 4131., 2908  
and 4167. of the Revised Code, including an actuary, and may 2909

establish job classification plans and compensation for all 2910  
employees of the bureau provided that this grant of authority 2911  
shall not be construed as affecting any employee for whom the 2912  
state employment relations board has established an appropriate 2913  
bargaining unit under section 4117.06 of the Revised Code. All 2914  
positions of employment in the bureau are in the classified civil 2915  
service except those employees the administrator may appoint to 2916  
serve at the administrator's pleasure in the unclassified civil 2917  
service pursuant to section 124.11 of the Revised Code. The 2918  
administrator shall fix the salaries of employees the 2919  
administrator appoints to serve at the administrator's pleasure, 2920  
including the chief operating officer, staff physicians, and other 2921  
senior management personnel of the bureau and shall establish the 2922  
compensation of staff attorneys of the bureau's legal section and 2923  
their immediate supervisors, and take whatever steps are necessary 2924  
to provide adequate compensation for other staff attorneys. 2925

The administrator may appoint a person who holds a certified 2926  
position in the classified service within the bureau to a position 2927  
in the unclassified service within the bureau. A person appointed 2928  
pursuant to this division to a position in the unclassified 2929  
service shall retain the right to resume the position and status 2930  
held by the person in the classified service immediately prior to 2931  
the person's appointment in the unclassified service, regardless 2932  
of the number of positions the person held in the unclassified 2933  
service. An employee's right to resume a position in the 2934  
classified service may only be exercised when the administrator 2935  
demotes the employee to a pay range lower than the employee's 2936  
current pay range or revokes the employee's appointment to the 2937  
unclassified service. An employee forfeits the right to resume a 2938  
position in the classified service when the employee is removed 2939  
from the position in the unclassified service due to incompetence, 2940  
inefficiency, dishonesty, drunkenness, immoral conduct, 2941  
insubordination, discourteous treatment of the public, neglect of 2942

duty, violation of this chapter or Chapter 124., 4123., 4125., 2943  
4127., 4131., or 4167. of the Revised Code, violation of the rules 2944  
of the director of administrative services or the administrator, 2945  
any other failure of good behavior, any other acts of misfeasance, 2946  
malfeasance, or nonfeasance in office, or conviction of a felony. 2947  
An employee also forfeits the right to resume a position in the 2948  
classified service upon transfer to a different agency. 2949

Reinstatement to a position in the classified service shall 2950  
be to a position substantially equal to that position in the 2951  
classified service held previously, as certified by the department 2952  
of administrative services. If the position the person previously 2953  
held in the classified service has been placed in the unclassified 2954  
service or is otherwise unavailable, the person shall be appointed 2955  
to a position in the classified service within the bureau that the 2956  
director of administrative services certifies is comparable in 2957  
compensation to the position the person previously held in the 2958  
classified service. Service in the position in the unclassified 2959  
service shall be counted as service in the position in the 2960  
classified service held by the person immediately prior to the 2961  
person's appointment in the unclassified service. When a person is 2962  
reinstated to a position in the classified service as provided in 2963  
this division, the person is entitled to all rights, status, and 2964  
benefits accruing to the position during the person's time of 2965  
service in the position in the unclassified service. 2966

(3) Reorganize the work of the bureau, its sections, 2967  
departments, and offices to the extent necessary to achieve the 2968  
most efficient performance of its functions and to that end may 2969  
establish, change, or abolish positions and assign and reassign 2970  
duties and responsibilities of every employee of the bureau. All 2971  
persons employed by the commission in positions that, after 2972  
November 3, 1989, are supervised and directed by the administrator 2973  
under this section are transferred to the bureau in their 2974



respective classifications but subject to reassignment and 2975  
reclassification of position and compensation as the administrator 2976  
determines to be in the interest of efficient administration. The 2977  
civil service status of any person employed by the commission is 2978  
not affected by this section. Personnel employed by the bureau or 2979  
the commission who are subject to Chapter 4117. of the Revised 2980  
Code shall retain all of their rights and benefits conferred 2981  
pursuant to that chapter as it presently exists or is hereafter 2982  
amended and nothing in this chapter or Chapter 4123. of the 2983  
Revised Code shall be construed as eliminating or interfering with 2984  
Chapter 4117. of the Revised Code or the rights and benefits 2985  
conferred under that chapter to public employees or to any 2986  
bargaining unit. 2987

(4) Provide offices, equipment, supplies, and other 2988  
facilities for the bureau. 2989

(5) Prepare and submit to the board information the 2990  
administrator considers pertinent or the board requires, together 2991  
with the administrator's recommendations, in the form of 2992  
administrative rules, for the advice and consent of the board, for 2993  
classifications of occupations or industries, for premium rates 2994  
and contributions, for the amount to be credited to the surplus 2995  
fund, for rules and systems of rating, rate revisions, and merit 2996  
rating. The administrator shall obtain, prepare, and submit any 2997  
other information the board requires for the prompt and efficient 2998  
discharge of its duties. 2999

(6) Keep the accounts required by division (A) of section 3000  
4123.34 of the Revised Code and all other accounts and records 3001  
necessary to the collection, administration, and distribution of 3002  
the workers' compensation funds and shall obtain the statistical 3003  
and other information required by section 4123.19 of the Revised 3004  
Code. 3005

(7) Exercise the investment powers vested in the 3006

administrator by section 4123.44 of the Revised Code in accordance 3007  
with the investment policy approved by the board pursuant to 3008  
section 4121.12 of the Revised Code and in consultation with the 3009  
chief investment officer of the bureau of workers' compensation. 3010  
The administrator shall not engage in any prohibited investment 3011  
activity specified by the board pursuant to division (F)(9) of 3012  
section 4121.12 of the Revised Code and shall not invest in any 3013  
type of investment specified in divisions (B)(1) to (10) of 3014  
section 4123.442 of the Revised Code. All business shall be 3015  
transacted, all funds invested, all warrants for money drawn and 3016  
payments made, and all cash and securities and other property 3017  
held, in the name of the bureau, or in the name of its nominee, 3018  
provided that nominees are authorized by the administrator solely 3019  
for the purpose of facilitating the transfer of securities, and 3020  
restricted to the administrator and designated employees. 3021

(8) Make contracts for and supervise the construction of any 3022  
project or improvement or the construction or repair of buildings 3023  
under the control of the bureau. 3024

(9) Purchase supplies, materials, equipment, and services; 3025  
make contracts for, operate, and superintend the telephone, other 3026  
telecommunication, and computer services for the use of the 3027  
bureau; and make contracts in connection with office reproduction, 3028  
forms management, printing, and other services. Notwithstanding 3029  
sections 125.12 to 125.14 of the Revised Code, the administrator 3030  
may transfer surplus computers and computer equipment directly to 3031  
an accredited public school within the state. The computers and 3032  
computer equipment may be repaired or refurbished prior to the 3033  
transfer. 3034

(10) Prepare and submit to the board an annual budget for 3035  
internal operating purposes for the board's approval. The 3036  
administrator also shall, separately from the budget the 3037  
industrial commission submits ~~and from the budget the director of~~ 3038

~~the workers' compensation council submits,~~ prepare and submit to 3039  
the director of budget and management a budget for each biennium. 3040  
The budgets submitted to the board and the director shall include 3041  
estimates of the costs and necessary expenditures of the bureau in 3042  
the discharge of any duty imposed by law. 3043

(11) As promptly as possible in the course of efficient 3044  
administration, decentralize and relocate such of the personnel 3045  
and activities of the bureau as is appropriate to the end that the 3046  
receipt, investigation, determination, and payment of claims may 3047  
be undertaken at or near the place of injury or the residence of 3048  
the claimant and for that purpose establish regional offices, in 3049  
such places as the administrator considers proper, capable of 3050  
discharging as many of the functions of the bureau as is 3051  
practicable so as to promote prompt and efficient administration 3052  
in the processing of claims. All active and inactive lost-time 3053  
claims files shall be held at the service office responsible for 3054  
the claim. A claimant, at the claimant's request, shall be 3055  
provided with information by telephone as to the location of the 3056  
file pertaining to the claimant's claim. The administrator shall 3057  
ensure that all service office employees report directly to the 3058  
director for their service office. 3059

(12) Provide a written binder on new coverage where the 3060  
administrator considers it to be in the best interest of the risk. 3061  
The administrator, or any other person authorized by the 3062  
administrator, shall grant the binder upon submission of a request 3063  
for coverage by the employer. A binder is effective for a period 3064  
of thirty days from date of issuance and is nonrenewable. Payroll 3065  
reports and premium charges shall coincide with the effective date 3066  
of the binder. 3067

(13) Set standards for the reasonable and maximum handling 3068  
time of claims payment functions, ensure, by rules, the impartial 3069  
and prompt treatment of all claims and employer risk accounts, and 3070

establish a secure, accurate method of time stamping all incoming 3071  
mail and documents hand delivered to bureau employees. 3072

(14) Ensure that all employees of the bureau follow the 3073  
orders and rules of the commission as such orders and rules relate 3074  
to the commission's overall adjudicatory policy-making and 3075  
management duties under this chapter and Chapters 4123., 4127., 3076  
and 4131. of the Revised Code. 3077

(15) Manage and operate a data processing system with a 3078  
common data base for the use of both the bureau and the commission 3079  
and, in consultation with the commission, using electronic data 3080  
processing equipment, shall develop a claims tracking system that 3081  
is sufficient to monitor the status of a claim at any time and 3082  
that lists appeals that have been filed and orders or 3083  
determinations that have been issued pursuant to section 4123.511 3084  
or 4123.512 of the Revised Code, including the dates of such 3085  
filings and issuances. 3086

(16) Establish and maintain a medical section within the 3087  
bureau. The medical section shall do all of the following: 3088

(a) Assist the administrator in establishing standard medical 3089  
fees, approving medical procedures, and determining eligibility 3090  
and reasonableness of the compensation payments for medical, 3091  
hospital, and nursing services, and in establishing guidelines for 3092  
payment policies which recognize usual, customary, and reasonable 3093  
methods of payment for covered services; 3094

(b) Provide a resource to respond to questions from claims 3095  
examiners for employees of the bureau; 3096

(c) Audit fee bill payments; 3097

(d) Implement a program to utilize, to the maximum extent 3098  
possible, electronic data processing equipment for storage of 3099  
information to facilitate authorizations of compensation payments 3100  
for medical, hospital, drug, and nursing services; 3101

(e) Perform other duties assigned to it by the administrator. 3102

(17) Appoint, as the administrator determines necessary, 3103  
panels to review and advise the administrator on disputes arising 3104  
over a determination that a health care service or supply provided 3105  
to a claimant is not covered under this chapter or Chapter 4123., 3106  
4127., or 4131. of the Revised Code or is medically unnecessary. 3107  
If an individual health care provider is involved in the dispute, 3108  
the panel shall consist of individuals licensed pursuant to the 3109  
same section of the Revised Code as such health care provider. 3110

(18) Pursuant to section 4123.65 of the Revised Code, approve 3111  
applications for the final settlement of claims for compensation 3112  
or benefits under this chapter and Chapters 4123., 4127., and 3113  
4131. of the Revised Code as the administrator determines 3114  
appropriate, except in regard to the applications of self-insuring 3115  
employers and their employees. 3116

(19) Comply with section 3517.13 of the Revised Code, and 3117  
except in regard to contracts entered into pursuant to the 3118  
authority contained in section 4121.44 of the Revised Code, comply 3119  
with the competitive bidding procedures set forth in the Revised 3120  
Code for all contracts into which the administrator enters 3121  
provided that those contracts fall within the type of contracts 3122  
and dollar amounts specified in the Revised Code for competitive 3123  
bidding and further provided that those contracts are not 3124  
otherwise specifically exempt from the competitive bidding 3125  
procedures contained in the Revised Code. 3126

(20) Adopt, with the advice and consent of the board, rules 3127  
for the operation of the bureau. 3128

(21) Prepare and submit to the board information the 3129  
administrator considers pertinent or the board requires, together 3130  
with the administrator's recommendations, in the form of 3131  
administrative rules, for the advice and consent of the board, for 3132

the health partnership program and the qualified health plan 3133  
system, as provided in sections 4121.44, 4121.441, and 4121.442 of 3134  
the Revised Code. 3135

(C) The administrator, with the advice and consent of the 3136  
senate, shall appoint a chief operating officer who has a minimum 3137  
of five years of experience in the field of workers' compensation 3138  
insurance or in another similar insurance industry if the 3139  
administrator does not possess such experience. The chief 3140  
operating officer shall not commence the chief operating officer's 3141  
duties until after the senate consents to the chief operating 3142  
officer's appointment. The chief operating officer shall serve in 3143  
the unclassified civil service of the state. 3144

**Sec. 4121.125.** (A) The bureau of workers' compensation board 3145  
of directors, based upon recommendations of the workers' 3146  
compensation actuarial committee, may contract with one or more 3147  
outside actuarial firms and other professional persons, as the 3148  
board determines necessary, to assist the board in measuring the 3149  
performance of Ohio's workers' compensation system and in 3150  
comparing Ohio's workers' compensation system to other state and 3151  
private workers' compensation systems. The board, actuarial firm 3152  
or firms, and professional persons shall make such measurements 3153  
and comparisons using accepted insurance industry standards, 3154  
including, but not limited to, standards promulgated by the 3155  
National Council on Compensation Insurance. 3156

(B) The board may contract with one or more outside firms to 3157  
conduct management and financial audits of the workers' 3158  
compensation system, including audits of the reserve fund 3159  
belonging to the state insurance fund, and to establish objective 3160  
quality management principles and methods by which to review the 3161  
performance of the workers' compensation system. 3162

(C) The board shall do all of the following: 3163

(1) Contract to have prepared annually by or under the 3164  
supervision of an actuary a report that meets the requirements 3165  
specified under division (E) of this section and that consists of 3166  
an actuarial valuation of the assets, liabilities, and funding 3167  
requirements of the state insurance fund and all other funds 3168  
specified in this chapter and Chapters 4123., 4127., and 4131. of 3169  
the Revised Code; 3170

(2) Require that the actuary or person supervised by an 3171  
actuary referred to in division (C)(1) of this section complete 3172  
the valuation in accordance with the actuarial standards of 3173  
practice promulgated by the actuarial standards board of the 3174  
American academy of actuaries; 3175

