

As Passed by the House

129th General Assembly

Regular Session

2011-2012

Sub. S. B. No. 171

Senators Gillmor, Wagoner

Cosponsors: Senators Bacon, Beagle, Cafaro, Coley, Daniels, Hughes,

Jones, Jordan, LaRose, Niehaus, Oelslager, Patton, Widener, Wilson

Representatives Combs, Adams, R., Anielski, Antonio, Baker, Balderson,

Barnes, Beck, Blair, Blessing, Boose, Brenner, Bubp, Buchy, Burke, Carney,

Celeste, Conditt, Damschroder, DeGeeter, Dovilla, Duffey, Gardner, Garland,

Goodwin, Goyal, Hackett, Hall, Hayes, Hottinger, Huffman, Kozlowski,

Landis, Lundy, Mallory, Martin, McClain, McGregor, Mecklenborg, Milkovich,

Murray, Newbold, O'Brien, Phillips, Pillich, Roegner, Ruhl, Schuring, Sears,

Slaby, Sprague, Stebelton, Sykes, Szollosi, Thompson, Uecker, Wachtmann,

Weddington, Winburn, Yuko Speaker Batchelder

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A B I L L

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| 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 |
| 3306.29, 3306.291, 3306.292, 3306.50, 3306.51, | 12 |
| 3306.52, 3306.53, 3306.54, 3306.55, 3306.56, | 13 |
| 3306.57, 3306.58, 3306.59, 3311.77, 3312.11, | 14 |

3312.12, 3319.70, 3319.71, 3701.92, 3727.322, 15
3746.03, 4121.75, 4121.76, 4121.77, 4121.78, 16
4121.79, 4501.025, 5111.709, 5111.7010, 5123.60, 17
and 5902.15 of the Revised Code; and to amend 18
Section 5 of Sub. H.B. 125 of the 127th General 19
Assembly as subsequently amended, Section 20 of 20
Am. Sub. H.B. 554 of the 127th General Assembly, 21
Section 3 of Sub. H.B. 187 of the 126th General 22
Assembly, and Section 513.03 of Am. Sub. H.B. 66 23
of the 126th General Assembly as subsequently 24
amended; and to repeal Section 3 of Sub. H.B. 495 25
of the 128th General Assembly, Sections 209.40, 26
309.40.70, and 709.10 of Am. Sub. H.B. 1 of the 27
128th General Assembly, Sections 755.80 and 756.40 28
of Am. Sub. H.B. 2 of the 128th General Assembly, 29
Section 3 of Sub. H.B. 7 of the 127th General 30
Assembly, Section 555.17 of Am. Sub. H.B. 67 of 31
the 127th General Assembly, Sections 263.30.30, 32
337.20.20, 377.20, and 737.11 of Am. Sub. H.B. 119 33
of the 127th General Assembly, Sections 6 and 7 of 34
Sub. H.B. 125 of the 127th General Assembly, 35
Section 2 of Sub. H.B. 233 of the 127th General 36
Assembly, Sections 703.30 and 715.50 of Am. Sub. 37
H.B. 562 of the 127th General Assembly, Section 4 38
of Am. Sub. S.B. 77 of the 127th General Assembly, 39
Sections 206.10.12, 206.42.12, 206.66.24, 40
206.66.43, 209.63.58, 503.09, and 503.12 of Am. 41
Sub. H.B. 66 of the 126th General Assembly, 42
Section 4 of Sub. H.B. 187 of the 126th General 43
Assembly, Section 1 of Sub. H.B. 371 of the 126th 44
General Assembly, Section 235.60.70 of Am. Sub. 45
H.B. 699 of the 126th General Assembly, Section 3 46
of Am. Sub. S.B. 167 of the 126th General 47

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| Assembly, Section 5 of Am. Sub. S.B. 260 of the | 48 |
| 126th General Assembly, Section 3 of Sub. S.B. 393 | 49 |
| of the 126th General Assembly, Sections 12 and 25 | 50 |
| of Am. Sub. H.B. 87 of the 125th General Assembly, | 51 |
| Sections 41.35 and 153 of Am. Sub. H.B. 95 of the | 52 |
| 125th General Assembly, Section 8 of Sub. H.B. 299 | 53 |
| of the 125th General Assembly, Section 6 of Am. | 54 |
| Sub. H.B. 516 of the 125th General Assembly, | 55 |
| Section 3 of Am. Sub. S.B. 86 of the 125th General | 56 |
| Assembly, Section 3 of Sub. H.B. 230 of the 124th | 57 |
| General Assembly, Section 3 of Am. Sub. H.B. 474 | 58 |
| of the 124th General Assembly, Section 4 of Am. | 59 |
| Sub. S.B. 281 of the 124th General Assembly, | 60 |
| Section 3 of Am. H.B. 416 of the 127th General | 61 |
| Assembly as subsequently amended, Section 701.20 | 62 |
| of Am. Sub. H.B. 562 of the 127th General Assembly | 63 |
| as subsequently amended, Section 206.66.53 of Am. | 64 |
| Sub. H.B. 66 of the 126th General Assembly as | 65 |
| subsequently amended, Section 6 of Sub. H.B. 336 | 66 |
| of the 126th General Assembly as subsequently | 67 |
| amended, Section 755.03 of Am. Sub. H.B. 530 of | 68 |
| the 126th General Assembly as subsequently | 69 |
| amended, Section 6 of Am. Sub. S.B. 238 of the | 70 |
| 126th General Assembly as subsequently amended, | 71 |
| Section 152 of Am. Sub. H.B. 95 of the 125th | 72 |
| General Assembly as subsequently amended, and | 73 |
| Section 59.29 of Am. Sub. H.B. 95 of the 125th | 74 |
| General Assembly as subsequently amended to | 75 |
| implement the recommendations of the Sunset Review | 76 |
| Committee by abolishing, terminating, | 77 |
| transferring, or renewing various agencies and by | 78 |
| reestablishing the Sunset Review Committee but | 79 |
| postponing its operation until the 131st General | 80 |

Assembly, to terminate the operation of certain 81
provisions of this act on December 31, 2016, by 82
repealing sections 101.82, 101.83, 101.84, 101.85, 83
101.86, and 101.87 of the Revised Code on that 84
date, and to declare an emergency. 85

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

Section 1. That sections 9.90, 101.532, 101.83, 101.84, 86
101.85, 101.86, 102.02, 109.91, 121.32, 127.14, 173.03, 173.04, 87
3302.021, 3311.71, 3312.01, 3312.09, 3313.202, 3701.025, 3701.63, 88
3727.312, 3737.03, 3737.21, 3737.81, 3737.86, 3737.88, 3743.54, 89
3746.04, 4117.03, 4121.03, 4121.12, 4121.121, 4121.125, 4121.128, 90
4123.341, 4123.342, 4123.35, 5111.708, 5123.032, and 5123.093 of 91
the Revised Code be amended to read as follows: 92

Sec. 9.90. (A) The governing board of any public institution 93
of higher education, including without limitation state 94
universities and colleges, community college districts, university 95
branch districts, technical college districts, and municipal 96
universities, may, in addition to all other powers provided in the 97
Revised Code: 98

(1) Contract for, purchase, or otherwise procure from an 99
insurer or insurers licensed to do business by the state of Ohio 100
for or on behalf of such of its employees as it may determine, 101
life insurance, or sickness, accident, annuity, endowment, health, 102
medical, hospital, dental, or surgical coverage and benefits, or 103
any combination thereof, by means of insurance plans or other 104
types of coverage, family, group or otherwise, and may pay from 105
funds under its control and available for such purpose all or any 106
portion of the cost, premium, or charge for such insurance, 107
coverage, or benefits. However, the governing board, in addition 108
to or as an alternative to the authority otherwise granted by 109

division (A)(1) of this section, may elect to procure coverage for 110
health care services, for or on behalf of such of its employees as 111
it may determine, by means of policies, contracts, certificates, 112
or agreements issued by at least two health insuring corporations 113
holding a certificate of authority under Chapter 1751. of the 114
Revised Code and may pay from funds under the governing board's 115
control and available for such purpose all or any portion of the 116
cost of such coverage. 117

(2) Make payments to a custodial account for investment in 118
regulated investment company stock for the purpose of providing 119
retirement benefits as described in section 403(b)(7) of the 120
Internal Revenue Code of 1954, as amended. Such stock shall be 121
purchased only from persons authorized to sell such stock in this 122
state. 123

Any income of an employee deferred under divisions (A)(1) and 124
(2) of this section in a deferred compensation program eligible 125
for favorable tax treatment under the Internal Revenue Code of 126
1954, as amended, shall continue to be included as regular 127
compensation for the purpose of computing the contributions to and 128
benefits from the retirement system of such employee. Any sum so 129
deferred shall not be included in the computation of any federal 130
and state income taxes withheld on behalf of any such employee. 131

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

authorized by this section by reason of payment of premiums 142
therefor by the governing board from its funds, and such group 143
life insurance may be so issued and purchased if otherwise 144
consistent with the provisions of sections 3917.01 to 3917.07 of 145
the Revised Code. 146

(C) The board of education of any school district may 147
exercise any of the powers granted to the governing boards of 148
public institutions of higher education under divisions (A) and 149
(B) of this section, ~~except in relation to the provision of health~~ 150
~~care benefits to employees. All health care benefits provided to~~ 151
~~persons employed by the public schools of this state shall be~~ 152
~~health care plans that contain best practices established by the~~ 153
~~school employees health care board pursuant to section 9.901 of~~ 154
~~the Revised Code.~~ 155

Sec. 101.532. The main operating appropriations bill shall 156
not contain appropriations for the industrial commission, ~~the~~ 157
~~workers' compensation council,~~ or the bureau of workers' 158
compensation. Appropriations for the bureau ~~and the council~~ shall 159
be enacted in one bill, and appropriations for the industrial 160
commission shall be enacted in a separate bill. 161