(3) Submit the report referred to in division (C)(1) of this 3176  
section to ~~the workers' compensation council and~~ the standing 3177  
committees of the house of representatives and the senate with 3178  
primary responsibility for workers' compensation legislation on or 3179  
before the first day of November following the year for which the 3180  
valuation was made; 3181

(4) Have an actuary or a person who provides actuarial 3182  
services under the supervision of an actuary, at such time as the 3183  
board determines, and at least once during the five-year period 3184  
that commences on September 10, 2007, and once within each 3185  
five-year period thereafter, conduct an actuarial investigation of 3186  
the experience of employers, the mortality, service, and injury 3187  
rate of employees, and the payment of temporary total disability, 3188  
permanent partial disability, and permanent total disability under 3189  
sections 4123.56 to 4123.58 of the Revised Code to update the 3190  
actuarial assumptions used in the report required by division 3191  
(C)(1) of this section; 3192

(5) Submit the report required under division (F) of this 3193  
section to ~~the council and~~ the standing committees of the house of 3194  
representatives and the senate with primary responsibility for 3195

workers' compensation legislation not later than the first day of 3196  
November following the fifth year of the period that the report 3197  
covers; 3198

(6) Have prepared by or under the supervision of an actuary 3199  
an actuarial analysis of any introduced legislation expected to 3200  
have a measurable financial impact on the workers' compensation 3201  
system; 3202

(7) Submit the report required under division (G) of this 3203  
section to the legislative service commission, and the standing 3204  
committees of the house of representatives and the senate with 3205  
primary responsibility for workers' compensation legislation, ~~and~~ 3206  
~~the council~~ not later than sixty days after the date of 3207  
introduction of the legislation. 3208

(D) The administrator of workers' compensation and the 3209  
industrial commission shall compile information and provide access 3210  
to records of the bureau and the industrial commission to the 3211  
board to the extent necessary for fulfillment of both of the 3212  
following requirements: 3213

(1) Conduct of the measurements and comparisons described in 3214  
division (A) of this section; 3215

(2) Conduct of the management and financial audits and 3216  
establishment of the principles and methods described in division 3217  
(B) of this section. 3218

(E) The firm or person with whom the board contracts pursuant 3219  
to division (C)(1) of this section shall prepare a report of the 3220  
valuation and submit the report to the board. The firm or person 3221  
shall include all of the following information in the report that 3222  
is required under division (C)(1) of this section: 3223

(1) A summary of the compensation and benefit provisions 3224  
evaluated; 3225



(2) A summary of the census data and financial information	3226
used in the valuation;	3227
(3) A description of the actuarial assumptions, actuarial	3228
cost method, and asset valuation method used in the valuation;	3229
(4) A summary of findings that includes a statement of the	3230
actuarial accrued compensation and benefit liabilities and	3231
unfunded actuarial accrued compensation and benefit liabilities;	3232
(5) A schedule showing the effect of any changes in the	3233
compensation and benefit provisions, actuarial assumptions, or	3234
cost methods since the previous annual actuarial valuation report	3235
was submitted to the board.	3236
(F) The actuary or person whom the board designates to	3237
conduct an actuarial investigation under division (C)(4) of this	3238
section shall prepare a report of the actuarial investigation and	3239
shall submit the report to the board. The actuary or person shall	3240
prepare the report and make any recommended changes in actuarial	3241
assumptions in accordance with the actuarial standards of practice	3242
promulgated by the actuarial standards board of the American	3243
academy of actuaries. The actuary or person shall include all of	3244
the following information in the report:	3245
(1) A summary of relevant decrement and economic assumption	3246
experience;	3247
(2) Recommended changes in actuarial assumptions to be used	3248
in subsequent actuarial valuations required by division (C)(1) of	3249
this section;	3250
(3) A measurement of the financial effect of the recommended	3251
changes in actuarial assumptions.	3252
(G) The actuary or person whom the board designates to	3253
conduct the actuarial analysis under division (C)(6) of this	3254
section shall prepare a report of the actuarial analysis and shall	3255

submit that report to the board. The actuary or person shall 3256  
complete the analysis in accordance with the actuarial standards 3257  
of practice promulgated by the actuarial standards board of the 3258  
American academy of actuaries. The actuary or person shall include 3259  
all of the following information in the report: 3260

(1) A summary of the statutory changes being evaluated; 3261

(2) A description of or reference to the actuarial 3262  
assumptions and actuarial cost method used in the report; 3263

(3) A description of the participant group or groups included 3264  
in the report; 3265

(4) A statement of the financial impact of the legislation, 3266  
including the resulting increase, if any, in employer premiums, in 3267  
actuarial accrued liabilities, and, if an increase in actuarial 3268  
accrued liabilities is predicted, the per cent of premium increase 3269  
that would be required to amortize the increase in those 3270  
liabilities as a level per cent of employer premiums over a period 3271  
not to exceed thirty years. 3272

(5) A statement of whether the employer premiums paid to the 3273  
bureau of workers' compensation after the proposed change is 3274  
enacted are expected to be sufficient to satisfy the funding 3275  
objectives established by the board. 3276

(H) The board may, at any time, request an actuary to make 3277  
any studies or actuarial valuations to determine the adequacy of 3278  
the premium rates established by the administrator in accordance 3279  
with sections 4123.29 and 4123.34 of the Revised Code, and may 3280  
adjust those rates as recommended by the actuary. 3281

(I) The board shall have an independent auditor, at least 3282  
once every ten years, conduct a fiduciary performance audit of the 3283  
investment program of the bureau of workers' compensation. That 3284  
audit shall include an audit of the investment policies approved 3285  
by the board and investment procedures of the bureau. The board 3286

shall submit a copy of that audit to the auditor of state. 3287

(J) The administrator, with the advice and consent of the 3288  
board, shall employ an internal auditor who shall report findings 3289  
directly to the board, workers' compensation audit committee, and 3290  
administrator, except that the internal auditor shall not report 3291  
findings directly to the administrator when those findings involve 3292  
malfeasance, misfeasance, or nonfeasance on the part of the 3293  
administrator. The board and the workers' compensation audit 3294  
committee may request and review internal audits conducted by the 3295  
internal auditor. 3296

(K) The administrator shall pay the expenses incurred by the 3297  
board to effectively fulfill its duties and exercise its powers 3298  
under this section as the administrator pays other operating 3299  
expenses of the bureau. 3300

**Sec. 4121.128.** The attorney general shall be the legal 3301  
adviser of the bureau of workers' compensation board of directors 3302  
~~and the workers' compensation council.~~ 3303

**Sec. 4123.341.** The administrative costs of the industrial 3304  
commission, ~~the workers' compensation council,~~ the bureau of 3305  
workers' compensation board of directors, and the bureau of 3306  
workers' compensation shall be those costs and expenses that are 3307  
incident to the discharge of the duties and performance of the 3308  
activities of the industrial commission, ~~the council,~~ the board, 3309  
and the bureau under this chapter and Chapters 4121., 4125., 3310  
4127., 4131., and 4167. of the Revised Code, and all such costs 3311  
shall be borne by the state and by other employers amenable to 3312  
this chapter as follows: 3313

(A) In addition to the contribution required of the state 3314  
under sections 4123.39 and 4123.40 of the Revised Code, the state 3315  
shall contribute the sum determined to be necessary under section 3316

4123.342 of the Revised Code. 3317

(B) The director of budget and management may allocate the 3318  
state's share of contributions in the manner the director finds 3319  
most equitably apportions the costs. 3320

(C) The counties and taxing districts therein shall 3321  
contribute such sum as may be required under section 4123.342 of 3322  
the Revised Code. 3323

(D) The private employers shall contribute the sum required 3324  
under section 4123.342 of the Revised Code. 3325

**Sec. 4123.342.** (A) The administrator of workers' compensation 3326  
shall allocate among counties and taxing districts therein as a 3327  
class, the state and its instrumentalities as a class, private 3328  
employers who are insured under the private fund as a class, and 3329  
self-insuring employers as a class their fair shares of the 3330  
administrative costs which are to be borne by such employers under 3331  
division (D) of section 4123.341 of the Revised Code, separately 3332  
allocating to each class those costs solely attributable to the 3333  
activities of the industrial commission, ~~those costs solely~~ 3334  
~~attributable to the activities of the workers' compensation~~ 3335  
~~council,~~ and those costs solely attributable to the activities of 3336  
the bureau of workers' compensation board of directors, and the 3337  
bureau of workers' compensation in respect of the class, 3338  
allocating to any combination of classes those costs attributable 3339  
to the activities of the industrial commission, ~~council,~~ board, or 3340  
bureau in respect of the classes, and allocating to all four 3341  
classes those costs attributable to the activities of the 3342  
industrial commission, ~~council,~~ board, and bureau in respect of 3343  
all classes. The administrator shall separately calculate each 3344  
employer's assessment in the class, except self-insuring 3345  
employers, on the basis of the following three factors: payroll, 3346  
paid compensation, and paid medical costs of the employer for 3347

those costs solely attributable to the activities of the board and 3348  
the bureau. The administrator shall separately calculate each 3349  
employer's assessment in the class, except self-insuring 3350  
employers, on the basis of the following three factors: payroll, 3351  
paid compensation, and paid medical costs of the employer for 3352  
those costs solely attributable to the activities of the 3353  
industrial commission. ~~The administrator shall separately~~ 3354  
~~calculate each employer's assessment in the class, except~~ 3355  
~~self-insuring employers, on the basis of the following three~~ 3356  
~~factors: payroll, paid compensation, and paid medical costs of the~~ 3357  
~~employer for those costs solely attributable to the activities of~~ 3358  
~~the council.~~ The administrator shall separately calculate each 3359  
self-insuring employer's assessment in accordance with section 3360  
4123.35 of the Revised Code for those costs solely attributable to 3361  
the activities of the board and the bureau. The administrator 3362  
shall separately calculate each self-insuring employer's 3363  
assessment in accordance with section 4123.35 of the Revised Code 3364  
for those costs solely attributable to the activities of the 3365  
industrial commission. ~~The administrator shall separately~~ 3366  
~~calculate each self-insuring employer's assessment in accordance~~ 3367  
~~with section 4123.35 of the Revised Code for those costs solely~~ 3368  
~~attributable to the activities of the council.~~ In a timely manner, 3369  
the industrial commission shall provide to the administrator, the 3370  
information necessary for the administrator to allocate and 3371  
calculate, with the approval of the chairperson of the industrial 3372  
commission, for each class of employer as described in this 3373  
division, the costs solely attributable to the activities of the 3374  
industrial commission. ~~In a timely manner, the director of the~~ 3375  
~~workers' compensation council shall submit to the administrator~~ 3376  
~~the information necessary for the administrator to allocate and~~ 3377  
~~calculate, with the approval of the director, for each class of~~ 3378  
~~employer as described in this division, the costs solely~~ 3379  
~~attributable to the activities of the council.~~ 3380

(B) The administrator shall divide the administrative cost 3381  
assessments collected by the administrator into ~~three~~ two 3382  
administrative assessment accounts within the state insurance 3383  
fund. One of the administrative assessment accounts shall consist 3384  
of the administrative cost assessment collected by the 3385  
administrator for the industrial commission. ~~One of the~~ 3386  
~~administrative assessment accounts shall consist of the~~ 3387  
~~administrative cost assessment collected by the administrator for~~ 3388  
~~the council.~~ One of the administrative assessment accounts shall 3389  
consist of the administrative cost assessments collected by the 3390  
administrator for the bureau and the board. The administrator may 3391  
invest the administrative cost assessments in these accounts on 3392  
behalf of the bureau, ~~the council,~~ and the industrial commission 3393  
as authorized in section 4123.44 of the Revised Code. In a timely 3394  
manner, the administrator shall provide to the industrial 3395  
commission ~~and the council~~ the information and reports the 3396  
commission ~~or council, as applicable,~~ deems necessary for the 3397  
commission ~~or the council, as applicable,~~ to monitor the receipts 3398  
and the disbursements from the administrative assessment account 3399  
for the industrial commission ~~or the administrative assessment~~ 3400  
~~account for the council, as applicable.~~ 3401

(C) The administrator or the administrator's designee shall 3402  
transfer moneys as necessary from the administrative assessment 3403  
account identified for the bureau and the board to the workers' 3404  
compensation fund for the use of the bureau and the board. As 3405  
necessary and upon the authorization of the industrial commission, 3406  
the administrator or the administrator's designee shall transfer 3407  
moneys from the administrative assessment account identified for 3408  
the industrial commission to the industrial commission operating 3409  
fund created under section 4121.021 of the Revised Code. To the 3410  
extent that the moneys collected by the administrator in any 3411  
fiscal biennium of the state equal the sum appropriated by the 3412  
general assembly for administrative costs of the industrial 3413

commission, board, and bureau for the biennium and the 3414  
~~administrative costs approved by the workers' compensation~~ 3415  
~~council~~, the moneys shall be paid into the workers' compensation 3416  
fund, or the industrial commission operating fund of the state, 3417  
~~the workers' compensation council fund, and the workers'~~ 3418  
~~compensation council remuneration fund~~, as appropriate, and any 3419  
remainder shall be retained in those funds and applied to reduce 3420  
the amount collected during the next biennium. 3421

~~(D) As necessary and upon authorization of the director of~~ 3422  
~~the council, the administrator or the administrator's designee~~ 3423  
~~shall transfer moneys from the administrative assessment account~~ 3424  
~~identified for the council to the workers' compensation council~~ 3425  
~~fund created in division (C) of section 4121.79 of the Revised~~ 3426  
~~Code.~~ 3427

~~(E)~~ Sections 4123.41, 4123.35, and 4123.37 of the Revised 3428  
Code apply to the collection of assessments from public and 3429  
private employers respectively, except that for boards of county 3430  
hospital trustees that are self-insuring employers, only those 3431  
provisions applicable to the collection of assessments for private 3432  
employers apply. 3433

**Sec. 4123.35.** (A) Except as provided in this section, every 3434  
employer mentioned in division (B)(2) of section 4123.01 of the 3435  
Revised Code, and every publicly owned utility shall pay 3436  
semiannually in the months of January and July into the state 3437  
insurance fund the amount of annual premium the administrator of 3438  
workers' compensation fixes for the employment or occupation of 3439  
the employer, the amount of which premium to be paid by each 3440  
employer to be determined by the classifications, rules, and rates 3441  
made and published by the administrator. The employer shall pay 3442  
semiannually a further sum of money into the state insurance fund 3443  
as may be ascertained to be due from the employer by applying the 3444

rules of the administrator, and a receipt or certificate 3445  
certifying that payment has been made, along with a written notice 3446  
as is required in section 4123.54 of the Revised Code, shall be 3447  
mailed immediately to the employer by the bureau of workers' 3448  
compensation. The receipt or certificate is prima-facie evidence 3449  
of the payment of the premium, and the proper posting of the 3450  
notice constitutes the employer's compliance with the notice 3451  
requirement mandated in section 4123.54 of the Revised Code. 3452

The bureau of workers' compensation shall verify with the 3453  
secretary of state the existence of all corporations and 3454  
organizations making application for workers' compensation 3455  
coverage and shall require every such application to include the 3456  
employer's federal identification number. 3457

An employer as defined in division (B)(2) of section 4123.01 3458  
of the Revised Code who has contracted with a subcontractor is 3459  
liable for the unpaid premium due from any subcontractor with 3460  
respect to that part of the payroll of the subcontractor that is 3461  
for work performed pursuant to the contract with the employer. 3462

Division (A) of this section providing for the payment of 3463  
premiums semiannually does not apply to any employer who was a 3464  
subscriber to the state insurance fund prior to January 1, 1914, 3465  
or who may first become a subscriber to the fund in any month 3466  
other than January or July. Instead, the semiannual premiums shall 3467  
be paid by those employers from time to time upon the expiration 3468  
of the respective periods for which payments into the fund have 3469  
been made by them. 3470

The administrator shall adopt rules to permit employers to 3471  
make periodic payments of the semiannual premium due under this 3472  
division. The rules shall include provisions for the assessment of 3473  
interest charges, where appropriate, and for the assessment of 3474  
penalties when an employer fails to make timely premium payments. 3475  
An employer who timely pays the amounts due under this division is 3476



entitled to all of the benefits and protections of this chapter. 3477  
Upon receipt of payment, the bureau immediately shall mail a 3478  
receipt or certificate to the employer certifying that payment has 3479  
been made, which receipt is prima-facie evidence of payment. 3480  
Workers' compensation coverage under this chapter continues 3481  
uninterrupted upon timely receipt of payment under this division. 3482

Every public employer, except public employers that are 3483  
self-insuring employers under this section, shall comply with 3484  
sections 4123.38 to 4123.41, and 4123.48 of the Revised Code in 3485  
regard to the contribution of moneys to the public insurance fund. 3486

(B) Employers who will abide by the rules of the 3487  
administrator and who may be of sufficient financial ability to 3488  
render certain the payment of compensation to injured employees or 3489  
the dependents of killed employees, and the furnishing of medical, 3490  
surgical, nursing, and hospital attention and services and 3491  
medicines, and funeral expenses, equal to or greater than is 3492  
provided for in sections 4123.52, 4123.55 to 4123.62, and 4123.64 3493  
to 4123.67 of the Revised Code, and who do not desire to insure 3494  
the payment thereof or indemnify themselves against loss sustained 3495  
by the direct payment thereof, upon a finding of such facts by the 3496  
administrator, may be granted the privilege to pay individually 3497  
compensation, and furnish medical, surgical, nursing, and hospital 3498  
services and attention and funeral expenses directly to injured 3499  
employees or the dependents of killed employees, thereby being 3500  
granted status as a self-insuring employer. The administrator may 3501  
charge employers who apply for the status as a self-insuring 3502  
employer a reasonable application fee to cover the bureau's costs 3503  
in connection with processing and making a determination with 3504  
respect to an application. 3505

All employers granted status as self-insuring employers shall 3506  
demonstrate sufficient financial and administrative ability to 3507  
assure that all obligations under this section are promptly met. 3508

The administrator shall deny the privilege where the employer is 3509  
unable to demonstrate the employer's ability to promptly meet all 3510  
the obligations imposed on the employer by this section. 3511

(1) The administrator shall consider, but is not limited to, 3512  
the following factors, where applicable, in determining the 3513  
employer's ability to meet all of the obligations imposed on the 3514  
employer by this section: 3515

(a) The employer employs a minimum of five hundred employees 3516  
in this state; 3517

(b) The employer has operated in this state for a minimum of 3518  
two years, provided that an employer who has purchased, acquired, 3519  
or otherwise succeeded to the operation of a business, or any part 3520  
thereof, situated in this state that has operated for at least two 3521  
years in this state, also shall qualify; 3522

(c) Where the employer previously contributed to the state 3523  
insurance fund or is a successor employer as defined by bureau 3524  
rules, the amount of the buyout, as defined by bureau rules; 3525

(d) The sufficiency of the employer's assets located in this 3526  
state to insure the employer's solvency in paying compensation 3527  
directly; 3528

(e) The financial records, documents, and data, certified by 3529  
a certified public accountant, necessary to provide the employer's 3530  
full financial disclosure. The records, documents, and data 3531  
include, but are not limited to, balance sheets and profit and 3532  
loss history for the current year and previous four years. 3533

(f) The employer's organizational plan for the administration 3534  
of the workers' compensation law; 3535

(g) The employer's proposed plan to inform employees of the 3536  
change from a state fund insurer to a self-insuring employer, the 3537  
procedures the employer will follow as a self-insuring employer, 3538

and the employees' rights to compensation and benefits; and 3539

(h) The employer has either an account in a financial 3540  
institution in this state, or if the employer maintains an account 3541  
with a financial institution outside this state, ensures that 3542  
workers' compensation checks are drawn from the same account as 3543  
payroll checks or the employer clearly indicates that payment will 3544  
be honored by a financial institution in this state. 3545

The administrator may waive the requirements of divisions 3546  
(B)(1)(a) and (b) of this section and the requirement of division 3547  
(B)(1)(e) of this section that the financial records, documents, 3548  
and data be certified by a certified public accountant. The 3549  
administrator shall adopt rules establishing the criteria that an 3550  
employer shall meet in order for the administrator to waive the 3551  
requirement of division (B)(1)(e) of this section. Such rules may 3552  
require additional security of that employer pursuant to division 3553  
(E) of section 4123.351 of the Revised Code. 3554

The administrator shall not grant the status of self-insuring 3555  
employer to the state, except that the administrator may grant the 3556  
status of self-insuring employer to a state institution of higher 3557  
education, excluding its hospitals, that meets the requirements of 3558  
division (B)(2) of this section. 3559

(2) When considering the application of a public employer, 3560  
except for a board of county commissioners described in division 3561  
(G) of section 4123.01 of the Revised Code, a board of a county 3562  
hospital, or a publicly owned utility, the administrator shall 3563  
verify that the public employer satisfies all of the following 3564  
requirements as the requirements apply to that public employer: 3565

(a) For the two-year period preceding application under this 3566  
section, the public employer has maintained an unvoted debt 3567  
capacity equal to at least two times the amount of the current 3568  
annual premium established by the administrator under this chapter 3569

for that public employer for the year immediately preceding the 3570  
year in which the public employer makes application under this 3571  
section. 3572

(b) For each of the two fiscal years preceding application 3573  
under this section, the unreserved and undesignated year-end fund 3574  
balance in the public employer's general fund is equal to at least 3575  
five per cent of the public employer's general fund revenues for 3576  
the fiscal year computed in accordance with generally accepted 3577  
accounting principles. 3578

(c) For the five-year period preceding application under this 3579  
section, the public employer, to the extent applicable, has 3580  
complied fully with the continuing disclosure requirements 3581  
established in rules adopted by the United States securities and 3582  
exchange commission under 17 C.F.R. 240.15c 2-12. 3583

(d) For the five-year period preceding application under this 3584  
section, the public employer has not had its local government fund 3585  
distribution withheld on account of the public employer being 3586  
indebted or otherwise obligated to the state. 3587

(e) For the five-year period preceding application under this 3588  
section, the public employer has not been under a fiscal watch or 3589  
fiscal emergency pursuant to section 118.023, 118.04, or 3316.03 3590  
of the Revised Code. 3591

(f) For the public employer's fiscal year preceding 3592  
application under this section, the public employer has obtained 3593  
an annual financial audit as required under section 117.10 of the 3594  
Revised Code, which has been released by the auditor of state 3595  
within seven months after the end of the public employer's fiscal 3596  
year. 3597

(g) On the date of application, the public employer holds a 3598  
debt rating of Aa3 or higher according to Moody's investors 3599  
service, inc., or a comparable rating by an independent rating 3600

agency similar to Moody's investors service, inc. 3601

(h) The public employer agrees to generate an annual 3602  
accumulating book reserve in its financial statements reflecting 3603  
an actuarially generated reserve adequate to pay projected claims 3604  
under this chapter for the applicable period of time, as 3605  
determined by the administrator. 3606

(i) For a public employer that is a hospital, the public 3607  
employer shall submit audited financial statements showing the 3608  
hospital's overall liquidity characteristics, and the 3609  
administrator shall determine, on an individual basis, whether the 3610  
public employer satisfies liquidity standards equivalent to the 3611  
liquidity standards of other public employers. 3612

(j) Any additional criteria that the administrator adopts by 3613  
rule pursuant to division (E) of this section. 3614

The administrator shall not approve the application of a 3615  
public employer, except for a board of county commissioners 3616  
described in division (G) of section 4123.01 of the Revised Code, 3617  
a board of a county hospital, or publicly owned utility, who does 3618  
not satisfy all of the requirements listed in division (B)(2) of 3619  
this section. 3620

(C) A board of county commissioners described in division (G) 3621  
of section 4123.01 of the Revised Code, as an employer, that will 3622  
abide by the rules of the administrator and that may be of 3623  
sufficient financial ability to render certain the payment of 3624  
compensation to injured employees or the dependents of killed 3625  
employees, and the furnishing of medical, surgical, nursing, and 3626  
hospital attention and services and medicines, and funeral 3627  
expenses, equal to or greater than is provided for in sections 3628  
4123.52, 4123.55 to 4123.62, and 4123.64 to 4123.67 of the Revised 3629  
Code, and that does not desire to insure the payment thereof or 3630  
indemnify itself against loss sustained by the direct payment 3631

thereof, upon a finding of such facts by the administrator, may be 3632  
granted the privilege to pay individually compensation, and 3633  
furnish medical, surgical, nursing, and hospital services and 3634  
attention and funeral expenses directly to injured employees or 3635  
the dependents of killed employees, thereby being granted status 3636  
as a self-insuring employer. The administrator may charge a board 3637  
of county commissioners described in division (G) of section 3638  
4123.01 of the Revised Code that applies for the status as a 3639  
self-insuring employer a reasonable application fee to cover the 3640  
bureau's costs in connection with processing and making a 3641  
determination with respect to an application. All employers 3642  
granted such status shall demonstrate sufficient financial and 3643  
administrative ability to assure that all obligations under this 3644  
section are promptly met. The administrator shall deny the 3645  
privilege where the employer is unable to demonstrate the 3646  
employer's ability to promptly meet all the obligations imposed on 3647  
the employer by this section. The administrator shall consider, 3648  
but is not limited to, the following factors, where applicable, in 3649  
determining the employer's ability to meet all of the obligations 3650  
imposed on the board as an employer by this section: 3651

(1) The board as an employer employs a minimum of five 3652  
hundred employees in this state; 3653

(2) The board has operated in this state for a minimum of two 3654  
years; 3655

(3) Where the board previously contributed to the state 3656  
insurance fund or is a successor employer as defined by bureau 3657  
rules, the amount of the buyout, as defined by bureau rules; 3658

(4) The sufficiency of the board's assets located in this 3659  
state to insure the board's solvency in paying compensation 3660  
directly; 3661

(5) The financial records, documents, and data, certified by 3662

a certified public accountant, necessary to provide the board's 3663  
full financial disclosure. The records, documents, and data 3664  
include, but are not limited to, balance sheets and profit and 3665  
loss history for the current year and previous four years. 3666

(6) The board's organizational plan for the administration of 3667  
the workers' compensation law; 3668

(7) The board's proposed plan to inform employees of the 3669  
proposed self-insurance, the procedures the board will follow as a 3670  
self-insuring employer, and the employees' rights to compensation 3671  
and benefits; 3672

(8) The board has either an account in a financial 3673  
institution in this state, or if the board maintains an account 3674  
with a financial institution outside this state, ensures that 3675  
workers' compensation checks are drawn from the same account as 3676  
payroll checks or the board clearly indicates that payment will be 3677  
honored by a financial institution in this state; 3678

(9) The board shall provide the administrator a surety bond 3679  
in an amount equal to one hundred twenty-five per cent of the 3680  
projected losses as determined by the administrator. 3681

(D) The administrator shall require a surety bond from all 3682  
self-insuring employers, issued pursuant to section 4123.351 of 3683  
the Revised Code, that is sufficient to compel, or secure to 3684  
injured employees, or to the dependents of employees killed, the 3685  
payment of compensation and expenses, which shall in no event be 3686  
less than that paid or furnished out of the state insurance fund 3687  
in similar cases to injured employees or to dependents of killed 3688  
employees whose employers contribute to the fund, except when an 3689  
employee of the employer, who has suffered the loss of a hand, 3690  
arm, foot, leg, or eye prior to the injury for which compensation 3691  
is to be paid, and thereafter suffers the loss of any other of the 3692  
members as the result of any injury sustained in the course of and 3693

arising out of the employee's employment, the compensation to be 3694  
paid by the self-insuring employer is limited to the disability 3695  
suffered in the subsequent injury, additional compensation, if 3696  
any, to be paid by the bureau out of the surplus created by 3697  
section 4123.34 of the Revised Code. 3698

(E) In addition to the requirements of this section, the 3699  
administrator shall make and publish rules governing the manner of 3700  
making application and the nature and extent of the proof required 3701  
to justify a finding of fact by the administrator as to granting 3702  
the status of a self-insuring employer, which rules shall be 3703  
general in their application, one of which rules shall provide 3704  
that all self-insuring employers shall pay into the state 3705  
insurance fund such amounts as are required to be credited to the 3706  
surplus fund in division (B) of section 4123.34 of the Revised 3707  
Code. The administrator may adopt rules establishing requirements 3708  
in addition to the requirements described in division (B)(2) of 3709  
this section that a public employer shall meet in order to qualify 3710  
for self-insuring status. 3711