Sec. 101.83. (A) An agency in existence on January 1, ~~2005~~ 162
2011, shall expire on December 31, ~~2010~~ 2016, unless the agency is 163
renewed in accordance with division (D) of this section and, if so 164
renewed, shall expire thereafter on the thirty-first day of 165
December of the fourth year after the year in which it was most 166
recently renewed unless the agency is renewed in accordance with 167
division (D) of this section. An agency created after January 1, 168
~~2005~~ 2011, that is created on the thirty-first day of December 169
shall expire not later than four years after its creation, unless 170
the agency is renewed in accordance with division (D) of this 171
section. An agency created after January 1, ~~2005~~ 2011, that is 172

created on any other date shall be considered for the purpose of 173
this section to have been created on the preceding thirty-first 174
day of December, and the agency shall expire not later than four 175
years after the date it was considered to have been created, 176
unless the agency is renewed in accordance with division (D) of 177
this section. Any act creating or renewing an agency shall contain 178
a distinct section providing a specific expiration date for the 179
agency in accordance with this division. 180

(B) If the general assembly does not renew or transfer an 181
agency on or before its expiration date, it shall expire on that 182
date. 183

The director of budget and management shall not authorize the 184
expenditure of any moneys for any agency on or after the date of 185
its expiration. 186

(C) The general assembly may provide by law for the orderly, 187
efficient, and expeditious conclusion of an agency's business and 188
operation. The rules, orders, licenses, contracts, and other 189
actions made, taken, granted, or performed by the agency shall 190
continue in effect according to their terms notwithstanding the 191
agency's abolition, unless the general assembly provides otherwise 192
by law. The general assembly may provide by law for the temporary 193
or permanent transfer of some or all of a terminated or 194
transferred agency's functions and personnel to a successor agency 195
or officer. 196

The abolition, termination, or transfer of an agency shall 197
not cause the termination or dismissal of any claim pending 198
against the agency by any person, or any claim pending against any 199
person by the agency. Unless the general assembly provides 200
otherwise by law for the substitution of parties, the attorney 201
general shall succeed the agency with reference to any pending 202
claim. 203

(D) An agency may be renewed by passage of a bill that 204
continues the statutes creating and empowering the agency, that 205
amends or repeals those statutes, or that enacts new statutes, to 206
improve agency usefulness, performance, or effectiveness. 207

Sec. 101.84. (A) There is hereby created the sunset review 208
committee, to be composed of nine members and function in calendar 209
years ~~2009~~ 2015 and ~~2010~~ 2016. The president of the senate shall 210
appoint three members of the senate to the committee, not more 211
than two of whom shall be members of the same political party. The 212
speaker of the house of representatives shall appoint three 213
members of the house of representatives to the committee, not more 214
than two of whom shall be members of the same political party. The 215
governor, with the advice and consent of the senate, shall appoint 216
three members to the committee, not more than two of whom shall be 217
members of the same political party. Members shall be appointed 218
within fifteen days after the commencement of the first regular 219
session of the ~~128th~~ 131st general assembly. 220

(B) Each member of the committee who is appointed by the 221
president of the senate or the speaker of the house of 222
representatives shall serve during that committee member's term of 223
office or until that committee member no longer is a member of the 224
senate or the house of representatives, whichever is applicable. 225
Each member of the committee who is appointed by the governor 226
shall serve a two-year term that ends on the thirty-first day of 227
December in ~~2010~~ 2016. A vacancy on the committee shall be filled 228
in the same manner as the original appointment. 229

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

the committee shall be a member of the senate, and the 235
vice-chairperson of the committee shall be a member of the house 236
of representatives. 237

Members of the committee shall receive no compensation, but 238
shall be reimbursed for their necessary expenses incurred in the 239
performance of their official duties. 240

(C) The committee shall meet not later than thirty days after 241
the first day of the first regular session of the ~~128th~~ 131st 242
general assembly to choose a chairperson and to commence 243
establishment of the schedule for agency review provided for in 244
section 101.85 of the Revised Code or perform other committee 245
duties under sections 101.82 to 101.87 of the Revised Code. Five 246
members of the committee shall constitute a quorum for the conduct 247
of committee business. 248

Sec. 101.85. (A) The sunset review committee, not later than 249
sixty days after its first meeting in ~~2009~~ 2015, shall schedule 250
for review each agency in existence on January 1, ~~2009~~ 2015. The 251
committee, by a unanimous vote, also may schedule for review any 252
state board or commission described in division (A)(9) of section 253
101.82 of the Revised Code that is in existence on that date, and 254
any board or commission so scheduled shall be considered an agency 255
for purposes of sections 101.82 to 101.87 of the Revised Code. 256

(B) The chairperson of the committee shall send a copy of the 257
schedule for review of agencies for calendar year ~~2009~~ 2015 and 258
calendar year ~~2010~~ 2016 to each of the agencies scheduled for 259
review during that year and to the director of the legislative 260
service commission. The director shall publish a copy of the 261
schedule in the Ohio Administrative Code and in the register of 262
Ohio created under section 103.051 of the Revised Code. The 263
commission shall provide the committee with a list of agencies, 264
and state boards and commissions described in division (A)(9) of 265

section 101.82 of the Revised Code, in existence on January 1, 266
~~2009~~ 2015, to assist the committee in identifying agencies and 267
exercising its duties under sections 101.82 to 101.87 of the 268
Revised Code with respect to those agencies. 269

Sec. 101.86. (A) Not later than six months prior to the date 270
on which an agency in existence on January 1, ~~2009~~ 2015, is 271
scheduled to expire under division (A) of section 101.83 of the 272
Revised Code, the sunset review committee shall hold hearings to 273
receive the testimony of the public and of the chief executive 274
officer of each agency scheduled for review and otherwise shall 275
consider and evaluate the usefulness, performance, and 276
effectiveness of the agency. 277

(B) Each agency that is scheduled for review shall submit to 278
the committee a report that contains all of the following 279
information: 280

(1) The agency's primary purpose and its various goals and 281
objectives; 282

(2) The agency's past and anticipated workload, the number of 283
staff required to complete that workload, and the agency's total 284
number of staff; 285

(3) The agency's past and anticipated budgets and its sources 286
of funding; 287

(4) The number of members of its governing board or other 288
governing entity and their compensation, if any. 289

(C) Each agency shall have the burden of demonstrating to the 290
committee a public need for its continued existence. In 291
determining whether an agency has demonstrated that need, the 292
committee shall consider all of the following: 293

(1) The extent to which the agency has permitted qualified 294
applicants to serve the public; 295

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| (2) The cost-effectiveness of the agency in terms of number | 296 |
| of employees, services rendered, and administrative costs | 297 |
| incurred, both past and present; | 298 |
| (3) The extent to which the agency has operated in the public | 299 |
| interest, and whether its operation has been impeded or enhanced | 300 |
| by existing statutes and procedures and by budgetary, resource, | 301 |
| and personnel practices; | 302 |
| (4) Whether the agency has recommended statutory changes to | 303 |
| the general assembly that would benefit the public as opposed to | 304 |
| the persons regulated by the agency, if any, and whether its | 305 |
| recommendations and other policies have been adopted and | 306 |
| implemented; | 307 |
| (5) Whether the agency has required any persons it regulates | 308 |
| to report to it the impact of agency rules and decisions on the | 309 |
| public as they affect service costs and service delivery; | 310 |
| (6) Whether persons regulated by the agency, if any, have | 311 |
| been required to assess problems in their business operations that | 312 |
| affect the public; | 313 |
| (7) Whether the agency has encouraged public participation in | 314 |
| its rule-making and decision-making; | 315 |
| (8) The efficiency with which formal public complaints filed | 316 |
| with the agency have been processed to completion; | 317 |
| (9) Whether the programs or services of the agency duplicate | 318 |
| or overlap those of other agencies; | 319 |
| (10) Whether the purpose for which the agency was created has | 320 |
| been fulfilled, has changed, or no longer exists; | 321 |
| (11) Whether federal law requires that the agency be renewed | 322 |
| in some form; | 323 |
| (12) Changes needed in the enabling laws of the agency in | 324 |
| order for it to comply with the criteria suggested by the | 325 |

considerations listed in divisions (C)(1) to (11) of this section. 326

(D) In its initial review of each agency, the committee, 327
whenever possible, shall realign agency titles to conform to the 328
following descriptions: 329

(1) Commission: an administrative appeals or hearing agency; 330

(2) Authority: an agency empowered to issue bonds or notes; 331

(3) Board: an agency having a licensing function only; 332

(4) Council: an advisory body to a major agency or 333
department; 334

(5) Committee: an advisory body to a minor agency or 335
department. 336

Sec. 102.02. (A) Except as otherwise provided in division (H) 337
of this section, all of the following shall file with the 338
appropriate ethics commission the disclosure statement described 339
in this division on a form prescribed by the appropriate 340
commission: every person who is elected to or is a candidate for a 341
state, county, or city office and every person who is appointed to 342
fill a vacancy for an unexpired term in such an elective office; 343
all members of the state board of education; the director, 344
assistant directors, deputy directors, division chiefs, or persons 345
of equivalent rank of any administrative department of the state; 346
the president or other chief administrative officer of every state 347
institution of higher education as defined in section 3345.011 of 348
the Revised Code; the executive director and the members of the 349
capitol square review and advisory board appointed or employed 350
pursuant to section 105.41 of the Revised Code; all members of the 351
Ohio casino control commission, the executive director of the 352
commission, all professional employees of the commission, and all 353
technical employees of the commission who perform an internal 354
audit function; the individuals set forth in division (B)(2) of 355

section 187.03 of the Revised Code; the chief executive officer 356
and the members of the board of each state retirement system; each 357
employee of a state retirement board who is a state retirement 358
system investment officer licensed pursuant to section 1707.163 of 359
the Revised Code; the members of the Ohio retirement study council 360
appointed pursuant to division (C) of section 171.01 of the 361
Revised Code; employees of the Ohio retirement study council, 362
other than employees who perform purely administrative or clerical 363
functions; the administrator of workers' compensation and each 364
member of the bureau of workers' compensation board of directors; 365
the bureau of workers' compensation director of investments; the 366
chief investment officer of the bureau of workers' compensation; 367
~~the director appointed by the workers' compensation council;~~ all 368
members of the board of commissioners on grievances and discipline 369
of the supreme court and the ethics commission created under 370
section 102.05 of the Revised Code; every business manager, 371
treasurer, or superintendent of a city, local, exempted village, 372
joint vocational, or cooperative education school district or an 373
educational service center; every person who is elected to or is a 374
candidate for the office of member of a board of education of a 375
city, local, exempted village, joint vocational, or cooperative 376
education school district or of a governing board of an 377
educational service center that has a total student count of 378
twelve thousand or more as most recently determined by the 379
department of education pursuant to section 3317.03 of the Revised 380
Code; every person who is appointed to the board of education of a 381
municipal school district pursuant to division (B) or (F) of 382
section 3311.71 of the Revised Code; all members of the board of 383
directors of a sanitary district that is established under Chapter 384
6115. of the Revised Code and organized wholly for the purpose of 385
providing a water supply for domestic, municipal, and public use, 386
and that includes two municipal corporations in two counties; 387
every public official or employee who is paid a salary or wage in 388

accordance with schedule C of section 124.15 or schedule E-2 of 389
section 124.152 of the Revised Code; members of the board of 390
trustees and the executive director of the southern Ohio 391
agricultural and community development foundation; all members 392
appointed to the Ohio livestock care standards board under section 393
904.02 of the Revised Code; and every other public official or 394
employee who is designated by the appropriate ethics commission 395
pursuant to division (B) of this section. 396

The disclosure statement shall include all of the following: 397

(1) The name of the person filing the statement and each 398
member of the person's immediate family and all names under which 399
the person or members of the person's immediate family do 400
business; 401

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 402
and except as otherwise provided in section 102.022 of the Revised 403
Code, identification of every source of income, other than income 404
from a legislative agent identified in division (A)(2)(b) of this 405
section, received during the preceding calendar year, in the 406
person's own name or by any other person for the person's use or 407
benefit, by the person filing the statement, and a brief 408
description of the nature of the services for which the income was 409
received. If the person filing the statement is a member of the 410
general assembly, the statement shall identify the amount of every 411
source of income received in accordance with the following ranges 412
of amounts: zero or more, but less than one thousand dollars; one 413
thousand dollars or more, but less than ten thousand dollars; ten 414
thousand dollars or more, but less than twenty-five thousand 415
dollars; twenty-five thousand dollars or more, but less than fifty 416
thousand dollars; fifty thousand dollars or more, but less than 417
one hundred thousand dollars; and one hundred thousand dollars or 418
more. Division (A)(2)(a) of this section shall not be construed to 419
require a person filing the statement who derives income from a 420

business or profession to disclose the individual items of income 421
that constitute the gross income of that business or profession, 422
except for those individual items of income that are attributable 423
to the person's or, if the income is shared with the person, the 424
partner's, solicitation of services or goods or performance, 425
arrangement, or facilitation of services or provision of goods on 426
behalf of the business or profession of clients, including 427
corporate clients, who are legislative agents. A person who files 428
the statement under this section shall disclose the identity of 429
and the amount of income received from a person who the public 430
official or employee knows or has reason to know is doing or 431
seeking to do business of any kind with the public official's or 432
employee's agency. 433

(b) If the person filing the statement is a member of the 434
general assembly, the statement shall identify every source of 435
income and the amount of that income that was received from a 436
legislative agent during the preceding calendar year, in the 437
person's own name or by any other person for the person's use or 438
benefit, by the person filing the statement, and a brief 439
description of the nature of the services for which the income was 440
received. Division (A)(2)(b) of this section requires the 441
disclosure of clients of attorneys or persons licensed under 442
section 4732.12 of the Revised Code, or patients of persons 443
certified under section 4731.14 of the Revised Code, if those 444
clients or patients are legislative agents. Division (A)(2)(b) of 445
this section requires a person filing the statement who derives 446
income from a business or profession to disclose those individual 447
items of income that constitute the gross income of that business 448
or profession that are received from legislative agents. 449

(c) Except as otherwise provided in division (A)(2)(c) of 450
this section, division (A)(2)(a) of this section applies to 451
attorneys, physicians, and other persons who engage in the 452

practice of a profession and who, pursuant to a section of the 453
Revised Code, the common law of this state, a code of ethics 454
applicable to the profession, or otherwise, generally are required 455
not to reveal, disclose, or use confidences of clients, patients, 456
or other recipients of professional services except under 457
specified circumstances or generally are required to maintain 458
those types of confidences as privileged communications except 459
under specified circumstances. Division (A)(2)(a) of this section 460
does not require an attorney, physician, or other professional 461
subject to a confidentiality requirement as described in division 462
(A)(2)(c) of this section to disclose the name, other identity, or 463
address of a client, patient, or other recipient of professional 464
services if the disclosure would threaten the client, patient, or 465
other recipient of professional services, would reveal details of 466
the subject matter for which legal, medical, or professional 467
advice or other services were sought, or would reveal an otherwise 468
privileged communication involving the client, patient, or other 469
recipient of professional services. Division (A)(2)(a) of this 470
section does not require an attorney, physician, or other 471
professional subject to a confidentiality requirement as described 472
in division (A)(2)(c) of this section to disclose in the brief 473
description of the nature of services required by division 474
(A)(2)(a) of this section any information pertaining to specific 475
professional services rendered for a client, patient, or other 476
recipient of professional services that would reveal details of 477
the subject matter for which legal, medical, or professional 478
advice was sought or would reveal an otherwise privileged 479
communication involving the client, patient, or other recipient of 480
professional services. 481

(3) The name of every corporation on file with the secretary 482
of state that is incorporated in this state or holds a certificate 483
of compliance authorizing it to do business in this state, trust, 484
business trust, partnership, or association that transacts 485

business in this state in which the person filing the statement or 486
any other person for the person's use and benefit had during the 487
preceding calendar year an investment of over one thousand dollars 488
at fair market value as of the thirty-first day of December of the 489
preceding calendar year, or the date of disposition, whichever is 490
earlier, or in which the person holds any office or has a 491
fiduciary relationship, and a description of the nature of the 492
investment, office, or relationship. Division (A)(3) of this 493
section does not require disclosure of the name of any bank, 494
savings and loan association, credit union, or building and loan 495
association with which the person filing the statement has a 496
deposit or a withdrawable share account. 497

(4) All fee simple and leasehold interests to which the 498
person filing the statement holds legal title to or a beneficial 499
interest in real property located within the state, excluding the 500
person's residence and property used primarily for personal 501
recreation; 502

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

state-chartered banks and all bank subsidiary corporations subject 518
to regulation under section 1109.44 of the Revised Code to whom 519
the superintendent or deputy superintendent owes any money. 520

(6) The names of all persons residing or transacting business 521
in the state, other than a depository excluded under division 522
(A)(3) of this section, who owe more than one thousand dollars to 523
the person filing the statement, either in the person's own name 524
or to any person for the person's use or benefit. Division (A)(6) 525
of this section shall not be construed to require the disclosure 526
of clients of attorneys or persons licensed under section 4732.12 527
or 4732.15 of the Revised Code, or patients of persons certified 528
under section 4731.14 of the Revised Code, nor the disclosure of 529
debts owed to the person resulting from the ordinary conduct of a 530
business or profession. 531

(7) Except as otherwise provided in section 102.022 of the 532
Revised Code, the source of each gift of over seventy-five 533
dollars, or of each gift of over twenty-five dollars received by a 534
member of the general assembly from a legislative agent, received 535
by the person in the person's own name or by any other person for 536
the person's use or benefit during the preceding calendar year, 537
except gifts received by will or by virtue of section 2105.06 of 538
the Revised Code, or received from spouses, parents, grandparents, 539
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 540
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 541
fathers-in-law, mothers-in-law, or any person to whom the person 542
filing the statement stands in loco parentis, or received by way 543
of distribution from any inter vivos or testamentary trust 544
established by a spouse or by an ancestor; 545

(8) Except as otherwise provided in section 102.022 of the 546
Revised Code, identification of the source and amount of every 547
payment of expenses incurred for travel to destinations inside or 548
outside this state that is received by the person in the person's 549

own name or by any other person for the person's use or benefit 550
and that is incurred in connection with the person's official 551
duties, except for expenses for travel to meetings or conventions 552
of a national or state organization to which any state agency, 553
including, but not limited to, any legislative agency or state 554
institution of higher education as defined in section 3345.011 of 555
the Revised Code, pays membership dues, or any political 556
subdivision or any office or agency of a political subdivision 557
pays membership dues; 558

(9) Except as otherwise provided in section 102.022 of the 559
Revised Code, identification of the source of payment of expenses 560
for meals and other food and beverages, other than for meals and 561
other food and beverages provided at a meeting at which the person 562
participated in a panel, seminar, or speaking engagement or at a 563
meeting or convention of a national or state organization to which 564
any state agency, including, but not limited to, any legislative 565
agency or state institution of higher education as defined in 566
section 3345.011 of the Revised Code, pays membership dues, or any 567
political subdivision or any office or agency of a political 568
subdivision pays membership dues, that are incurred in connection 569
with the person's official duties and that exceed one hundred 570
dollars aggregated per calendar year; 571

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

division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 582
the Revised Code. 583

A person may file a statement required by this section in 584
person or by mail. A person who is a candidate for elective office 585
shall file the statement no later than the thirtieth day before 586
the primary, special, or general election at which the candidacy 587
is to be voted on, whichever election occurs soonest, except that 588
a person who is a write-in candidate shall file the statement no 589
later than the twentieth day before the earliest election at which 590
the person's candidacy is to be voted on. A person who holds 591
elective office shall file the statement on or before the 592
fifteenth day of April of each year unless the person is a 593
candidate for office. A person who is appointed to fill a vacancy 594
for an unexpired term in an elective office shall file the 595
statement within fifteen days after the person qualifies for 596
office. Other persons shall file an annual statement on or before 597
the fifteenth day of April or, if appointed or employed after that 598
date, within ninety days after appointment or employment. No 599
person shall be required to file with the appropriate ethics 600
commission more than one statement or pay more than one filing fee 601
for any one calendar year. 602

The appropriate ethics commission, for good cause, may extend 603
for a reasonable time the deadline for filing a statement under 604
this section. 605

A statement filed under this section is subject to public 606
inspection at locations designated by the appropriate ethics 607
commission except as otherwise provided in this section. 608

(B) The Ohio ethics commission, the joint legislative ethics 609
committee, and the board of commissioners on grievances and 610
discipline of the supreme court, using the rule-making procedures 611
of Chapter 119. of the Revised Code, may require any class of 612
public officials or employees under its jurisdiction and not 613

specifically excluded by this section whose positions involve a 614
substantial and material exercise of administrative discretion in 615
the formulation of public policy, expenditure of public funds, 616
enforcement of laws and rules of the state or a county or city, or 617
the execution of other public trusts, to file an annual statement 618
on or before the fifteenth day of April under division (A) of this 619
section. The appropriate ethics commission shall send the public 620
officials or employees written notice of the requirement by the 621
fifteenth day of February of each year the filing is required 622
unless the public official or employee is appointed after that 623
date, in which case the notice shall be sent within thirty days 624
after appointment, and the filing shall be made not later than 625
ninety days after appointment. 626