Employers shall secure directly from the bureau central 3712  
offices application forms upon which the bureau shall stamp a 3713  
designating number. Prior to submission of an application, an 3714  
employer shall make available to the bureau, and the bureau shall 3715  
review, the information described in division (B)(1) of this 3716  
section, and public employers shall make available, and the bureau 3717  
shall review, the information necessary to verify whether the 3718  
public employer meets the requirements listed in division (B)(2) 3719  
of this section. An employer shall file the completed application 3720  
forms with an application fee, which shall cover the costs of 3721  
processing the application, as established by the administrator, 3722  
by rule, with the bureau at least ninety days prior to the 3723  
effective date of the employer's new status as a self-insuring 3724  
employer. The application form is not deemed complete until all 3725



the required information is attached thereto. The bureau shall 3726  
only accept applications that contain the required information. 3727

(F) The bureau shall review completed applications within a 3728  
reasonable time. If the bureau determines to grant an employer the 3729  
status as a self-insuring employer, the bureau shall issue a 3730  
statement, containing its findings of fact, that is prepared by 3731  
the bureau and signed by the administrator. If the bureau 3732  
determines not to grant the status as a self-insuring employer, 3733  
the bureau shall notify the employer of the determination and 3734  
require the employer to continue to pay its full premium into the 3735  
state insurance fund. The administrator also shall adopt rules 3736  
establishing a minimum level of performance as a criterion for 3737  
granting and maintaining the status as a self-insuring employer 3738  
and fixing time limits beyond which failure of the self-insuring 3739  
employer to provide for the necessary medical examinations and 3740  
evaluations may not delay a decision on a claim. 3741

(G) The administrator shall adopt rules setting forth 3742  
procedures for auditing the program of self-insuring employers. 3743  
The bureau shall conduct the audit upon a random basis or whenever 3744  
the bureau has grounds for believing that a self-insuring employer 3745  
is not in full compliance with bureau rules or this chapter. 3746

The administrator shall monitor the programs conducted by 3747  
self-insuring employers, to ensure compliance with bureau 3748  
requirements and for that purpose, shall develop and issue to 3749  
self-insuring employers standardized forms for use by the 3750  
self-insuring employer in all aspects of the self-insuring 3751  
employers' direct compensation program and for reporting of 3752  
information to the bureau. 3753

The bureau shall receive and transmit to the self-insuring 3754  
employer all complaints concerning any self-insuring employer. In 3755  
the case of a complaint against a self-insuring employer, the 3756  
administrator shall handle the complaint through the 3757

self-insurance division of the bureau. The bureau shall maintain a 3758  
file by employer of all complaints received that relate to the 3759  
employer. The bureau shall evaluate each complaint and take 3760  
appropriate action. 3761

The administrator shall adopt as a rule a prohibition against 3762  
any self-insuring employer from harassing, dismissing, or 3763  
otherwise disciplining any employee making a complaint, which rule 3764  
shall provide for a financial penalty to be levied by the 3765  
administrator payable by the offending self-insuring employer. 3766

(H) For the purpose of making determinations as to whether to 3767  
grant status as a self-insuring employer, the administrator may 3768  
subscribe to and pay for a credit reporting service that offers 3769  
financial and other business information about individual 3770  
employers. The costs in connection with the bureau's subscription 3771  
or individual reports from the service about an applicant may be 3772  
included in the application fee charged employers under this 3773  
section. 3774

(I) The administrator, notwithstanding other provisions of 3775  
this chapter, may permit a self-insuring employer to resume 3776  
payment of premiums to the state insurance fund with appropriate 3777  
credit modifications to the employer's basic premium rate as such 3778  
rate is determined pursuant to section 4123.29 of the Revised 3779  
Code. 3780

(J) On the first day of July of each year, the administrator 3781  
shall calculate separately each self-insuring employer's 3782  
assessments for the safety and hygiene fund, administrative costs 3783  
pursuant to section 4123.342 of the Revised Code, and for the 3784  
portion of the surplus fund under division (B) of section 4123.34 3785  
of the Revised Code that is not used for handicapped 3786  
reimbursement, on the basis of the paid compensation attributable 3787  
to the individual self-insuring employer according to the 3788  
following calculation: 3789

(1) The total assessment against all self-insuring employers 3790  
as a class for each fund and for the administrative costs for the 3791  
year that the assessment is being made, as determined by the 3792  
administrator, divided by the total amount of paid compensation 3793  
for the previous calendar year attributable to all amenable 3794  
self-insuring employers; 3795

(2) Multiply the quotient in division (J)(1) of this section 3796  
by the total amount of paid compensation for the previous calendar 3797  
year that is attributable to the individual self-insuring employer 3798  
for whom the assessment is being determined. Each self-insuring 3799  
employer shall pay the assessment that results from this 3800  
calculation, unless the assessment resulting from this calculation 3801  
falls below a minimum assessment, which minimum assessment the 3802  
administrator shall determine on the first day of July of each 3803  
year with the advice and consent of the bureau of workers' 3804  
compensation board of directors, in which event, the self-insuring 3805  
employer shall pay the minimum assessment. 3806

In determining the total amount due for the total assessment 3807  
against all self-insuring employers as a class for each fund and 3808  
the administrative assessment, the administrator shall reduce 3809  
proportionately the total for each fund and assessment by the 3810  
amount of money in the self-insurance assessment fund as of the 3811  
date of the computation of the assessment. 3812

The administrator shall calculate the assessment for the 3813  
portion of the surplus fund under division (B) of section 4123.34 3814  
of the Revised Code that is used for handicapped reimbursement in 3815  
the same manner as set forth in divisions (J)(1) and (2) of this 3816  
section except that the administrator shall calculate the total 3817  
assessment for this portion of the surplus fund only on the basis 3818  
of those self-insuring employers that retain participation in the 3819  
handicapped reimbursement program and the individual self-insuring 3820  
employer's proportion of paid compensation shall be calculated 3821

only for those self-insuring employers who retain participation in 3822  
the handicapped reimbursement program. The administrator, as the 3823  
administrator determines appropriate, may determine the total 3824  
assessment for the handicapped portion of the surplus fund in 3825  
accordance with sound actuarial principles. 3826

The administrator shall calculate the assessment for the 3827  
portion of the surplus fund under division (B) of section 4123.34 3828  
of the Revised Code that under division (D) of section 4121.66 of 3829  
the Revised Code is used for rehabilitation costs in the same 3830  
manner as set forth in divisions (J)(1) and (2) of this section, 3831  
except that the administrator shall calculate the total assessment 3832  
for this portion of the surplus fund only on the basis of those 3833  
self-insuring employers who have not made the election to make 3834  
payments directly under division (D) of section 4121.66 of the 3835  
Revised Code and an individual self-insuring employer's proportion 3836  
of paid compensation only for those self-insuring employers who 3837  
have not made that election. 3838

The administrator shall calculate the assessment for the 3839  
portion of the surplus fund under division (B) of section 4123.34 3840  
of the Revised Code that is used for reimbursement to a 3841  
self-insuring employer under division (H) of section 4123.512 of 3842  
the Revised Code in the same manner as set forth in divisions 3843  
(J)(1) and (2) of this section except that the administrator shall 3844  
calculate the total assessment for this portion of the surplus 3845  
fund only on the basis of those self-insuring employers that 3846  
retain participation in reimbursement to the self-insuring 3847  
employer under division (H) of section 4123.512 of the Revised 3848  
Code and the individual self-insuring employer's proportion of 3849  
paid compensation shall be calculated only for those self-insuring 3850  
employers who retain participation in reimbursement to the 3851  
self-insuring employer under division (H) of section 4123.512 of 3852  
the Revised Code. 3853

An employer who no longer is a self-insuring employer in this state or who no longer is operating in this state, shall continue to pay assessments for administrative costs and for the portion of the surplus fund under division (B) of section 4123.34 of the Revised Code that is not used for handicapped reimbursement, based upon paid compensation attributable to claims that occurred while the employer was a self-insuring employer within this state.

~~(K) The administrator shall deposit any moneys received from a self-insuring employer for the self-insuring employer's assessment to pay the costs solely attributable to the workers' compensation council into the administrative assessment account described in division (B) of section 4123.342 of the Revised Code for the administrative cost assessment collected by the administrator for the council.~~ There is hereby created in the state treasury the self-insurance assessment fund. All investment earnings of the fund shall be deposited in the fund. The administrator shall use the money in the self-insurance assessment fund only for administrative costs as specified in section 4123.341 of the Revised Code.

(L) Every self-insuring employer shall certify, in affidavit form subject to the penalty for perjury, to the bureau the amount of the self-insuring employer's paid compensation for the previous calendar year. In reporting paid compensation paid for the previous year, a self-insuring employer shall exclude from the total amount of paid compensation any reimbursement the self-insuring employer receives in the previous calendar year from the surplus fund pursuant to section 4123.512 of the Revised Code for any paid compensation. The self-insuring employer also shall exclude from the paid compensation reported any amount recovered under section 4123.931 of the Revised Code and any amount that is determined not to have been payable to or on behalf of a claimant in any final administrative or judicial proceeding. The

self-insuring employer shall exclude such amounts from the paid 3886  
compensation reported in the reporting period subsequent to the 3887  
date the determination is made. The administrator shall adopt 3888  
rules, in accordance with Chapter 119. of the Revised Code, that 3889  
provide for all of the following: 3890

(1) Establishing the date by which self-insuring employers 3891  
must submit such information and the amount of the assessments 3892  
provided for in division (J) of this section for employers who 3893  
have been granted self-insuring status within the last calendar 3894  
year; 3895

(2) If an employer fails to pay the assessment when due, the 3896  
administrator may add a late fee penalty of not more than five 3897  
hundred dollars to the assessment plus an additional penalty 3898  
amount as follows: 3899

(a) For an assessment from sixty-one to ninety days past due, 3900  
the prime interest rate, multiplied by the assessment due; 3901

(b) For an assessment from ninety-one to one hundred twenty 3902  
days past due, the prime interest rate plus two per cent, 3903  
multiplied by the assessment due; 3904

(c) For an assessment from one hundred twenty-one to one 3905  
hundred fifty days past due, the prime interest rate plus four per 3906  
cent, multiplied by the assessment due; 3907

(d) For an assessment from one hundred fifty-one to one 3908  
hundred eighty days past due, the prime interest rate plus six per 3909  
cent, multiplied by the assessment due; 3910

(e) For an assessment from one hundred eighty-one to two 3911  
hundred ten days past due, the prime interest rate plus eight per 3912  
cent, multiplied by the assessment due; 3913

(f) For each additional thirty-day period or portion thereof 3914  
that an assessment remains past due after it has remained past due 3915

for more than two hundred ten days, the prime interest rate plus 3916  
eight per cent, multiplied by the assessment due. 3917

(3) An employer may appeal a late fee penalty and penalty 3918  
assessment to the administrator. 3919

For purposes of division (L)(2) of this section, "prime 3920  
interest rate" means the average bank prime rate, and the 3921  
administrator shall determine the prime interest rate in the same 3922  
manner as a county auditor determines the average bank prime rate 3923  
under section 929.02 of the Revised Code. 3924

The administrator shall include any assessment and penalties 3925  
that remain unpaid for previous assessment periods in the 3926  
calculation and collection of any assessments due under this 3927  
division or division (J) of this section. 3928

(M) As used in this section, "paid compensation" means all 3929  
amounts paid by a self-insuring employer for living maintenance 3930  
benefits, all amounts for compensation paid pursuant to sections 3931  
4121.63, 4121.67, 4123.56, 4123.57, 4123.58, 4123.59, 4123.60, and 3932  
4123.64 of the Revised Code, all amounts paid as wages in lieu of 3933  
such compensation, all amounts paid in lieu of such compensation 3934  
under a nonoccupational accident and sickness program fully funded 3935  
by the self-insuring employer, and all amounts paid by a 3936  
self-insuring employer for a violation of a specific safety 3937  
standard pursuant to Section 35 of Article II, Ohio Constitution 3938  
and section 4121.47 of the Revised Code. 3939

(N) Should any section of this chapter or Chapter 4121. of 3940  
the Revised Code providing for self-insuring employers' 3941  
assessments based upon compensation paid be declared 3942  
unconstitutional by a final decision of any court, then that 3943  
section of the Revised Code declared unconstitutional shall revert 3944  
back to the section in existence prior to November 3, 1989, 3945  
providing for assessments based upon payroll. 3946

(O) The administrator may grant a self-insuring employer the privilege to self-insure a construction project entered into by the self-insuring employer that is scheduled for completion within six years after the date the project begins, and the total cost of which is estimated to exceed one hundred million dollars or, for employers described in division (R) of this section, if the construction project is estimated to exceed twenty-five million dollars. The administrator may waive such cost and time criteria and grant a self-insuring employer the privilege to self-insure a construction project regardless of the time needed to complete the construction project and provided that the cost of the construction project is estimated to exceed fifty million dollars. A self-insuring employer who desires to self-insure a construction project shall submit to the administrator an application listing the dates the construction project is scheduled to begin and end, the estimated cost of the construction project, the contractors and subcontractors whose employees are to be self-insured by the self-insuring employer, the provisions of a safety program that is specifically designed for the construction project, and a statement as to whether a collective bargaining agreement governing the rights, duties, and obligations of each of the parties to the agreement with respect to the construction project exists between the self-insuring employer and a labor organization.

A self-insuring employer may apply to self-insure the employees of either of the following:

(1) All contractors and subcontractors who perform labor or work or provide materials for the construction project;

(2) All contractors and, at the administrator's discretion, a substantial number of all the subcontractors who perform labor or work or provide materials for the construction project.