Except for disclosure statements filed by members of the 627
board of trustees and the executive director of the southern Ohio 628
agricultural and community development foundation, disclosure 629
statements filed under this division with the Ohio ethics 630
commission by members of boards, commissions, or bureaus of the 631
state for which no compensation is received other than reasonable 632
and necessary expenses shall be kept confidential. Disclosure 633
statements filed with the Ohio ethics commission under division 634
(A) of this section by business managers, treasurers, and 635
superintendents of city, local, exempted village, joint 636
vocational, or cooperative education school districts or 637
educational service centers shall be kept confidential, except 638
that any person conducting an audit of any such school district or 639
educational service center pursuant to section 115.56 or Chapter 640
117. of the Revised Code may examine the disclosure statement of 641
any business manager, treasurer, or superintendent of that school 642
district or educational service center. Disclosure statements 643
filed with the Ohio ethics commission under division (A) of this 644
section by the individuals set forth in division (B)(2) of section 645
187.03 of the Revised Code shall be kept confidential. The Ohio 646

ethics commission shall examine each disclosure statement required 647
to be kept confidential to determine whether a potential conflict 648
of interest exists for the person who filed the disclosure 649
statement. A potential conflict of interest exists if the private 650
interests of the person, as indicated by the person's disclosure 651
statement, might interfere with the public interests the person is 652
required to serve in the exercise of the person's authority and 653
duties in the person's office or position of employment. If the 654
commission determines that a potential conflict of interest 655
exists, it shall notify the person who filed the disclosure 656
statement and shall make the portions of the disclosure statement 657
that indicate a potential conflict of interest subject to public 658
inspection in the same manner as is provided for other disclosure 659
statements. Any portion of the disclosure statement that the 660
commission determines does not indicate a potential conflict of 661
interest shall be kept confidential by the commission and shall 662
not be made subject to public inspection, except as is necessary 663
for the enforcement of Chapters 102. and 2921. of the Revised Code 664
and except as otherwise provided in this division. 665

(C) No person shall knowingly fail to file, on or before the 666
applicable filing deadline established under this section, a 667
statement that is required by this section. 668

(D) No person shall knowingly file a false statement that is 669
required to be filed under this section. 670

(E)(1) Except as provided in divisions (E)(2) and (3) of this 671
section, the statement required by division (A) or (B) of this 672
section shall be accompanied by a filing fee of forty dollars. 673

(2) The statement required by division (A) of this section 674
shall be accompanied by the following filing fee to be paid by the 675
person who is elected or appointed to, or is a candidate for, any 676
of the following offices: 677

| | | |
|--|------|-----|
| For state office, except member of the | | 678 |
| state board of education | \$65 | 679 |
| For office of member of general assembly | \$40 | 680 |
| For county office | \$40 | 681 |
| For city office | \$25 | 682 |
| For office of member of the state board | | 683 |
| of education | \$25 | 684 |
| For office of member of the Ohio | | 685 |
| livestock care standards board | \$25 | 686 |
| For office of member of a city, local, | | 687 |
| exempted village, or cooperative | | 688 |
| education board of | | 689 |
| education or educational service | | 690 |
| center governing board | \$20 | 691 |
| For position of business manager, | | 692 |
| treasurer, or superintendent of a | | 693 |
| city, local, exempted village, joint | | 694 |
| vocational, or cooperative education | | 695 |
| school district or | | 696 |
| educational service center | \$20 | 697 |

(3) No judge of a court of record or candidate for judge of a 698
court of record, and no referee or magistrate serving a court of 699
record, shall be required to pay the fee required under division 700
(E)(1) or (2) or (F) of this section. 701

(4) For any public official who is appointed to a nonelective 702
office of the state and for any employee who holds a nonelective 703
position in a public agency of the state, the state agency that is 704
the primary employer of the state official or employee shall pay 705
the fee required under division (E)(1) or (F) of this section. 706

(F) If a statement required to be filed under this section is 707
not filed by the date on which it is required to be filed, the 708
appropriate ethics commission shall assess the person required to 709

file the statement a late filing fee of ten dollars for each day 710
the statement is not filed, except that the total amount of the 711
late filing fee shall not exceed two hundred fifty dollars. 712

(G)(1) The appropriate ethics commission other than the Ohio 713
ethics commission and the joint legislative ethics committee shall 714
deposit all fees it receives under divisions (E) and (F) of this 715
section into the general revenue fund of the state. 716

(2) The Ohio ethics commission shall deposit all receipts, 717
including, but not limited to, fees it receives under divisions 718
(E) and (F) of this section and all moneys it receives from 719
settlements under division (G) of section 102.06 of the Revised 720
Code, into the Ohio ethics commission fund, which is hereby 721
created in the state treasury. All moneys credited to the fund 722
shall be used solely for expenses related to the operation and 723
statutory functions of the commission. 724

(3) The joint legislative ethics committee shall deposit all 725
receipts it receives from the payment of financial disclosure 726
statement filing fees under divisions (E) and (F) of this section 727
into the joint legislative ethics committee investigative fund. 728

(H) Division (A) of this section does not apply to a person 729
elected or appointed to the office of precinct, ward, or district 730
committee member under Chapter 3517. of the Revised Code; a 731
presidential elector; a delegate to a national convention; village 732
or township officials and employees; any physician or psychiatrist 733
who is paid a salary or wage in accordance with schedule C of 734
section 124.15 or schedule E-2 of section 124.152 of the Revised 735
Code and whose primary duties do not require the exercise of 736
administrative discretion; or any member of a board, commission, 737
or bureau of any county or city who receives less than one 738
thousand dollars per year for serving in that position. 739

Sec. 109.91. (A) There is hereby established within the 740

office of the attorney general the crime victims assistance 741
office. 742

(B) There is hereby established the state victims assistance 743
advisory ~~committee~~ council. The ~~committee~~ council shall consist of 744
a chairperson, to be appointed by the attorney general, three ex 745
officio members, and fifteen members to be appointed by the 746
attorney general as follows: one member who represents the Ohio 747
victim-witness association; three members who represent local 748
victim assistance programs, including one from a municipally 749
operated program and one from a county-operated program; one 750
member who represents the interests of elderly victims; one member 751
who is a board member of any statewide or local organization that 752
exists primarily to aid victims of domestic violence, or who is an 753
employee of, or counselor for, such an organization; one member 754
who is an employee or officer of a county probation department or 755
a probation department operated by the department of 756
rehabilitation and correction; one member who is a county 757
prosecuting attorney; one member who is a city law director; one 758
member who is a county sheriff; one member who is a member or 759
officer of a township or municipal police department; one member 760
who is a court of common pleas judge; one member who is a 761
municipal court judge or county court judge; and two members who 762
are private citizens and are not government employees. 763

The ~~committee~~ council shall include the following ex officio, 764
nonvoting members: the attorney general, one member of the senate 765
to be designated by the president of the senate, and one member of 766
the house of representatives to be designated by the speaker of 767
the house. 768

Members of the ~~committee~~ council shall serve without 769
compensation, but shall be reimbursed for travel and other 770
necessary expenses that are incurred in the conduct of their 771
official duties as members of the ~~committee~~ council. The 772

chairperson and members of the ~~committee~~ council appointed by the 773
attorney general shall serve at the pleasure of the attorney 774
general. The attorney general shall serve on the ~~committee~~ council 775
until the end of the term of office that qualified the attorney 776
general for membership on the ~~committee~~ council. The member of the 777
senate and the member of the house of representatives shall serve 778
at the pleasure of the president of the senate and the speaker of 779
the house of representatives, respectively. 780

(C) The victims assistance advisory ~~committee~~ council shall 781
perform both of the following duties: 782

(1) Advise the crime victims assistance office in determining 783
crime and delinquency victim service needs, determining crime and 784
delinquency victim policies for the state, and improving and 785
exercising leadership in the quality of crime and delinquency 786
victim programs in the state; 787

(2) Review and recommend to the crime victims assistance 788
office the victim assistance programs that should be considered 789
for the receipt of state financial assistance pursuant to section 790
109.92 of the Revised Code. The financial assistance allocation 791
recommendations of the ~~committee~~ council shall be based on the 792
following priorities: 793

(a) Programs in existence on July 1, 1985, shall be given 794
first priority; 795

(b) Programs offering or proposing to offer the broadest 796
range of services and referrals to the community served, including 797
medical, psychological, financial, educational, vocational, and 798
legal services that were not in existence on July 1, 1985, shall 799
be given second priority; 800

(c) Other qualified programs shall be given last priority. 801

(D) As used in this section and section 109.92 of the Revised 802
Code, "victim assistance program" includes, but is not limited to 803

a program that provides at least one of the following: 804

(1) Services to victims of any offense of violence or 805
delinquent act that would be an offense of violence if committed 806
by an adult; 807

(2) Financial assistance or property repair services to 808
victims of crime or delinquent acts; 809

(3) Assistance to victims of crime or delinquent acts in 810
judicial proceedings; 811

(4) Assistance to victims of crime or delinquent acts under 812
the operation of any political subdivision of the state or a 813
branch of the criminal justice system set forth in division 814
(B)(1)(a), (b), or (c) of section 5502.61 of the Revised Code; 815

(5) Technical assistance to persons or organizations that 816
provide services to victims of crime or delinquent acts under the 817
operation of a branch of the criminal justice system set forth in 818
division (B)(1)(a), (b), or (c) of section 5502.61 of the Revised 819
Code. 820

A victim assistance program does not include the program for 821
the reparation of crime victims established pursuant to Chapter 822
2743. of the Revised Code. 823

Sec. 121.32. The commission on Hispanic-Latino affairs shall: 824
825

(A) Gather and disseminate information and conduct hearings, 826
conferences, investigations, and special studies on problems and 827
programs concerning Spanish-speaking people; 828

(B) Secure appropriate recognition of the accomplishments and 829
contributions of Spanish-speaking people to this state; 830

(C) Stimulate public awareness of the problems of 831
Spanish-speaking people by conducting a program of public 832

education; 833

(D) Develop, coordinate, and assist other public and private 834
organizations that serve Spanish-speaking people, including the 835
conducting of training programs for community leadership and 836
service project staff; 837