Upon approval of the application, the administrator shall



mail a certificate granting the privilege to self-insure the 3979  
construction project to the self-insuring employer. The 3980  
certificate shall contain the name of the self-insuring employer 3981  
and the name, address, and telephone number of the self-insuring 3982  
employer's representatives who are responsible for administering 3983  
workers' compensation claims for the construction project. The 3984  
self-insuring employer shall post the certificate in a conspicuous 3985  
place at the site of the construction project. 3986

The administrator shall maintain a record of the contractors 3987  
and subcontractors whose employees are covered under the 3988  
certificate issued to the self-insured employer. A self-insuring 3989  
employer immediately shall notify the administrator when any 3990  
contractor or subcontractor is added or eliminated from inclusion 3991  
under the certificate. 3992

Upon approval of the application, the self-insuring employer 3993  
is responsible for the administration and payment of all claims 3994  
under this chapter and Chapter 4121. of the Revised Code for the 3995  
employees of the contractor and subcontractors covered under the 3996  
certificate who receive injuries or are killed in the course of 3997  
and arising out of employment on the construction project, or who 3998  
contract an occupational disease in the course of employment on 3999  
the construction project. For purposes of this chapter and Chapter 4000  
4121. of the Revised Code, a claim that is administered and paid 4001  
in accordance with this division is considered a claim against the 4002  
self-insuring employer listed in the certificate. A contractor or 4003  
subcontractor included under the certificate shall report to the 4004  
self-insuring employer listed in the certificate, all claims that 4005  
arise under this chapter and Chapter 4121. of the Revised Code in 4006  
connection with the construction project for which the certificate 4007  
is issued. 4008

A self-insuring employer who complies with this division is 4009  
entitled to the protections provided under this chapter and 4010

Chapter 4121. of the Revised Code with respect to the employees of 4011  
the contractors and subcontractors covered under a certificate 4012  
issued under this division for death or injuries that arise out 4013  
of, or death, injuries, or occupational diseases that arise in the 4014  
course of, those employees' employment on that construction 4015  
project, as if the employees were employees of the self-insuring 4016  
employer, provided that the self-insuring employer also complies 4017  
with this section. No employee of the contractors and 4018  
subcontractors covered under a certificate issued under this 4019  
division shall be considered the employee of the self-insuring 4020  
employer listed in that certificate for any purposes other than 4021  
this chapter and Chapter 4121. of the Revised Code. Nothing in 4022  
this division gives a self-insuring employer authority to control 4023  
the means, manner, or method of employment of the employees of the 4024  
contractors and subcontractors covered under a certificate issued 4025  
under this division. 4026

The contractors and subcontractors included under a 4027  
certificate issued under this division are entitled to the 4028  
protections provided under this chapter and Chapter 4121. of the 4029  
Revised Code with respect to the contractor's or subcontractor's 4030  
employees who are employed on the construction project which is 4031  
the subject of the certificate, for death or injuries that arise 4032  
out of, or death, injuries, or occupational diseases that arise in 4033  
the course of, those employees' employment on that construction 4034  
project. 4035

The contractors and subcontractors included under a 4036  
certificate issued under this division shall identify in their 4037  
payroll records the employees who are considered the employees of 4038  
the self-insuring employer listed in that certificate for purposes 4039  
of this chapter and Chapter 4121. of the Revised Code, and the 4040  
amount that those employees earned for employment on the 4041  
construction project that is the subject of that certificate. 4042

Notwithstanding any provision to the contrary under this chapter 4043  
and Chapter 4121. of the Revised Code, the administrator shall 4044  
exclude the payroll that is reported for employees who are 4045  
considered the employees of the self-insuring employer listed in 4046  
that certificate, and that the employees earned for employment on 4047  
the construction project that is the subject of that certificate, 4048  
when determining those contractors' or subcontractors' premiums or 4049  
assessments required under this chapter and Chapter 4121. of the 4050  
Revised Code. A self-insuring employer issued a certificate under 4051  
this division shall include in the amount of paid compensation it 4052  
reports pursuant to division (L) of this section, the amount of 4053  
paid compensation the self-insuring employer paid pursuant to this 4054  
division for the previous calendar year. 4055

Nothing in this division shall be construed as altering the 4056  
rights of employees under this chapter and Chapter 4121. of the 4057  
Revised Code as those rights existed prior to September 17, 1996. 4058  
Nothing in this division shall be construed as altering the rights 4059  
devolved under sections 2305.31 and 4123.82 of the Revised Code as 4060  
those rights existed prior to September 17, 1996. 4061

As used in this division, "privilege to self-insure a 4062  
construction project" means privilege to pay individually 4063  
compensation, and to furnish medical, surgical, nursing, and 4064  
hospital services and attention and funeral expenses directly to 4065  
injured employees or the dependents of killed employees. 4066

(P) A self-insuring employer whose application is granted 4067  
under division (O) of this section shall designate a safety 4068  
professional to be responsible for the administration and 4069  
enforcement of the safety program that is specifically designed 4070  
for the construction project that is the subject of the 4071  
application. 4072

A self-insuring employer whose application is granted under 4073  
division (O) of this section shall employ an ombudsperson for the 4074

construction project that is the subject of the application. The 4075  
ombudsperson shall have experience in workers' compensation or the 4076  
construction industry, or both. The ombudsperson shall perform all 4077  
of the following duties: 4078

(1) Communicate with and provide information to employees who 4079  
are injured in the course of, or whose injury arises out of 4080  
employment on the construction project, or who contract an 4081  
occupational disease in the course of employment on the 4082  
construction project; 4083

(2) Investigate the status of a claim upon the request of an 4084  
employee to do so; 4085

(3) Provide information to claimants, third party 4086  
administrators, employers, and other persons to assist those 4087  
persons in protecting their rights under this chapter and Chapter 4088  
4121. of the Revised Code. 4089

A self-insuring employer whose application is granted under 4090  
division (O) of this section shall post the name of the safety 4091  
professional and the ombudsperson and instructions for contacting 4092  
the safety professional and the ombudsperson in a conspicuous 4093  
place at the site of the construction project. 4094

(Q) The administrator may consider all of the following when 4095  
deciding whether to grant a self-insuring employer the privilege 4096  
to self-insure a construction project as provided under division 4097  
(O) of this section: 4098

(1) Whether the self-insuring employer has an organizational 4099  
plan for the administration of the workers' compensation law; 4100

(2) Whether the safety program that is specifically designed 4101  
for the construction project provides for the safety of employees 4102  
employed on the construction project, is applicable to all 4103  
contractors and subcontractors who perform labor or work or 4104  
provide materials for the construction project, and has as a 4105

component, a safety training program that complies with standards 4106  
adopted pursuant to the "Occupational Safety and Health Act of 4107  
1970," 84 Stat. 1590, 29 U.S.C.A. 651, and provides for continuing 4108  
management and employee involvement; 4109

(3) Whether granting the privilege to self-insure the 4110  
construction project will reduce the costs of the construction 4111  
project; 4112

(4) Whether the self-insuring employer has employed an 4113  
ombudsperson as required under division (P) of this section; 4114

(5) Whether the self-insuring employer has sufficient surety 4115  
to secure the payment of claims for which the self-insuring 4116  
employer would be responsible pursuant to the granting of the 4117  
privilege to self-insure a construction project under division (O) 4118  
of this section. 4119

(R) As used in divisions (O), (P), and (Q), "self-insuring 4120  
employer" includes the following employers, whether or not they 4121  
have been granted the status of being a self-insuring employer 4122  
under division (B) of this section: 4123

(1) A state institution of higher education; 4124

(2) A school district; 4125

(3) A county school financing district; 4126

(4) An educational service center; 4127

(5) A community school established under Chapter 3314. of the 4128  
Revised Code; 4129

(6) A municipal power agency as defined in section 3734.058 4130  
of the Revised Code. 4131

(S) As used in this section: 4132

(1) "Unvoted debt capacity" means the amount of money that a 4133  
public employer may borrow without voter approval of a tax levy; 4134

(2) "State institution of higher education" means the state 4135  
universities listed in section 3345.011 of the Revised Code, 4136  
community colleges created pursuant to Chapter 3354. of the 4137  
Revised Code, university branches created pursuant to Chapter 4138  
3355. of the Revised Code, technical colleges created pursuant to 4139  
Chapter 3357. of the Revised Code, and state community colleges 4140  
created pursuant to Chapter 3358. of the Revised Code. 4141

**Sec. 5111.708.** (A) The director of job and family services, 4142  
~~after consulting with the medicaid buy-in advisory council,~~ shall 4143  
adopt rules in accordance with Chapter 119. of the Revised Code as 4144  
necessary to implement the medicaid buy-in for workers with 4145  
disabilities program. The rules shall do all of the following: 4146

(1) Specify assets, asset values, and amounts to be 4147  
disregarded in determining asset and income eligibility limits for 4148  
the program; 4149

(2) Establish meanings for the terms "earned income," "health 4150  
insurance," "resources," "spouse," and "unearned income"; 4151

(3) Establish additional eligibility requirements for the 4152  
program that must be established for the United States secretary 4153  
of health and human services to approve the program; 4154

(4) For the purpose of division (B) of section 5111.704 of 4155  
the Revised Code, specify an amount to be subtracted from the 4156  
difference determined under division (A) of that section. 4157

(B) The director, ~~after consulting with the medicaid buy-in~~ 4158  
~~advisory council,~~ may adopt rules in accordance with Chapter 119. 4159  
of the Revised Code to specify amounts to be disregarded from an 4160  
individual's earned income, unearned income, or both under 4161  
division (C) of section 5111.703 of the Revised Code for the 4162  
purpose of determining whether the individual is within the income 4163  
eligibility limit for the medicaid buy-in for workers with 4164

disabilities program.

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**Sec. 5123.032.** (A) As used in this section, "developmental center" means any institution or facility of the department of developmental disabilities that, on or after January 30, 2004, is named, designated, or referred to as a developmental center.

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(B) Notwithstanding any other provision of law, ~~on and after January 30, 2004,~~ any closure of a developmental center shall be subject to, and in accordance with, this section. ~~Notwithstanding any other provision of law, if the governor announced on or after January 1, 2003, and prior to January 30, 2004, the intended closure of a developmental center and if the closure identified in the announcement has not occurred prior to January 30, 2004, the closure identified in the announcement shall be subject to the criteria set forth in this section as if the announcement had been made on or after January 30, 2004, except for the time at which the notice to the general assembly must be provided as identified in division (C) of this section.~~

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(C) Notwithstanding any other provision of law, ~~on and after January 30, 2004,~~ at least ten days prior to making any official, public announcement that the governor intends to close one or more developmental centers, the governor shall notify the general assembly in writing that the governor intends to close one or more developmental centers. ~~Notwithstanding any other provision of law, if the governor announced on or after January 1, 2003, and prior to January 30, 2004, the intended closure of a developmental center and if the closure identified in the announcement has not occurred prior to January 30, 2004, not later than ten days after January 30, 2004, the~~ The governor shall notify the general assembly in writing of the prior announcement and that the governor intends to close the center identified in the prior announcement, and the notification to the general assembly shall

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constitute, for purposes of this section, the governor's official, 4196  
public announcement that the governor intends to close that 4197  
center. 4198

The notice required by this division shall identify by name 4199  
each developmental center that the governor intends to close or, 4200  
if the governor has not determined any specific developmental 4201  
center to close, shall state the governor's general intent to 4202  
close one or more developmental centers. When the governor 4203  
notifies the general assembly as required by this division, the 4204  
legislative service commission promptly shall conduct an 4205  
independent study of the developmental centers of the department 4206  
of developmental disabilities and of the department's operation of 4207  
the centers, and the study shall address relevant criteria and 4208  
factors, including, but not limited to, all of the following: 4209

(1) The manner in which the closure of developmental centers 4210  
in general would affect the safety, health, well-being, and 4211  
lifestyle of the centers' residents and their family members and 4212  
would affect public safety and, if the governor's notice 4213  
identifies by name one or more developmental centers that the 4214  
governor intends to close, the manner in which the closure of each 4215  
center so identified would affect the safety, health, well-being, 4216  
and lifestyle of the center's residents and their family members 4217  
and would affect public safety; 4218

(2) The availability of alternate facilities; 4219

(3) The cost effectiveness of the facilities identified for 4220  
closure; 4221

(4) A comparison of the cost of residing at a facility 4222  
identified for closure and the cost of new living arrangements; 4223

(5) The geographic factors associated with each facility and 4224  
its proximity to other similar facilities; 4225

(6) The impact of collective bargaining on facility 4226



operations; 4227

(7) The utilization and maximization of resources; 4228

(8) Continuity of the staff and ability to serve the facility 4229  
population; 4230

(9) Continuing costs following closure of a facility; 4231

(10) The impact of the closure on the local economy; 4232

(11) Alternatives and opportunities for consolidation with 4233  
other facilities; 4234

(12) How the closing of a facility identified for closure 4235  
relates to the department's plans for the future of developmental 4236  
centers in this state; 4237

(13) The effect of the closure of developmental centers in 4238  
general upon the state's fiscal resources and fiscal status and, 4239  
if the governor's notice identifies by name one or more 4240  
developmental centers that the governor intends to close, the 4241  
effect of the closure of each center so identified upon the 4242  
state's fiscal resources and fiscal status. 4243

(D) The legislative service commission shall complete the 4244  
study required by division (C) of this section, and prepare a 4245  
report that contains its findings, not later than sixty days after 4246  
the governor makes the official, public announcement that the 4247  
governor intends to close one or more developmental centers as 4248  
described in division (C) of this section. The commission shall 4249  
provide a copy of the report to each member of the general 4250  
assembly who requests a copy of the report. 4251

~~Not later than the date on which the legislative service 4252  
commission is required to complete the report under this division, 4253  
the developmental disabilities developmental center closure 4254  
commission is hereby created as described in division (E) of this 4255  
section. The officials with the duties to appoint members of the 4256~~

~~closure commission, as described in division (E) of this section, 4257  
shall appoint the specified members of the closure commission, 4258  
and, as soon as possible after the appointments, the closure 4259  
commission shall meet for the purposes described in that division. 4260  
Upon completion of the report and the creation of the closure 4261  
commission under this division, the legislative service commission 4262  
promptly shall provide a copy of the report to the closure 4263  
commission and shall present the report as described in division 4264  
(E) of this section. 4265~~