(E) Advise the governor, general assembly, and state 838
departments and agencies of the nature, magnitude, and priorities 839
of the problems of Spanish-speaking people; 840

(F) Advise the governor, general assembly, and state 841
departments and agencies on, and assist in the development and 842
implementation of, comprehensive and coordinated policies, 843
programs, and procedures focusing on the special problems and 844
needs of Spanish-speaking people, especially in the fields of 845
education, employment, energy, health, housing, welfare, and 846
recreation; 847

(G) Propose new programs concerning Spanish-speaking people 848
to public and private agencies and evaluate for such agencies 849
existing programs or prospective legislation concerning 850
Spanish-speaking people; 851

(H) Review and approve grants to be made from federal, state, 852
or private funds which are administered or subcontracted by the 853
office of Spanish-speaking affairs; 854

(I) Review and approve the annual report prepared by the 855
office of Spanish-speaking affairs; 856

(J) ~~Create an interagency council consisting of the following 857
persons or their authorized representatives: one member of the 858
senate appointed by the president of the senate; one member of the 859
house of representatives appointed by the speaker of the house of 860
representatives; the directors of administrative services, 861
agriculture, education, development, health, highway safety, job 862
and family services, liquor control, mental health, developmental 863~~

~~disabilities, natural resources, rehabilitation and correction, 864~~
~~youth services, transportation, environmental protection, and 865~~
~~budget and management; the chairperson of the Ohio civil rights 866~~
~~commission, the administrators of the bureau of workers' 867~~
~~compensation and the rehabilitation services commission, and an 868~~
~~additional member of the governor's cabinet appointed by the 869~~
~~governor. The commission on Hispanic-Latino affairs, by rule, may 870~~
~~designate other state officers or their representatives to be 871~~
~~members of the council. The director of the commission shall be 872~~
~~the chairperson of the council. 873~~

~~The interagency council shall provide~~ Provide and coordinate 874
the exchange of information relative to the needs of 875
Spanish-speaking people and promote the delivery of state services 876
to such people. ~~The council shall meet at the call of the 877~~
~~chairperson. 878~~

Sec. 127.14. The controlling board may, at the request of any 879
state agency or the director of budget and management, authorize, 880
with respect to the provisions of any appropriation act: 881

882

(A) Transfers of all or part of an appropriation within but 883
not between state agencies, except such transfers as the director 884
of budget and management is authorized by law to make, provided 885
that no transfer shall be made by the director for the purpose of 886
effecting new or changed levels of program service not authorized 887
by the general assembly; 888

(B) Transfers of all or part of an appropriation from one 889
fiscal year to another; 890

(C) Transfers of all or part of an appropriation within or 891
between state agencies made necessary by administrative 892
reorganization or by the abolition of an agency or part of an 893
agency; 894

(D) Transfers of all or part of cash balances in excess of 895
needs from any fund of the state to the general revenue fund or to 896
such other fund of the state to which the money would have been 897
credited in the absence of the fund from which the transfers are 898
authorized to be made, except that the controlling board may not 899
authorize such transfers from the accrued leave liability fund, 900
auto registration distribution fund, budget stabilization fund, 901
development bond retirement fund, facilities establishment fund, 902
gasoline excise tax fund, general revenue fund, higher education 903
improvement fund, highway improvement bond retirement fund, 904
highway obligations bond retirement fund, highway capital 905
improvement fund, highway operating fund, horse racing tax fund, 906
improvements bond retirement fund, public library fund, liquor 907
control fund, local government fund, local transportation 908
improvement program fund, mental health facilities improvement 909
fund, Ohio fairs fund, parks and recreation improvement fund, 910
public improvements bond retirement fund, school district income 911
tax fund, state agency facilities improvement fund, state and 912
local government highway distribution fund, state highway safety 913
fund, state lottery fund, undivided liquor permit fund, Vietnam 914
conflict compensation bond retirement fund, volunteer fire 915
fighters' dependents fund, waterways safety fund, wildlife fund, 916
workers' compensation fund, ~~workers' compensation council~~ 917
~~remuneration fund~~, or any fund not specified in this division that 918
the director of budget and management determines to be a bond fund 919
or bond retirement fund; 920

(E) Transfers of all or part of those appropriations included 921
in the emergency purposes account of the controlling board; 922

(F) Temporary transfers of all or part of an appropriation or 923
other moneys into and between existing funds, or new funds, as may 924
be established by law when needed for capital outlays for which 925
notes or bonds will be issued; 926

(G) Transfer or release of all or part of an appropriation to 927
a state agency requiring controlling board approval of such 928
transfer or release as provided by law; 929

(H) Temporary transfer of funds included in the emergency 930
purposes appropriation of the controlling board. Such temporary 931
transfers may be made subject to conditions specified by the 932
controlling board at the time temporary transfers are authorized. 933
No transfers shall be made under this division for the purpose of 934
effecting new or changed levels of program service not authorized 935
by the general assembly. 936

As used in this section, "request" means an application by a 937
state agency or the director of budget and management seeking some 938
action by the controlling board. 939

When authorizing the transfer of all or part of an 940
appropriation under this section, the controlling board may 941
authorize the transfer to an existing appropriation item and the 942
creation of and transfer to a new appropriation item. 943

Whenever there is a transfer of all or part of funds included 944
in the emergency purposes appropriation by the controlling board, 945
pursuant to division (E) of this section, the state agency or the 946
director of budget and management receiving such transfer shall 947
keep a detailed record of the use of the transferred funds. At the 948
earliest scheduled meeting of the controlling board following the 949
accomplishment of the purposes specified in the request originally 950
seeking the transfer, or following the total expenditure of the 951
transferred funds for the specified purposes, the state agency or 952
the director of budget and management shall submit a report on the 953
expenditure of such funds to the board. The portion of any 954
appropriation so transferred which is not required to accomplish 955
the purposes designated in the original request to the controlling 956
board shall be returned to the proper appropriation of the 957
controlling board at this time. 958

Notwithstanding any provisions of law providing for the 959
deposit of revenues received by a state agency to the credit of a 960
particular fund in the state treasury, whenever there is a 961
temporary transfer of funds included in the emergency purposes 962
appropriation of the controlling board pursuant to division (H) of 963
this section, revenues received by any state agency receiving such 964
a temporary transfer of funds shall, as directed by the 965
controlling board, be transferred back to the emergency purposes 966
appropriation. 967

The board may delegate to the director of budget and 968
management authority to approve transfers among items of 969
appropriation under division (A) of this section. 970

Sec. 173.03. (A) There is hereby created the Ohio advisory 971
council for the aging, which shall consist of twelve members to be 972
appointed by the governor with the advice and consent of the 973
senate. Two ex officio members of the council shall be members of 974
the house of representatives appointed by the speaker of the house 975
of representatives and shall be members of two different political 976
parties. Two ex officio members of the council shall be members of 977
the senate appointed by the president of the senate and shall be 978
members of two different political parties. The directors of 979
mental health, developmental disabilities, health, and job and 980
family services, or their designees, shall serve as ex officio 981
members of the council. The council shall carry out its role as 982
defined under the "Older Americans Act of 1965," 79 Stat. 219, 42 983
U.S.C. 3001, as amended. 984

At the first meeting of the council, and annually thereafter, 985
the members shall select one of their members to serve as 986
chairperson and one of their members to serve as vice-chairperson. 987

(B) Members of the council shall be appointed for a term of 988
three years, except that for the first appointment members of the 989

Ohio commission on aging who were serving on the commission 990
immediately prior to July 26, 1984, shall become members of the 991
council for the remainder of their unexpired terms. Thereafter, 992
appointment to the council shall be for a three-year term by the 993
governor. Each member shall hold office from the date of 994
appointment until the end of the term for which the member was 995
appointed. Any member appointed to fill a vacancy occurring prior 996
to the expiration of the term for which the member's predecessor 997
was appointed shall hold office for the remainder of the term. ~~Any~~ 998
~~No member may shall~~ continue in office subsequent to the 999
expiration date of the member's term ~~until a successor takes~~ 1000
~~office and shall be compensated for the period served between the~~ 1001
~~expiration of the member's term and the beginning of the~~ 1002
~~successor's term unless reappointed under the provisions of this~~ 1003
~~section, and no member shall serve more than three consecutive~~ 1004
~~terms on the council.~~ 1005

(C) Membership of the council shall represent all areas of 1006
Ohio and shall be as follows: 1007

(1) A majority of members of the council shall have attained 1008
the age of sixty and have a knowledge of and continuing interest 1009
in the affairs and welfare of the older citizens of Ohio. The 1010
fields of business, labor, health, law, and human services shall 1011
be represented in the membership. 1012

(2) No more than seven members shall be of the same political 1013
party. 1014

(D) Any member of the council may be removed from office by 1015
the governor for neglect of duty, misconduct, or malfeasance in 1016
office after being informed in writing of the charges and afforded 1017
an opportunity for a hearing. Two consecutive unexcused absences 1018
from regularly scheduled meetings constitute neglect of duty. 1019

(E) ~~Members of the council shall be compensated at the rate~~ 1020

~~of fifty dollars for each day actually employed in the discharge~~ 1021
~~of official duties but not to exceed two thousand dollars per year~~ 1022
~~and in addition shall be allowed actual and necessary expenses~~ 1023
The director of aging may reimburse a member for actual and necessary 1024
traveling and other expenses incurred in the discharge of official 1025
duties. But reimbursement shall be made in the manner and at rates 1026
that do not exceed those prescribed by the director of budget and 1027
management for any officer, member, or employee of, or consultant 1028
to, any state agency. 1029

(F) Council members are not limited as to the number of terms 1030
they may serve. 1031

~~(G) Council members shall not be interested directly or~~ 1032
~~indirectly in any contract awarded by the department of aging (1)~~ 1033
The department of aging may award grants to or enter into 1034
contracts with a member of the advisory council or an entity that 1035
the member represents if any of the following apply: 1036

(a) The department determines that the member or the entity 1037
the member represents is capable of providing the goods or 1038
services specified under the terms of the grant or contract. 1039

(b) The member has not taken part in any discussion or vote 1040
of the council related to whether the council should recommend 1041
that the department of aging award the grant to or enter into the 1042
contract with the member of the advisory council or the entity 1043
that the member represents. 1044

(2) A member of the advisory council is not in violation of 1045
Chapter 102. or section 2921.42 of the Revised Code with regard to 1046
receiving a grant or entering into a contract under this section 1047
if the conditions of division (G)(1)(a) and (b) of this section 1048
have been met. 1049

Sec. 173.04. (A) As used in this section, "respite care" 1050

means short-term, temporary care or supervision provided to a 1051
person who has Alzheimer's disease in the absence of the person 1052
who normally provides that care or supervision. 1053

(B) Through the internet web site maintained by the 1054
department of aging, the director of aging shall disseminate 1055
Alzheimer's disease training materials for licensed physicians, 1056
registered nurses, licensed practical nurses, administrators of 1057
health care programs, social workers, and other health care and 1058
social service personnel who participate or assist in the care or 1059
treatment of persons who have Alzheimer's disease. The training 1060
materials disseminated through the web site may be developed by 1061
the director or obtained from other sources. 1062

(C) To the extent funds are available, the director shall 1063
administer respite care programs and other supportive services for 1064
persons who have Alzheimer's disease and their families or care 1065
givers. Respite care programs shall be approved by the director 1066
and shall be provided for the following purposes: 1067

(1) Giving persons who normally provide care or supervision 1068
for a person who has Alzheimer's disease relief from the stresses 1069
and responsibilities that result from providing such care; 1070

(2) Preventing or reducing inappropriate institutional care 1071
and enabling persons who have Alzheimer's disease to remain at 1072
home as long as possible. 1073

(D) The director may provide services under this section to 1074
persons with Alzheimer's disease and their families regardless of 1075
the age of the persons with Alzheimer's disease. 1076

(E) The director ~~shall~~ may adopt rules in accordance with 1077
Chapter 119. of the Revised Code governing respite care programs 1078
and other supportive services, the distribution of funds, and the 1079
purpose for which funds may be utilized under this section. 1080

~~(F) The director may create an Alzheimer's disease and~~ 1081

~~related disorders task force to advise the director on the~~ 1082
~~following:~~ 1083

~~(1) The rights of persons with Alzheimer's disease and~~ 1084
~~related disorders;~~ 1085

~~(2) The development and evaluation of education and training~~ 1086
~~programs, home care programs, and respite care programs that serve~~ 1087
~~persons with Alzheimer's disease and related disorders;~~ 1088

~~(3) How to serve persons with Alzheimer's disease and related~~ 1089
~~disorders in Ohio's unified long term care budget system.~~ 1090

~~If a task force is created, the members shall include~~ 1091
~~representatives of the Alzheimer's disease association and other~~ 1092
~~organizations the director considers appropriate.~~ 1093

Sec. 3302.021. (A) Not earlier than July 1, 2005, and not 1094
later than July 1, 2007, the department of education shall 1095
implement a value-added progress dimension for school districts 1096
and buildings and shall incorporate the value-added progress 1097
dimension into the report cards and performance ratings issued for 1098
districts and buildings under section 3302.03 of the Revised Code. 1099

The state board of education shall adopt rules, pursuant to 1100
Chapter 119. of the Revised Code, for the implementation of the 1101
value-added progress dimension. In adopting rules, the state board 1102
shall consult with the Ohio accountability task force established 1103
under division (E) of this section. The rules adopted under this 1104
division shall specify both of the following: 1105

(1) A scale for describing the levels of academic progress in 1106
reading and mathematics relative to a standard year of academic 1107
growth in those subjects for each of grades three through eight; 1108

(2) That the department shall maintain the confidentiality of 1109
individual student test scores and individual student reports in 1110
accordance with sections 3301.0711, 3301.0714, and 3319.321 of the 1111

Revised Code and federal law. The department may require school 1112
districts to use a unique identifier for each student for this 1113
purpose. Individual student test scores and individual student 1114
reports shall be made available only to a student's classroom 1115
teacher and other appropriate educational personnel and to the 1116
student's parent or guardian. 1117

(B) The department shall use a system designed for collecting 1118
necessary data, calculating the value-added progress dimension, 1119
analyzing data, and generating reports, which system has been used 1120
previously by a ~~non-profit~~ nonprofit organization led by the Ohio 1121
business community for at least one year in the operation of a 1122
pilot program in cooperation with school districts to collect and 1123
report student achievement data via electronic means and to 1124
provide information to the districts regarding the academic 1125
performance of individual students, grade levels, school 1126
buildings, and the districts as a whole. 1127

(C) The department shall not pay more than two dollars per 1128
student for data analysis and reporting to implement the 1129
value-added progress dimension in the same manner and with the 1130
same services as under the pilot program described by division (B) 1131
of this section. However, nothing in this section shall preclude 1132
the department or any school district from entering into a 1133
contract for the provision of more services at a higher fee per 1134
student. Any data analysis conducted under this section by an 1135
entity under contract with the department shall be completed in 1136
accordance with timelines established by the superintendent of 1137
public instruction. 1138

(D) The department shall share any aggregate student data and 1139
any calculation, analysis, or report utilizing aggregate student 1140
data that is generated under this section with the chancellor of 1141
the Ohio board of regents. The department shall not share 1142
individual student test scores and individual student reports with 1143

the chancellor. 1144

(E)(1) There is hereby established the Ohio accountability 1145
task force. The task force shall consist of the following thirteen 1146
members: 1147

(a) The chairpersons and ranking minority members of the 1148
house of representatives and senate standing committees primarily 1149
responsible for education legislation, who shall be nonvoting 1150
members; 1151

(b) One representative of the governor's office, appointed by 1152
the governor; 1153

(c) The superintendent of public instruction, or the 1154
superintendent's designee; 1155

(d) One representative of teacher employee organizations 1156
formed pursuant to Chapter 4117. of the Revised Code, appointed by 1157
the speaker of the house of representatives; 1158

(e) One representative of school district boards of 1159
education, appointed by the president of the senate; 1160

(f) One school district superintendent, appointed by the 1161
speaker of the house of representatives; 1162

(g) One representative of business, appointed by the 1163
president of the senate; 1164

(h) One representative of a ~~non-profit~~ nonprofit organization 1165
led by the Ohio business community, appointed by the governor; 1166

(i) One school building principal, appointed by the president 1167
of the senate; 1168

(j) A member of the state board of education, appointed by 1169
the speaker of the house of representatives. 1170

Initial appointed members of the task force shall serve until 1171
January 1, 2005. Thereafter, terms of office for appointed members 1172

shall be for two years, each term ending on the same day of the 1173
same month as did the term that it succeeds. Each appointed member 1174
shall hold office from the date of appointment until the end of 1175
the term for which the member was appointed. Members may be 1176
reappointed. Vacancies shall be filled in the same manner as the 1177
original appointment. Any member appointed to fill a vacancy 1178
occurring prior to the expiration of the term for which the 1179
member's predecessor was appointed shall hold office for the 1180
remainder of that term. 1181

The task force shall select from among its members a 1182
chairperson. The task force shall meet at least ~~six times~~ once 1183
each calendar year and at other times upon the call of the 1184
chairperson to conduct its business. Members of the task force 1185
shall serve without compensation. 1186

(2) The task force shall do all of the following: 1187

(a) Examine the implementation of the value-added progress 1188
dimension by the department, including the system described in 1189
division (B) of this section, the reporting of performance data to 1190
school districts and buildings, and the provision of professional 1191
development on the interpretation of the data to classroom 1192
teachers and administrators; 1193

(b) Periodically review any fees for data analysis and 1194
reporting paid by the department pursuant to division (C) of this 1195
section and determine if the fees are appropriate based upon the 1196
level of services provided; 1197

(c) Periodically report to the department and the state board 1198
on all issues related to the school district and building 1199
accountability system established under this chapter; 1200

(d) Not later than seven years after its initial meeting, 1201
make recommendations to improve the school district and building 1202
accountability system established under this chapter. The task 1203

force shall adopt recommendations by a majority vote of its 1204
members. Copies of the recommendations shall be provided to the 1205
state board, the governor, the speaker of the house of 1206
representatives, and the president of the senate. 1207

(e) Determine starting dates for the implementation of the 1208
value-added progress dimension and its incorporation into school 1209
district and building report cards and performance ratings. 1210

Sec. 3311.71. (A) As used in this section and in sections 1211
3311.72 to ~~3311.77~~ 3311.76 of the Revised Code: 1212

(1) "Municipal school district" means a school district that 1213
is or has ever been under a federal court order requiring 1214
supervision and operational, fiscal, and personnel management of 1215
the district by the state superintendent of public instruction. 1216

(2) "Mayor" means the mayor of the municipal corporation 1217
containing the greatest portion of a municipal school district's 1218
territory. 1219

(B) Whenever any municipal school district is released by a 1220
federal court from an order requiring supervision and operational, 1221
fiscal, and personnel management of the district by the state 1222
superintendent, the management and control of that district shall 1223
be assumed, effective immediately, by a new nine-member board of 1224
education. Members of the new board shall be appointed by the 1225
mayor, who shall also designate one member as the chairperson of 1226
the board. In addition to the rights, authority, and duties 1227
conferred upon the chairperson by sections 3311.71 to 3311.76 of 1228
the Revised Code, the chairperson shall have all the rights, 1229
authority, and duties conferred upon the president of a board of 1230
education by the Revised Code that are not inconsistent with 1231
sections 3311.71 to 3311.76 of the Revised Code. 1232

(C) No school board member shall be appointed by the mayor 1233

pursuant to division (B) of this section until the mayor has 1234
received a slate of at least eighteen candidates nominated by a 1235
municipal school district nominating panel, at least three of whom 1236
reside in the municipal school district but not in the municipal 1237
corporation containing the greatest portion of the district's 1238
territory. The municipal school district nominating panel shall be 1239
initially convened and chaired by the state superintendent of 1240
public instruction, who shall serve as a nonvoting member for the 1241
first two years of the panel's existence, and shall consist of 1242
eleven persons selected as follows: 1243

(1) Three parents or guardians of children attending the 1244
schools of the municipal school district appointed by the district 1245
parent-teacher association, or similar organization selected by 1246
the state superintendent; 1247

(2) Three persons appointed by the mayor; 1248

(3) One person appointed by the president of the legislative 1249
body of the municipal corporation containing the greatest portion 1250
of the municipal school district's territory; 1251

(4) One teacher appointed by the collective bargaining 1252
representative of the school district's teachers; 1253

(5) One principal appointed through a vote of the school 1254
district's principals, which vote shall be conducted by the state 1255
superintendent; 1256