~~(E)(1) A developmental disabilities developmental center 4266  
closure commission shall be created at the time and in the manner 4267  
specified in division (D) of this section. The closure commission 4268  
consists of six members. One member shall be the director of 4269  
developmental disabilities. One member shall be the director of 4270  
health. One member shall be a private executive with expertise in 4271  
facility utilization, in economics, or in both facility 4272  
utilization and economics, jointly appointed by the speaker of the 4273  
house of representatives and the president of the senate. The 4274  
member appointed for expertise in facility utilization, economics, 4275  
or both may not be a member of the general assembly and may not 4276  
have a developmental center identified for closure by the governor 4277  
in the county in which the member resides. One member shall be a 4278  
member of the board of the Ohio civil service employees' 4279  
association, jointly appointed by the speaker of the house of 4280  
representatives and the president of the senate. One member shall 4281  
be either a family member of a resident of a developmental center 4282  
or a representative of a mental retardation and developmental 4283  
disabilities advocacy group, jointly appointed by the speaker of 4284  
the house of representatives and the president of the senate. The 4285  
member appointed who is a family member of a developmental center 4286  
resident or a representative of an advocacy group may not be a 4287  
member of the general assembly. One member shall be a member of 4288  
the law enforcement community, appointed by the governor. The 4289~~

~~officials with the duties to appoint members of the closure  
commission shall make the appointments, and the closure commission  
shall meet, within the time periods specified in division (D) of  
this section. The members of the closure commission shall serve  
without compensation. At the closure commission's first meeting,  
the members shall organize and appoint a chairperson and  
vice chairperson.~~

~~The closure commission shall meet as often as is necessary  
for the purpose of making the recommendations to the governor that  
are described in this division. The closure commission's meetings  
shall be open to the public, and the closure commission shall  
accept public testimony. The legislative service commission shall  
appear before the closure commission and present the report the  
legislative service commission prepared under division (D) of this  
section. The closure commission shall meet for the purpose of  
making recommendations to the governor, which recommendations may  
include all of the following:~~

~~(a) Whether any developmental center should be closed;~~

~~(b) If the recommendation described in division (E)(1)(a) of  
this section is that one or more developmental centers should be  
closed, which center or centers should be closed;~~

~~(c) If the governor's notice described in division (C) of  
this section identifies by name one or more developmental centers  
that the governor intends to close, whether the center or centers  
so identified should be closed.~~

~~(2) The developmental disabilities developmental center  
closure commission, not later than sixty days after it receives  
the report of the legislative service commission under division  
(D) of this section, shall prepare a report containing its  
recommendations to the governor. The closure commission shall send  
a copy of the report to the governor and to each member of the~~

~~general assembly who requests a copy of the report. Upon receipt~~ 4321  
~~of the closure commission's report, the governor shall review and~~ 4322  
~~consider the commission's recommendation. The governor shall do~~ 4323  
~~one of the following:~~ 4324

~~(a) Follow the recommendation of the commission;~~ 4325

~~(b) Close no developmental center;~~ 4326

~~(c) Take other action that the governor determines is~~ 4327  
~~necessary for the purpose of expenditure reductions or budget cuts~~ 4328  
~~and state the reasons for the action.~~ 4329

~~The governor's decision is final. Upon the governor's making~~ 4330  
~~of the decision, the closure commission shall cease to exist.~~ 4331  
~~Another closure commission shall be created under this section~~ 4332  
~~each time the governor subsequently makes an official, public~~ 4333  
~~announcement that the governor intends to close one or more~~ 4334  
~~developmental centers.~~ 4335

**Sec. 5123.093.** The citizen's advisory councils established 4336  
under section 5123.092 of the Revised Code shall: 4337

(A) Transmit verbal or written information from any person or 4338  
organization associated with the institution or within the 4339  
community, that an advisory council considers important, to the 4340  
~~joint council on developmental disabilities created by section~~ 4341  
~~101.37 of the Revised Code and~~ the director of developmental 4342  
disabilities; 4343

(B) Review the records of all applicants to any unclassified 4344  
position at the institution, except for resident physician 4345  
positions filled under section 5123.11 of the Revised Code; 4346

(C) Review and evaluate institutional employee training and 4347  
continuing education programs; 4348

(D) On or before the thirty-first day of January of each 4349  
year, submit a written report to the ~~joint council on~~ 4350

~~developmental disabilities and the~~ director of developmental 4351  
disabilities regarding matters affecting the institution 4352  
including, but not limited to, allegations of dehumanizing 4353  
practices and violations of individual or legal rights; 4354

(E) Review institutional budgets, programs, services, and 4355  
planning; 4356

(F) Develop and maintain relationships within the community 4357  
with community mental retardation and developmental disabilities 4358  
organizations; 4359

(G) Participate in the formulation of the institution's 4360  
objectives, administrative procedures, program philosophy, and 4361  
long range goals; 4362

(H) Bring any matter that an advisory council considers 4363  
important to the attention of the joint council on developmental 4364  
disabilities and the director of developmental disabilities; 4365

(I) Recommend to the director of developmental disabilities 4366  
persons for appointment to citizen's advisory councils; 4367

(J) Adopt any rules or procedures necessary to carry out this 4368  
section. 4369

The chairperson of the advisory council or the chairperson's 4370  
designee shall be notified within twenty-four hours of any alleged 4371  
incident of abuse to a resident or staff member by anyone. 4372  
Incidents of resident or staff abuse shall include, but not be 4373  
limited to, sudden deaths, accidents, suicides, attempted 4374  
suicides, injury caused by other persons, alleged criminal acts, 4375  
errors in prescribing or administering medication, theft from 4376  
clients, fires, epidemic disease, administering unprescribed 4377  
drugs, unauthorized use of restraint, withholding of information 4378  
concerning alleged abuse, neglect, or any deprivation of rights as 4379  
defined in Chapter 5122. or 5123. of the Revised Code. 4380

**Section 2.** That existing sections 9.90, 101.532, 101.83, 4381  
101.84, 101.85, 101.86, 102.02, 109.91, 121.32, 127.14, 173.03, 4382  
173.04, 3302.021, 3311.71, 3312.01, 3312.09, 3313.202, 3701.025, 4383  
3701.63, 3727.312, 3737.03, 3737.21, 3737.81, 3737.86, 3737.88, 4384  
3743.54, 3746.04, 4117.03, 4121.03, 4121.12, 4121.121, 4121.125, 4385  
4121.128, 4123.341, 4123.342, 4123.35, 5111.708, 5123.032, and 4386  
5123.093 and sections 9.901, 101.37, 121.374, 122.97, 122.971, 4387  
122.98, 122.981, 125.833, 184.23, 184.231, 1349.71, 1349.72, 4388  
1501.25, 2151.282, 3311.77, 3312.11, 3312.12, 3319.70, 3319.71, 4389  
3701.92, 3727.322, 3746.03, 4121.75, 4121.76, 4121.77, 4121.78, 4390  
4121.79, 4501.025, 5111.709, 5111.7010, and 5902.15 of the Revised 4391  
Code are hereby repealed. 4392

**Section 3.** That Section 20 of Am. Sub. H.B. 554 of the 127th 4393  
General Assembly be amended to read as follows: 4394

**Sec. 20.** The amendments to section 184.02 that add the cross 4395  
references to sections 184.25 and 184.26 and enactments of 4396  
sections ~~184.23, 184.231~~, 184.24, 184.25, and 184.26 of the 4397  
Revised Code are hereby repealed, effective June 30, 2011. 4398

**Section 3.02.** That existing Section 20 of Am. Sub. H.B. 554 4399  
of the 127th General Assembly is hereby repealed. 4400

**Section 3.03.** The intent of the repeal of sections 184.23 and 4401  
184.231 of the Revised Code and the amendment of Section 20 of Am. 4402  
Sub. H.B. 554 of the 127th General Assembly is to extinguish 4403  
sections 184.23 and 184.231 of the Revised Code on the effective 4404  
date of this act. 4405

**Section 4.** The following agencies are retained under division 4406  
(D) of section 101.83 of the Revised Code and expire on December 4407  
31, 2016: 4408

AGENCY NAME	REVISED CODE OR UNCODIFIED SECTION	
Academic Distress Commission	3302.10	4409
Advisory Board of Governor's Office of Faith-Based and Community Initiatives	107.12	4411
Advisory Board to Assist and Advise in the Operation of the Ohio Center for Autism and Low Incidence	3323.33, 3323.34	4412
Advisory Council on Amusement Ride Safety	1711.51, 1711.52	4413
Advisory Council of Directors for Prison Labor	5145.162	4414
Advisory Council for Wild, Scenic, or Recreational River Area(s)	1547.84	4415
Advisory Committee on Livestock Exhibitions	901.71	4416
Agricultural Commodity Marketing Programs Operating Committees	924.07	4417
Agricultural Commodity Marketing Programs Coordinating Committee	924.14	4418
Alternative Energy Advisory Committee	4928.64(D)	4419
AMBER Alert Advisory Committee	5502.521	4420
Apprenticeship Council	Chapter 4139.	4421
Armory Board of Control	5911.09, 5911.12	4422
Automated Title Processing Board	4505.09(C)(1)	4423
Backflow Advisory Board	3703.21	4424
Banking Commission	1123.01	4425
Board of Directors of the Great Lakes Protection Fund	1506.22 (6161.04)	4426
Board of Directors of the Medical Liability Underwriting Association Stabilization Fund	3929.631	4427
Board of Directors of the Ohio Appalachian Center for Higher Education	3333.58	4428
Board of Directors of the Ohio Health Reinsurance Program	3924.08 - 3924.11	4429

Board of Governors of the Commercial Insurance Joint Underwriting Association	3930.03	4430
Board of Governors of the Medical Liability Underwriting Association	3929.64	4431
Board of Voting Machines Examiners	3506.05	4432
Budget Planning and Management Commission	Section 509.10, H.B. 1, 128th G.A.	4433
Brain Injury Advisory Committee	3304.231	4434
Bureau of Workers' Compensation Board of Directors	4121.12	4435
Capitol Square Review and Advisory Board	105.41	4436
Child Care Advisory Council	5104.08	4437
Child Support Guideline Advisory Council	3119.024	4438
Children's Trust Fund Board	3109.15 - 3109.17	4439
Citizen's Advisory Council	5123.092, 5123.093	4440
Clean Ohio Trail Advisory Board	1519.06	4441
Coastal Resources Advisory Council	1506.12	4442
Commission on African-American Males	4112.12, 4112.13	4443
Commission on Hispanic-Latino Affairs	121.31	4444
Commission on Minority Health	3701.78	4445
Committee on Prescriptive Governance	4723.49 - 4723.492	4446
Commodity Advisory Commission	926.32	4447
Consumer Advisory Committee to the Rehabilitation Services Commission	3304.24	4448
Continuing Education Committee	109.80(B)	4449
Council on Alcohol and Drug Addiction Services	3793.09	4450
Council on Unreclaimed Strip Mined Lands	1513.29	4451
County Sheriff's Standard Car Marking and Uniform Commission	311.25 - 311.27	4452



Credential Review Board	3319.65	4453
Credit Union Council	1733.329	4454
Criminal Sentencing Advisory Committee	181.22	4455
Data Collection and Analysis Group	3727.32	4456
Dentist Loan Repayment Advisory Board	3702.92	4457
Department Advisory Council(s)	107.18, 121.13	4458
Development Financing Advisory Council	122.40, 122.41	4459
Early Childhood Advisory Council	3301.90	4460
Education Commission of the States (Interstate Compact for Education)	3301.48, 3301.49	4461
Education Management Information System Advisory Board	3301.0713	4462
Educator Standards Board	3319.60	4463
Electrical Safety Inspector Advisory Committee	3783.08	4464
Emergency Response Commission	3750.02	4465
Engineering Experiment Station Advisory Committee	3335.27	4466
Environmental Education Council	3745.21	4467
Environmental Protection Agency Advisory Board(s)	121.13, 3704.03, 3745.01	4468
eTech Ohio Commission	3353.02 - 3353.04	4469
Ex-Offender Reentry Coalition	5120.07	4470
Farmland Preservation Advisory Board	901.23	4471
Financial Planning and Supervision Commission(s) for Municipal Corporation, County, or Township	118.05	4472
Financial Planning and Supervision Commission for a school district	3316.05	4473
Forestry Advisory Council	1503.40	4474
Governance Authority for a State University or College	3345.75	4475
Governor's Council on People with Disabilities	3303.41	4476
Governor's Policy Information Working Group	Section 313, H.B. 420, 127th	4477

	G.A.	
Governor's Residence Advisory Commission	107.40	4478
Grain Marketing Program Operating Committee	924.20 - 924.30	4479
Great Lakes Commission (Great Lakes Basin Compact)	6161.01	4480
Gubernatorial Transition Committee	107.29, 126.26	4481
Help Me Grow Advisory Council	3701.611	4482
Hemophilia Advisory Subcommittee of the Medically Handicapped Children's Medical Advisory Council	3701.0210	4483
Harmon Commission	3306.50	4484
Homeland Security Advisory Council	5502.011(E)	4485
Hospital Measures Advisory Council	3727.31	4486
Housing Trust Fund Advisory Committee	174.06	4487
Industrial Commission Nominating Council	4121.04	4488
Industrial Technology and Enterprise Advisory Council	122.29, 122.30	4489
Infant Hearing Screening Subcommittee	3701.507	4490
Infection Control Group	3727.312(D)	4491
Insurance Agent Education Advisory Council	3905.483	4492
Interstate Rail Passenger Advisory Council	4981.35	4493
Joint Select Committee on Volume Cap	133.021	4494
Labor-Management Government Advisory Council	4121.70	4495
Legal Rights Service Commission	5123.60	4496
Legislative Programming Committee of the Ohio Government Telecommunications Service	3353.07	4497
Legislative Task Force on Redistricting, Reapportionment, and Demographic Research	103.51	4498
Maternity and Newborn Advisory Council	3711.20, 3711.21	4499
Medically Handicapped Children's Medical Advisory Council	3701.025	4500
Midwest Interstate Passenger Rail Compact Commission	4981.361	4501
Milk Sanitation Board	917.03 - 917.032	4502

Mine Subsidence Insurance Governing Board	3929.51	4503
Minority Development Financing Advisory Board	122.72, 122.73	4504
Multi-Agency Radio Communications System (MARCS) Steering Committee	Section 15.02, H.B. 640, 123rd G.A.	4505
National Museum of Afro-American History and Culture Planning Committee	149.303	4506
New African Immigrants Commission	4112.31, 4112.32	4507
Ohio Accountability Task Force	3302.021(E)	4508
Ohio Advisory Council for the Aging	173.03	4509
Ohio Agriculture License Plate Scholarship Fund Board	901.90	4510
Ohio Arts Council	Chapter 3379.	4511
Ohio Business Gateway Steering Committee	5703.57	4512
Ohio Cemetery Dispute Resolution Commission	4767.05, 4767.06	4513
Ohio Civil Rights Commission Advisory Agencies and Conciliation Councils	4112.04(B)(4)	4514
Ohio Commercial Market Assistance Plan Executive Committee	3930.02	4515
Ohio Commission on Dispute Resolution and Conflict Management	179.02 - 179.04	4516
Ohio Community Service Council	121.40 - 121.404	4517
Ohio Council for Interstate Adult Offender Supervision	5149.22	4518
Ohio Cultural Facilities Commission	Chapter 3383.	4519
Ohio Cystic Fibrosis Legislative Task Force	101.38	4520
Ohio Developmental Disabilities Council	5123.35	4521
Ohio Expositions Commission	991.02	4522
Ohio Family and Children First Cabinet Council	121.37	4523
Ohio Geographically Referenced Information Program Council	125.901, 125.902	4524
Ohio Geology Advisory Council	1501.11	4525
Ohio Grape Industries Committee	924.51 - 924.55	4526

Ohio Historic Site Preservation Advisory Board	149.301	4527
Ohio Historical Society Board of Trustees	149.30	4528
Ohio Judicial Conference	105.91 - 105.97	4529
Ohio Lake Erie Commission	1506.21	4530
Ohio Legislative Commission on the Education and Preservation of State History	Section 701.05, H.B. 1, 128th G.A.	4531
Ohio Medical Quality Foundation	3701.89	4532
Ohio Parks and Recreation Council	1541.40	4533
Ohio Peace Officer Training Commission	109.71, 109.72	4534
Ohio Private Investigation and Security Services Commission	4749.021, 4743.01	4535
Ohio Public Defender Commission	120.01 - 120.03	4536
Ohio Public Library Information Network Board of Trustees	3375.65, 3375.66	4537
Ohio Quarter Horse Development Commission	3769.086	4538
Ohio Small Government Capital Improvements Commission	164.02(C)(D)	4539
Ohio Soil and Water Conservation Commission	1515.02	4540
Ohio Standardbred Development Commission	3769.085	4541
Ohio Subrogation Rights Commission	2323.44	4542
Ohio Thoroughbred Racing Advisory Committee	3769.084	4543
Ohio Transportation Finance Commission	5531.12(B) to (D)	4544
Ohio Tuition Trust Authority	3334.03, 3334.08	4545
Ohio University College of Osteopathic Medicine Advisory Committee	3337.10, 3337.11	4546
Ohio Vendors Representative Committee	3304.34, 20 USC 107	4547
Ohio War Orphans Scholarship Board	5910.02 - 5910.06	4548
Ohio Water Advisory Council	1521.031	4549
Ohio Water Resources Council Advisory Group	1521.19	4550

Ohio Water Resources Council	1521.19	4551
Oil and Gas Commission	1509.35	4552
Operating Committee of the Oil and Gas Marketing Program	1510.06, 1510.11	4553
Organized Crime Investigations Commission	177.01	4554
Pharmacy and Therapeutics Committee of the Department of Job and Family Services	5111.084	4555
Physician Assistant Policy Committee of the State Medical Board	4730.05, 4730.06	4556
Physician Loan Repayment Advisory Board	3702.81	4557
Power Siting Board	4906.02	4558
Prequalification Review Board	5525.07	4559
Private Water Systems Advisory Council	3701.346	4560
Public Health Council	3701.33, 3701.34	4561
Public Utilities Commission Nominating Council	4901.021	4562
Public Utility Property Tax Study Committee	5727.85(K)	4563
Radiation Advisory Council	3748.20	4564
Reclamation Commission	1513.05	4565
Reclamation Forfeiture Fund Advisory Board	1513.182	4566
Recreation and Resources Commission	1501.04	4567
Recycling and Litter Prevention Advisory Council	1502.04	4568
School and Ministerial Lands Divestiture Committee	501.041	4569
Savings and Loan Associations and Savings Banks Board	1181.16	4570
School Funding Advisory Council	3306.29	4571
Second Chance Trust Fund Advisory Committee	2108.35	4572
Service Coordination Workgroup	Section 751.20, H.B. 1, 128th G.A.	4573
Ski Tramway Board	4169.02	4574
Small Business Stationary Source Technical and Environmental Compliance Assistance Council	3704.19	4575

Solid Waste Management Advisory Council	3734.51	4576
Special Commission to Consider the Suspension of Local Government Officials	3.16	4577
Speed to Scale Task Force	Section 375.60.80, H.B. 119, 128th G.A.	4578
State Agency Coordinating Group	1521.19	4579
State Audit Committee	126.46	4580
State Council of Uniform State Laws	105.21 - 105.27	4581
State Criminal Sentencing Commission	181.21 - 181.26	4582
State Fire Council	3737.81	4583
State Library Board	3375.01	4584
State Victims Assistance Advisory Council	109.91(B) and (C)	4585
Statewide Consortium of County Law Library Resource Boards	3375.481	4586
STEM Committee	3326.02	4587
Student Tuition Recovery Authority	3332.081	4588
Sunset Review Committee	101.84 - 101.87	4589
Tax Credit Authority	122.17(M)	4590
Technical Advisory Committee to Assist Director of the Ohio Coal Development Office	1551.35	4591
Technical Advisory Council on Oil and Gas	1509.38	4592
Transportation Review Advisory Council	5512.07 - 5512.09	4593
Unemployment Compensation Advisory Council	4141.08	4594
Unemployment Compensation Review Commission	4141.06	4595
Veterans Advisory Committee	5902.02(K)	4596
Volunteer Fire Fighters' Dependents Fund Boards (private volunteer)	146.02 - 146.06	4597
Volunteer Fire Fighters' Dependents Fund Boards (public)	146.02 - 146.06	4598
Water and Sewer Commission	1525.11(C)	4599

Waterways Safety Council	1547.73	4600
Wildlife Council	1531.03 -	4601
	1531.05	
Workers' Compensation Board of Directors	4121.123	4602
Nominating Committee		

**Section 5.** That sections 101.82, 101.83, 101.84, 101.85, 4603  
101.86, and 101.87 of the Revised Code are hereby repealed on 4604  
December 31, 2016. 4605

**Section 6.01.** That Section 513.03 of Am. Sub. H.B. 66 of the 4606  
126th General Assembly, as amended by Am. Sub. H.B. 100 of the 4607  
126th General Assembly, be amended to read as follows: 4608

**Sec. 513.03.** (A) Notwithstanding any provision of law to the 4609  
contrary and during the period beginning July 1, 2005, and ending 4610  
May 1, 2006, or the effective date of H.B. 397 of the 126th 4611  
General Assembly, whichever is earlier, the Director of 4612  
Environmental Protection or a board of health as defined in 4613  
section 3714.01 of the Revised Code shall not issue a license to 4614  
open a new construction and demolition debris facility under 4615  
Chapter 3714. of the Revised Code and rules adopted under it. 4616  
Except as otherwise provided in this division, the moratorium 4617  
established by this division applies both with respect to an 4618  
application for a license to open a new construction and 4619  
demolition debris facility that is submitted on or after the 4620  
effective date of this section and to an application for such a 4621  
license that has been submitted to the Director or a board of 4622  
health prior to the effective date of this section, but concerning 4623  
which a license for a facility has not been issued as of that 4624  
effective date. 4625

The board of county commissioners of a county may request the 4626  
Director or a board of health to continue to process an 4627

application for a license to open a new construction and 4628  
demolition debris facility in that county that has been submitted 4629  
to the Director or board of health prior to the effective date of 4630  
this section. After receiving such a request from a board of 4631  
county commissioners, the Director or board of health may then 4632  
issue a license for the new construction and demolition debris 4633  
facility notwithstanding the moratorium established by this 4634  
division. 4635

The moratorium established by this division does not apply to 4636  
a license for a new construction and demolition debris facility if 4637  
the new facility will be located adjacent or contiguous to a 4638  
previously licensed construction and demolition debris facility. 4639  
The moratorium also does not apply to an expansion of or other 4640  
modification to an existing licensed construction and demolition 4641  
debris facility. 4642

(B) The moratorium established by division (A) of this 4643  
section does not apply to an application for a license to 4644  
establish a construction and demolition debris facility pending 4645  
before a board of health or the Director of Environmental 4646  
Protection, as applicable, prior to July 1, 2005, and such an 4647  
application shall be reviewed and the license shall be issued or 4648  
denied in accordance with Chapter 3714. of the Revised Code, if 4649  
all of the following apply to the applicant for the license: 4650

(1) The applicant has acquired an interest in the property on 4651  
which the facility will be located on or before May 1, 2005. 4652

(2) The applicant has begun a hydrogeologic investigation 4653  
pursuant to section 3745-400-09 of the Ohio Administrative Code 4654  
prior to submitting the application. 4655

(3) The applicant has begun the engineering plans for the 4656  
facility prior to submitting the application. 4657

(4) The application submitted by the applicant would have 4658



been determined to be complete if the moratorium had not been in 4659  
effect. 4660

The director shall determine whether this division applies to 4661  
an applicant within forty-five days after receiving an applicant's 4662  
request for a determination under this division. 4663

~~(C)(1) There is hereby created the Construction and 4664  
Demolition Debris Facility Study Committee composed of the 4665  
following thirteen members: 4666~~

~~(a) Three members of the House of Representatives appointed 4667  
by the Speaker of the House of Representatives; 4668~~

~~(b) Three members of the Senate appointed by the President of 4669  
the Senate; 4670~~

~~(c) The Director of Environmental Protection or the 4671  
Director's designee; 4672~~

~~(d) One member representing health districts in the state 4673  
appointed by the Governor; 4674~~

~~(e) Three members representing the construction and 4675  
demolition debris industry in the state appointed by the Governor, 4676  
one of whom shall be the owner of both a construction and 4677  
demolition debris facility and a solid waste disposal facility; 4678~~

~~(f) Two members representing environmental consulting 4679  
organizations or firms in the state appointed by the Governor. 4680~~

~~Appointments shall be made to the Committee not later than 4681  
fifteen days after the effective date of this section. Members of 4682  
the Committee shall not receive compensation for their service on 4683  
the Committee and shall not receive reimbursement for expenses 4684  
incurred related to that service. 4685~~

~~(2) The Committee shall study the laws of this state 4686  
governing construction and demolition debris facilities and the 4687  
rules adopted under those laws and shall make recommendations to 4688~~

~~the General Assembly regarding changes to those laws including,~~ 4689  
~~but not limited to, recommendations concerning the following~~ 4690  
~~topics:~~ 4691

~~(a) The establishment of a code of ethics for owners and~~ 4692  
~~operators of construction and demolition debris facilities;~~ 4693

~~(b) The establishment of best management practices;~~ 4694

~~(c) Licensing requirements;~~ 4695

~~(d) Testing and monitoring requirements and protocols;~~ 4696

~~(e) Siting and setback criteria for construction and~~ 4697  
~~demolition debris facilities;~~ 4698

~~(f) State and local oversight and regulatory authority;~~ 4699

~~(g) Fees;~~ 4700

~~(h) The regulation of construction and demolition debris from~~ 4701  
~~sources inside and outside the state;~~ 4702

~~(i) The closure process for construction and demolition~~ 4703  
~~debris facilities.~~ 4704

~~(3) The Committee shall submit a report of its study and any~~ 4705  
~~recommendations that it has developed to the General Assembly not~~ 4706  
~~later than September 30, 2005. The Committee shall cease to exist~~ 4707  
~~on the date on which it submits its report.~~ 4708

~~The General Assembly shall enact legislation based on the~~ 4709  
~~recommendations of the Committee as soon as is practicable.~~ 4710

**Section 6.02.** That existing Section 513.03 of Am. Sub. H.B. 4711  
66 of the 126th General Assembly, as amended by Am. Sub. H.B. 100 4712  
of the 126th General Assembly is hereby repealed. 4713

**Section 6.03.** That Section 5 of Sub. H.B. 125 of the 127th 4714  
General Assembly, as most recently amended by Sub. H.B. 198 of the 4715  
128th General Assembly, be amended to read as follows: 4716

~~Sec. 5. (A) As used in this section and Section 6 of Sub.~~ 4717  
~~H.B. 125 of the 127th General Assembly:~~ 4718

(1) "Most favored nation clause" means a provision in a 4719  
health care contract that does any of the following: 4720

(a) Prohibits, or grants a contracting entity an option to 4721  
prohibit, the participating provider from contracting with another 4722  
contracting entity to provide health care services at a lower 4723  
price than the payment specified in the contract; 4724

(b) Requires, or grants a contracting entity an option to 4725  
require, the participating provider to accept a lower payment in 4726  
the event the participating provider agrees to provide health care 4727  
services to any other contracting entity at a lower price; 4728

(c) Requires, or grants a contracting entity an option to 4729  
require, termination or renegotiation of the existing health care 4730  
contract in the event the participating provider agrees to provide 4731  
health care services to any other contracting entity at a lower 4732  
price; 4733

(d) Requires the participating provider to disclose the 4734  
participating provider's contractual reimbursement rates with 4735  
other contracting entities. 4736

(2) "Contracting entity," "health care contract," "health 4737  
care services," "participating provider," and "provider" have the 4738  
same meanings as in section 3963.01 of the Revised Code, as 4739  
enacted by Sub. H.B. 125 of the 127th General Assembly. 4740

(B) With respect to a contracting entity and a provider other 4741  
than a hospital, no health care contract that includes a most 4742  
favored nation clause shall be entered into, and no health care 4743  
contract at the instance of a contracting entity shall be amended 4744  
or renewed to include a most favored nation clause, for a period 4745  
of three years after the effective date of Sub. H.B. 125 of the 4746

127th General Assembly. 4747

(C) With respect to a contracting entity and a hospital, no 4748  
health care contract that includes a most favored nation clause 4749  
shall be entered into, and no health care contract at the instance 4750  
of a contracting entity shall be amended or renewed to include a 4751  
most favored nation clause, for a period of three years after the 4752  
effective date of Sub. H.B. 125 of the 127th General Assembly, ~~7~~ 4753  
~~subject to extension as provided in Section 6 of Sub. H.B. 125 of~~ 4754  
~~the 127th General Assembly.~~ 4755