(6) One representative of the business community appointed by 1257
an organized collective business entity selected by the mayor; 1258

(7) One president of a public or private institution of 1259
higher education located within the municipal school district 1260
appointed by the state superintendent of public instruction. 1261

The municipal school district nominating panel shall select 1262
one of its members as its chairperson commencing two years after 1263

the date of the first meeting of the panel, at which time the 1264
state superintendent of public instruction shall no longer convene 1265
or chair the panel. Thereafter, the panel shall meet as necessary 1266
to make nominations at the call of the chairperson. All members of 1267
the panel shall serve at the pleasure of the appointing authority. 1268
Vacancies on the panel shall be filled in the same manner as the 1269
initial appointments. 1270

(D) No individual shall be appointed by the mayor pursuant to 1271
division (B) or (F) of this section unless the individual has been 1272
nominated by the nominating panel, resides in the school district, 1273
and holds no elected public office. At any given time, four of the 1274
nine members appointed by the mayor to serve on the board pursuant 1275
to either division (B) or (F) of this section shall have 1276
displayed, prior to appointment, significant expertise in either 1277
the education field, finance, or business management. At all times 1278
at least one member of the board shall be an individual who 1279
resides in the municipal school district but not in the municipal 1280
corporation containing the greatest portion of the district's 1281
territory. 1282

(E) The terms of office of all members appointed by the mayor 1283
pursuant to division (B) of this section shall expire on the next 1284
thirtieth day of June following the referendum election required 1285
by section 3311.73 of the Revised Code. The mayor may, with the 1286
advice and consent of the nominating panel, remove any member 1287
appointed pursuant to that division or division (F) of this 1288
section for cause. 1289

(F) If the voters of the district approve the continuation of 1290
an appointed board at the referendum election required by section 1291
3311.73 of the Revised Code, the mayor shall appoint the members 1292
of a new board from a slate prepared by the nominating panel in 1293
the same manner as the initial board was appointed pursuant to 1294
divisions (B), (C), and (D) of this section. Five of the members 1295

of the new board shall be appointed to four-year terms and the 1296
other four shall be appointed to two-year terms, each term 1297
beginning on the first day of July. Thereafter, the mayor shall 1298
appoint members to four-year terms in the same manner as described 1299
in divisions (B), (C), and (D) of this section. The minimum number 1300
of individuals who shall be on the slate prepared by the 1301
nominating panel for this purpose shall be at least twice the 1302
number of members to be appointed, including at least two who 1303
reside in the municipal school district but not in the municipal 1304
corporation containing the greatest portion of the district's 1305
territory. 1306

(G) In addition to the nine members appointed by the mayor, 1307
the boards appointed pursuant to divisions (B) and (F) of this 1308
section shall include the following nonvoting ex officio members: 1309

(1) If the main campus of a state university specified in 1310
section 3345.011 of the Revised Code is located within the 1311
municipal school district, the president of the university or the 1312
president's designee; 1313

(2) If any community college has its main branch located 1314
within the district, the president of the community college that 1315
has the largest main branch within the district, or the 1316
president's designee. 1317

Sec. 3312.01. (A) The educational regional service system is 1318
hereby established. The system shall support state and regional 1319
education initiatives and efforts to improve school effectiveness 1320
and student achievement. Services, including special education and 1321
related services, shall be provided under the system to school 1322
districts, community schools established under Chapter 3314. of 1323
the Revised Code, and chartered nonpublic schools. 1324

It is the intent of the general assembly that the educational 1325
regional service system reduce the unnecessary duplication of 1326

programs and services and provide for a more streamlined and 1327
efficient delivery of educational services without reducing the 1328
availability of the services needed by school districts and 1329
schools. 1330

(B) The educational regional service system shall consist of 1331
the following: 1332

~~(1) The state regional alliance advisory board established 1333~~
~~under section 3312.11 of the Revised Code; 1334~~

~~(2) The advisory councils and subcommittees established under 1335~~
sections 3312.03 and 3312.05 of the Revised Code; 1336

~~(3)~~(2) A fiscal agent for each of the regions as configured 1337
under section 3312.02 of the Revised Code; 1338

~~(4)~~(3) Educational service centers, information technology 1339
centers established under section 3301.075 of the Revised Code, 1340
and other regional education service providers. 1341

(C) Educational service centers shall provide the services 1342
that they are specifically required to provide by the Revised Code 1343
and may enter into agreements pursuant to section 3313.843, 1344
3313.844, or 3313.845 of the Revised Code for the provision of 1345
other services, which may include any of the following: 1346

(1) Assistance in improving student performance; 1347

(2) Services to enable a school district or school to operate 1348
more efficiently or economically; 1349

(3) Professional development for teachers or administrators; 1350

(4) Assistance in the recruitment and retention of teachers 1351
and administrators; 1352

(5) Any other educational, administrative, or operational 1353
services. 1354

In addition to implementing state and regional education 1355

initiatives and school improvement efforts under the educational 1356
regional service system, educational service centers shall 1357
implement state or federally funded initiatives assigned to the 1358
service centers by the general assembly or the department of 1359
education. 1360

Any educational service center selected to be a fiscal agent 1361
for its region pursuant to section 3312.07 of the Revised Code 1362
shall continue to operate as an educational service center for the 1363
part of the region that comprises its territory. 1364

(D) Information technology centers may enter into agreements 1365
for the provision of services pursuant to section 3312.10 of the 1366
Revised Code. 1367

(E) No school district, community school, or chartered 1368
nonpublic school shall be required to purchase services from an 1369
educational service center or information technology center in the 1370
region in which the district or school is located, except that a 1371
local school district shall receive any services required by the 1372
Revised Code to be provided by an educational service center to 1373
the local school districts in its territory from the educational 1374
service center in whose territory the district is located. 1375

Sec. 3312.09. (A) Each performance contract entered into by 1376
the department of education and the fiscal agent of a region for 1377
implementation of a state or regional education initiative or 1378
school improvement effort shall include the following: 1379

(1) An explanation of how the regional needs and priorities 1380
for educational services have been identified by the advisory 1381
council of the region, the advisory council's subcommittees, and 1382
the department; 1383

(2) A definition of the services to be provided to school 1384
districts, community schools, and chartered nonpublic schools in 1385

the region, including any services provided pursuant to division 1386
(A) of section 3302.04 of the Revised Code; 1387

(3) Expected outcomes from the provision of the services 1388
defined in the contract; 1389

(4) The method the department will use to evaluate whether 1390
the expected outcomes have been achieved; 1391

(5) A requirement that the fiscal agent develop and implement 1392
a corrective action plan if the results of the evaluation are 1393
unsatisfactory; 1394

(6) Data reporting requirements; 1395

(7) The aggregate fees to be charged by the fiscal agent and 1396
any entity with which it subcontracts to cover personnel and 1397
program costs associated with administering the contract, which 1398
fees shall be subject to controlling board approval if in excess 1399
of four per cent of the value of the contract; 1400

~~(8) A requirement that a member of the advisory council in 1401
the region be a member of the state regional alliance advisory 1402
board established under section 3312.11 of the Revised Code. 1403~~

(B) Upon completion of each evaluation described in a 1404
performance contract, the department shall post the results of 1405
that evaluation on its web site. 1406

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

this section shall be in writing, announced at a regular public 1416
meeting of the board of education, and recorded as a public record 1417
in the minutes of the board. 1418

Sec. 3701.025. ~~(A)~~ There is hereby created the medically 1419
handicapped children's medical advisory council consisting of 1420
twenty-one members to be appointed by the director of health for 1421
terms set in accordance with rules adopted by the public health 1422
council under division (A)(11) of section 3701.021 of the Revised 1423
Code. The medically handicapped children's medical advisory 1424
council shall advise the director regarding the administration of 1425
the program for medically handicapped children, the suitable 1426
quality of medical practice for providers, and the requirements 1427
for medical eligibility for the program. 1428

All members of the council shall be licensed physicians, 1429
surgeons, dentists, and other professionals in the field of 1430
medicine, representative of the various disciplines involved in 1431
the treatment of children with medically handicapping conditions, 1432
and representative of the treatment facilities involved, such as 1433
hospitals, private and public health clinics, and private 1434
physicians' offices, and shall be eligible for the program. 1435

Members of the council shall receive no compensation, but 1436
shall receive their actual and necessary travel expenses incurred 1437
in the performance of their official duties in accordance with the 1438
rules of the office of budget and management. 1439

~~(B) The director of health may appoint a maternal and child 1440
health council to represent the views of service providers, other 1441
interest groups, consumers, and various geographic areas of the 1442
state. The maternal and child health council shall advise the 1443
department of health on matters pertaining to maternal and child 1444
health and, in particular, the "Maternal and Child Health Block 1445
Grant," Title V of the "Social Security Act," 95 Stat. 818, (1981) 1446~~

~~42 U.S.C.A. 701, as amended. Members of the council shall receive 1447~~
~~no compensation, but shall receive their actual and necessary 1448~~
~~travel expenses incurred in the performance of their official 1449~~
~~duties in accordance with the rules of the office of budget and 1450~~
~~management. 1451~~

Sec. 3701.63. (A) As used in this section and section 3701.64 1452
of the Revised Code: 1453

(1) "Child day-care center," "type A family day-care home," 1454
and "certified type B family day-care home" have the same meanings 1455
as in section 5104.01 of the Revised Code. 1456

(2) "Child care facility" means a child day-care center, a 1457
type A family day-care home, or a certified type B family day-care 1458
home. 1459

(3) "Freestanding birthing center" has the same meaning as in 1460
section 3702.51 of the Revised Code. 1461

(4) "Hospital" means a hospital classified pursuant to rules 1462
adopted under section 3701.07 of the Revised Code as a general 1463
hospital or children's hospital. 1464

(5) "Maternity unit" means any unit or place in a hospital 1465
where women are regularly received and provided care during all or 1466
part of the maternity cycle, except that "maternity unit" does not 1467
include an emergency department or similar place dedicated to 1468
providing emergency health care. 1469

(6) "Parent" means either parent, unless the parents are 1470
separated or divorced or their marriage has been dissolved or 1471
annulled, in which case "parent" means the parent who is the 1472
residential parent and legal custodian of the child. "Parent" also 1473
means a prospective adoptive parent with whom a child is placed. 1474