(D) This section does not apply to and does not prohibit the 4756  
continued use of a most favored nation clause in a health care 4757  
contract that is between a contracting entity and a hospital and 4758  
that is in existence on the effective date of Sub. H.B. 125 of the 4759  
127th General Assembly even if the health care contract is 4760  
materially amended with respect to any provision of the health 4761  
care contract other than the most favored nation clause during the 4762  
two-year period specified in this section or during any extended 4763  
period of time as provided in Section 6 of Sub. H.B. 125 of the 4764  
127th General Assembly. 4765

**Section 6.04.** That existing Section 5 of Sub. H.B. 125 of the 4766  
127th General Assembly, as most recently amended by Sub. H.B. 198 4767  
of the 128th General Assembly, is hereby repealed. 4768

**Section 7.01.** That Section 3 of Sub. H.B. 187 of the 126th 4769  
General Assembly be amended to read as follows: 4770

**Sec. 3.** In addition to its recommendations that are included 4771  
in ~~this act~~ Sub. H.B. 187 of the 126th General Assembly, the Civil 4772  
Service Review Commission that was created by Amended Senate Bill 4773  
No. 210 of the 123rd General Assembly recommends, with necessary 4774  
changes made by the General Assembly to reflect subsequent 4775  
legislative enactments, ~~all of the following:~~ 4776

~~(A) The that the~~ Department of Administrative Services, in 4777  
conjunction with all appropriate stakeholder groups, ~~shall~~ study 4778  
the compensation and classification system that applies to 4779  
employees paid by warrant of the Director of Budget and Management 4780  
and county employees in order to determine how the system could be 4781  
simplified. The Department shall report to the General Assembly on 4782  
the results of its study not later than six months after the 4783  
effective date of this act and at appropriate intervals 4784  
thereafter. 4785

~~(B) An ad hoc committee shall be formed to review, study, and 4786  
encourage greater awareness of the use of alternate dispute 4787  
resolution procedures, such as mediation, in appeals to the State 4788  
Personnel Board of Review and to municipal and civil service 4789  
township civil service commissions. The committee shall consist of 4790  
representatives of labor organizations, counties, cities, the 4791  
State Personnel Board of Review, the State Employment Relations 4792  
Board, the Office of Collective Bargaining of the Department of 4793  
Administrative Services, the Ohio Commission on Dispute Resolution 4794  
and Conflict Management, the American Arbitration Association, and 4795  
the Federal Mediation and Conciliation Service. Professors on the 4796  
faculty of Ohio law schools, a professional arbitrator with 4797  
experience in public sector disputes, and a plaintiff's lawyer 4798  
with experience in civil service disputes also should be members 4799  
of the committee. The committee shall report its findings and 4800  
recommendations to the General Assembly within six months after 4801  
the effective date of this act. 4802~~

**Section 7.02.** That existing Section 3 of Sub. H.B. 187 of the 4803  
126th General Assembly is hereby repealed. 4804

**Section 8.** That Section 3 of Sub. H.B. 495 of the 128th 4805  
General Assembly and Section 6 of Am. Sub. H.B. 516 of the 125th 4806  
General Assembly are repealed. 4807

This repeal prevents the repeal of sections 101.82, 101.83, 4808  
101.84, 101.85, 101.86, and 101.87 of the Revised Code that was to 4809  
have been effective on December 31, 2010, and that was postponed 4810  
until July 1, 2011. These repeals remove all limitations upon the 4811  
continued existence of sections 101.82, 101.83, 101.84, 101.85, 4812  
101.86, and 101.87 of the Revised Code. The rule of construction 4813  
that the repeal of a repealing act does not revive the statute 4814  
repealed, which is reflected in section 1.57 of the Revised Code, 4815  
does not affect the intent of this section. 4816

**Section 9.** The following Sections are repealed: 4817

Sections 209.40, 309.40.70, and 709.10 of Am. Sub. H.B. 1 of 4818  
the 128th General Assembly 4819

Sections 755.80 and 756.40 of Am. Sub. H.B. 2 of the 128th 4820  
General Assembly 4821

Section 3 of Sub. H.B. 7 of the 127th General Assembly 4822

Section 555.17 of Am. Sub. H.B. 67 of the 127th General 4823  
Assembly 4824

Sections 263.30.30, 337.20.20, 377.20, and 737.11 of Am. Sub. 4825  
H.B. 119 of the 127th General Assembly 4826

Sections 6 and 7 of Sub. H.B. 125 of the 127th General 4827  
Assembly 4828

Section 2 of Sub. H.B. 233 of the 127th General Assembly 4829

Sections 703.30 and 715.50 of Am. Sub. H.B. 562 of the 127th 4830  
General Assembly 4831

Section 4 of Am. Sub. S.B. 77 of the 127th General Assembly 4832

Sections 206.10.12, 206.42.12, 206.66.24, 206.66.43, 4833  
209.63.58, 503.09, and 503.12 of Am. Sub. H.B. 66 of the 126th 4834  
General Assembly 4835

Section 4 of Sub. H.B. 187 of the 126th General Assembly 4836

Section 1 of Sub. H.B. 371 of the 126th General Assembly	4837
Section 235.60.70 of Am. Sub. H.B. 699 of the 126th General Assembly	4838
	4839
Section 3 of Am. Sub. S.B. 167 of the 126th General Assembly	4840
Section 5 of Am. Sub. S.B. 260 of the 126th General Assembly	4841
Section 3 of Sub. S.B. 393 of the 126th General Assembly	4842
Sections 12 and 25 of Am. Sub. H.B. 87 of the 125th General Assembly	4843
	4844
Sections 41.35 and 153 of Am. Sub. H.B. 95 of the 125th General Assembly	4845
	4846
Section 8 of Sub. H.B. 299 of the 125th General Assembly	4847
Section 3 of Am. Sub. S.B. 86 of the 125th General Assembly	4848
Section 3 of Sub. H.B. 230 of the 124th General Assembly	4849
Section 3 of Am. Sub. H.B. 474 of the 124th General Assembly	4850
Section 4 of Am. Sub. S.B. 281 of the 124th General Assembly	4851
Section 3 of Am. H.B. 416 of the 127th General Assembly, as amended by Am. Sub. S.B. 110 of the 128th General Assembly	4852
	4853
Section 701.20 of Am. Sub. H.B. 562 of the 127th General Assembly, as subsequently amended by Sub. H.B. 393 of the 128th General Assembly	4854
	4855
	4856
Section 206.66.53 of Am. Sub. H.B. 66 of the 126th General Assembly, as amended by S.B. 87 of the 126th General Assembly	4857
	4858
Section 6 of Sub. H.B. 336 of the 126th General Assembly, as amended by Am. Sub. S.B. 155 of the 127th General Assembly	4859
	4860
Section 755.03 of Am. Sub. H.B. 530 of the 126th General Assembly, as amended by Am. Sub. H.B. 67 of the 127th General Assembly	4861
	4862
	4863
Section 6 of Am. Sub. S.B. 238 of the 126th General Assembly,	4864

as amended by Am. Sub. H.B. 461 of the 126th General Assembly 4865

Section 152 of Am. Sub. H.B. 95 of the 125th General 4866  
Assembly, as amended by Am. Sub. S.B. 2 of the 125th General 4867  
Assembly 4868

Section 59.29 of Am. Sub. H.B. 95 of the 125th General 4869  
Assembly, as amended by Am. Sub. S.B. 189 of the 125th General 4870  
Assembly 4871

**Section 10.** It is in part the intent of the General Assembly 4872  
in enacting this act to implement the report of the Sunset Review 4873  
Committee that was created by Am. Sub. H.B. 516 of the 125th 4874  
General Assembly and the committee that convened under that act 4875  
during the 128th General Assembly. That report is implemented in 4876  
part as follows: 4877

(A) By the abolishment in this act, through amendments to 4878  
relevant codified sections of law and through outright repeals of 4879  
codified or uncoded sections of law, of numerous agencies, as 4880  
defined in section 101.82 of the Revised Code, that were subject 4881  
to the Committee's jurisdiction; 4882

(B) By the termination, through amendments to relevant 4883  
codified sections of law and through outright repeals of codified 4884  
or uncoded sections of law, of several agencies, as defined in 4885  
section 101.82 of the Revised Code, that were subject to the 4886  
Committee's jurisdiction; 4887

(C) By the transfer, through the amendment of codified or 4888  
uncoded sections of law, of several agencies, as defined in 4889  
section 101.82 of the Revised Code, that were subject to the 4890  
Committee's jurisdiction; 4891

(D) By the renewal, through the amendment or enactment of 4892  
codified or uncoded sections of law, of the existence of 4893  
numerous agencies, as defined in section 101.82 of the Revised 4894



Code, that were subject to the Committee's jurisdiction. 4895

**Section 11.** The hospital measures advisory council shall 4896  
supersede the group of experts in pediatric medicine and their 4897  
members and succeed to and have and perform all the duties, 4898  
powers, and obligations pertaining to the duties, powers, and 4899  
obligations of the group of experts in pediatric medicine and 4900  
their members. All rules, actions, determinations, commitments, 4901  
resolutions, decisions, and agreements pertaining to those duties, 4902  
powers, obligations, functions, and rights in force or in effect 4903  
on the effective date of this section shall continue in force and 4904  
effect subject to any further lawful action thereon by the 4905  
hospital measures advisory council. Wherever the group of experts 4906  
in pediatric medicine are referred to in any provision of law, or 4907  
in any agreement or document that pertains to those duties, 4908  
powers, obligations, functions, and rights, the reference is to 4909  
the hospital measures advisory council. 4910

All authorized obligations and supplements thereto of the 4911  
group of experts in pediatric medicine and their members 4912  
pertaining to the duties, powers, and obligations transferred are 4913  
binding on the hospital measures advisory council, and nothing in 4914  
this act impairs the obligations or rights thereunder or under any 4915  
contract. The abolition of the group of experts in pediatric 4916  
medicine and the transfer of their duties, powers, and obligations 4917  
do not affect the validity of agreements or obligations made by 4918  
the group of experts in pediatric medicine and their members 4919  
pursuant to Chapters 4121., 4123., 4125., 4127., 4131., and 4167. 4920  
of the Revised Code or any other provisions of law. 4921

In connection with the transfer of duties, powers, 4922  
obligations, functions, and rights and abolition of the group of 4923  
experts in pediatric medicine, all real property and interest 4924  
therein, documents, books, money, papers, records, machinery, 4925

furnishings, office equipment, furniture, and all other property 4926  
over which the group of experts in pediatric medicine have control 4927  
pertaining to the duties, powers, and obligations transferred and 4928  
the rights of the group of experts in pediatric medicine to 4929  
enforce or receive any of the aforesaid is automatically 4930  
transferred to the hospital measures advisory council without 4931  
necessity for further action on the part of the hospital measures 4932  
advisory council. Additionally, all appropriations or 4933  
reappropriations made to the group of experts in pediatric 4934  
medicine for the purposes of the performance of their duties, 4935  
powers, and obligations, are transferred to the hospital measures 4936  
advisory council to the extent of the remaining unexpended or 4937  
unencumbered balance thereof, whether allocated or unallocated, 4938  
and whether obligated or unobligated. 4939

**Section 12.** The commission on Hispanic-Latino affairs shall 4940  
supersede the interagency council on Hispanic-Latino affairs and 4941  
its members and succeed to and have and perform all the duties, 4942  
powers, and obligations pertaining to the duties, powers, and 4943  
obligations of the interagency council on Hispanic-Latino affairs 4944  
and its members. All rules, actions, determinations, commitments, 4945  
resolutions, decisions, and agreements pertaining to those duties, 4946  
powers, obligations, functions, and rights in force or in effect 4947  
on the effective date of this section shall continue in force and 4948  
effect subject to any further lawful action thereon by the 4949  
commission on Hispanic-Latino affairs. Wherever the interagency 4950  
council on Hispanic-Latino affairs is referred to in any provision 4951  
of law, or in any agreement or document that pertains to those 4952  
duties, powers, obligations, functions, and rights, the reference 4953  
is to the commission on Hispanic-Latino affairs. 4954

All authorized obligations and supplements thereto of the 4955  
interagency council on Hispanic-Latino affairs and its members 4956  
pertaining to the duties, powers, and obligations transferred are 4957

binding on the commission on Hispanic-Latino affairs, and nothing 4958  
in this act impairs the obligations or rights thereunder or under 4959  
any contract. The abolition of the interagency council on 4960  
Hispanic-Latino affairs and the transfer of their duties, powers, 4961  
and obligations do not affect the validity of agreements or 4962  
obligations made by the interagency council on Hispanic-Latino 4963  
affairs and its members pursuant to Chapters 4121., 4123., 4125., 4964  
4127., 4131., and 4167. of the Revised Code or any other 4965  
provisions of law. 4966

In connection with the transfer of duties, powers, 4967  
obligations, functions, and rights and abolition of the 4968  
interagency council on Hispanic-Latino affairs, all real property 4969  
and interest therein, documents, books, money, papers, records, 4970  
machinery, furnishings, office equipment, furniture, and all other 4971  
property over which the interagency council on Hispanic-Latino 4972  
affairs has control pertaining to the duties, powers, and 4973  
obligations transferred and the rights of the interagency council 4974  
on Hispanic-Latino affairs to enforce or receive any of the 4975  
aforesaid is automatically transferred to the commission on 4976  
Hispanic-Latino affairs without necessity for further action on 4977  
the part of the commission on Hispanic-Latino affairs. 4978  
Additionally, all appropriations or reappropriations made to the 4979  
interagency council on Hispanic-Latino affairs for the purposes of 4980  
the performance of their duties, powers, and obligations, are 4981  
transferred to the commission on Hispanic-Latino affairs to the 4982  
extent of the remaining unexpended or unencumbered balance 4983  
thereof, whether allocated or unallocated, and whether obligated 4984  
or unobligated. 4985

**Section 13.** This act is an emergency measure necessary for 4986  
the immediate preservation of the public peace, health, and 4987  
safety. The sunset review law is scheduled to operate on July 1, 4988  
2011, as a matter of law. And if the sunset review law operates 4989

before the effective date of this act, uncertainty and confusion,	4990
with respect to the authority for certain agencies to operate,	4991
could result. Therefore, this act goes into immediate effect.	4992