(7) "Shaken Baby Syndrome" means signs and symptoms, 1475
including, but not limited to, retinal hemorrhages in one or both 1476

eyes, subdural hematoma, or brain swelling, resulting from the 1477
violent shaking or the shaking and impacting of the head of an 1478
infant or small child. 1479

(B) The director of health shall establish the shaken baby 1480
syndrome education program by doing all of the following: 1481

(1) By not later than one year after ~~the effective date of~~ 1482
~~this section, with the advice of the work group appointed under~~ 1483
~~division (D) of this section~~ February 29, 2008, developing 1484
educational materials that present readily comprehensible 1485
information on shaken baby syndrome; 1486

(2) Making available on the department of health web site in 1487
an easily accessible format the educational materials developed 1488
under division (B)(1) of this section; 1489

(3) Beginning in 2009, annually assessing the effectiveness 1490
of the shaken baby syndrome education program by evaluating the 1491
reports received pursuant to section 5101.135 of the Revised Code. 1492

(C) In meeting the requirements under division (B) of this 1493
section, the director shall not develop educational materials that 1494
will impose an administrative or financial burden on any of the 1495
entities or persons listed in section 3701.64 of the Revised Code. 1496

~~(D) The director of health shall appoint and convene a work~~ 1497
~~group to advise the director on the shaken baby syndrome~~ 1498
~~educational materials the director is required to develop under~~ 1499
~~division (B) of this section. The work group shall include at~~ 1500
~~least one representative of each of the following:~~ 1501

~~(1) Child abuse prevention advocates;~~ 1502

~~(2) The staff of the "help me grow" program established~~ 1503
~~pursuant to section 3701.61 of the Revised Code;~~ 1504

~~(3) Experts in the field of infant care, particularly in the~~ 1505
~~area of infant calming methods;~~ 1506

~~(4) Maternity unit directors;~~ 1507

~~(5) Parenting skills educators;~~ 1508

~~(6) Child care facilities.~~ 1509

~~The work group may also include, at the director's~~ 1510
~~discretion, representatives of other professions whose members~~ 1511
~~have practical experience regarding shaken baby syndrome and~~ 1512
~~representatives of citizens' organizations whose members are~~ 1513
~~knowledgeable about shaken baby syndrome.~~ 1514

Sec. 3727.312. The hospital measures advisory council shall 1515
do all of the following: 1516

(A) Study the issue of hospitals reporting information 1517
regarding their performance in meeting measures for hospital 1518
inpatient and outpatient services, including how such reports are 1519
made in other states; 1520

(B) Not later than one year after the date the last of the 1521
initial council members is appointed, issue a report to the 1522
director of health with recommendations for all of the following: 1523

(1) Collecting, pursuant to section 3727.33 of the Revised 1524
Code, information from hospitals that shows their performance in 1525
meeting measures for hospital inpatient and outpatient services; 1526

(2) The audits conducted pursuant to section 3727.331 of the 1527
Revised Code; 1528

(3) Disseminating information about the performance of 1529
hospitals in meeting the measures, including effective methods of 1530
displaying information on any internet web site established under 1531
section 3727.39 of the Revised Code; 1532

(4) Explaining to the public how to use the information about 1533
the performance of hospitals in meeting the measures, including 1534
explanations about the limitations of the information. 1535

(C) Provide the director of health ongoing advice on all of 1536
the following: 1537

(1) The issue of hospitals reporting information regarding 1538
their performance in meeting measures for hospital inpatient and 1539
outpatient services; 1540

(2) Disseminating the information reported by hospitals; 1541

(3) Making improvements to the reports and dissemination of 1542
information; 1543

(4) Making changes to the information collection requirements 1544
and dissemination methods; 1545

(5) Recommendations regarding measurers for children's 1546
hospital inpatient and outpatient services. 1547

(D) Convene a group of health care consumers, nurses, and 1548
experts in infection control, the members of which shall be 1549
appointed by the council according to a method selected by the 1550
council, to provide information about infection issues to the 1551
council as needed for the council to perform its duties. 1552

Sec. 3737.03. The state fire ~~commission~~ council may do all of 1553
the following: 1554

(A) Conduct research, make and publish reports on fire 1555
safety, and recommend to the governor, the general assembly, the 1556
board of building standards, and other state agencies, any needed 1557
changes in the laws, rules, or administrative policies relating to 1558
fire safety; 1559

(B) Recommend revisions in the rules included in the state 1560
fire code adopted by the fire marshal. The recommendations may 1561
propose the adoption of new rules or the amendment or repeal of 1562
existing rules. The ~~commission~~ council shall file its 1563
recommendations in the office of the fire marshal, and, within 1564
sixty days after the recommendations are filed, the fire marshal 1565

shall file with the chairperson of the ~~commission~~ council the fire 1566
marshal's comments on, and proposed action in response to, the 1567
recommendations. 1568

(C) Maintain the Ohio fire service hall of fame. In 1569
maintaining the hall of fame, the ~~commission~~ council shall keep 1570
official commendations that recognize and commemorate exemplary 1571
accomplishments and acts of heroism by firefighters and other 1572
persons at fire-related incidents or similar events occurring in 1573
the state. The ~~commission~~ council may adopt criteria and 1574
guidelines for selecting individuals for that recognition and 1575
commemoration. The recognition and commemoration of individuals 1576
may occur annually and include an annual awards ceremony. The 1577
expenses associated with the recognition and commemoration of 1578
individuals shall be paid in accordance with division (F) of 1579
section 3737.81 of the Revised Code. 1580

Sec. 3737.21. (A) The director of the department of commerce 1581
shall appoint, from names submitted to the director by the state 1582
fire ~~commission~~ council, a fire marshal, who shall serve at the 1583
pleasure of the director and shall possess the following 1584
qualifications: 1585

(1) A degree from an accredited college or university with 1586
specialized study in either the field of fire protection or fire 1587
protection engineering, or the equivalent qualifications 1588
determined from training, experience, and duties in a fire 1589
service; 1590

(2) Five years of recent, progressively more responsible 1591
experience in fire inspection, fire code enforcement, fire 1592
investigation, fire protection engineering, teaching of fire 1593
safety engineering, or fire fighting. 1594

(B) When a vacancy occurs in the position of fire marshal, 1595
the director shall notify the state fire ~~commission~~ council. The 1596

~~commission~~ council shall communicate the fact of the vacancy by 1597
regular mail to all fire chiefs and fire protection engineers 1598
known to the ~~commission~~ council, or whose identity may be 1599
ascertained by the ~~commission~~ council by the exercise of due 1600
diligence. The ~~commission~~ council, no earlier than thirty days 1601
after mailing the notification, shall compile a list of all 1602
applicants for the position of fire marshal who are qualified 1603
under this section. The ~~commission~~ council shall submit the names 1604
of at least three persons on the list to the director. The 1605
director shall appoint the fire marshal from the list of at least 1606
three names or may request the ~~commission~~ council to submit 1607
additional names. 1608

Sec. 3737.81. (A) There is hereby created the state fire 1609
~~commission~~ council consisting of ten members to be appointed by 1610
the governor with the advice and consent of the senate. The fire 1611
marshal or chief deputy fire marshal, a representative designated 1612
by the department of public safety who has tenure in fire 1613
suppression, and a representative designated by the board of 1614
building standards shall be ex officio members. Of the initial 1615
appointments made to the ~~commission~~ council, two shall be for a 1616
term ending one year after November 1, 1978, two shall be for a 1617
term ending two years after that date, two shall be for a term 1618
ending three years after that date, two shall be for a term ending 1619
four years after that date, and two shall be for a term ending 1620
five years after that date. Thereafter, terms of office shall be 1621
for five years, each term ending on the same day of the same month 1622
of the year as did the term which it succeeds. Each member shall 1623
hold office from the date of appointment until the end of the term 1624
for which the member was appointed. Any member appointed to fill a 1625
vacancy occurring prior to the expiration of the term for which 1626
the member's predecessor was appointed shall hold office for the 1627
remainder of that term. Any member shall continue in office 1628

subsequent to the expiration date of the member's term until a 1629
successor takes office, or until a period of sixty days has 1630
elapsed, whichever occurs first. Members shall be qualified by 1631
experience and training to deal with the matters that are the 1632
responsibility of the ~~commission~~ council. Two members shall be 1633
members of paid fire services, one shall be a member of volunteer 1634
fire services, two shall be mayors, managers, or members of 1635
legislative authorities of municipal corporations, one shall 1636
represent commerce and industry, one shall be a representative of 1637
a fire insurance company domiciled in this state, one shall 1638
represent the flammable liquids industry, one shall represent the 1639
construction industry, and one shall represent the public. At no 1640
time shall more than six members be members of or associated with 1641
the same political party. Membership on the ~~commission~~ council 1642
shall not constitute holding a public office, and no person shall 1643
forfeit or otherwise vacate the person's office or position of 1644
employment because of membership on the ~~commission~~ council. 1645

(B) The ex officio members may not vote, except that the fire 1646
marshal or chief deputy fire marshal may vote in case of a tie. 1647

(C) Each member of the ~~commission~~ council, other than ex 1648
officio members, shall be paid an amount fixed pursuant to 1649
division (J) of section 124.15 of the Revised Code, and the 1650
member's actual and necessary expenses. 1651

(D) The ~~commission~~ council shall select a chairperson and a 1652
vice-chairperson from among its members. No business may be 1653
transacted in the absence of a quorum. A quorum shall be at least 1654
six members, excluding ex officio members, and shall include 1655
either the chairperson or vice-chairperson. The ~~commission~~ council 1656
shall hold regular meetings at least once every two months and may 1657
meet at any other time at the call of the chairperson. 1658

(E) The fire marshal shall provide the ~~commission~~ council 1659
with office space, meeting rooms, staff, and clerical assistance 1660

necessary for the ~~commission~~ council to perform its duties. If the 1661
~~commission~~ council maintains the Ohio fire service hall of fame 1662
under division (C) of section 3737.03 of the Revised Code, the 1663
fire marshal shall preserve, in an appropriate manner, in the 1664
office space or meeting rooms provided to the ~~commission~~ council 1665
under this division or in another location, copies of all official 1666
commendations awarded to individuals recognized and commemorated 1667
for their exemplary accomplishments and acts of heroism at 1668
fire-related incidents or similar events that occurred in this 1669
state. 1670

(F) If the ~~commission~~ council maintains the Ohio fire service 1671
hall of fame under division (C) of section 3737.03 of the Revised 1672
Code, the expenses incurred for the recognition and commemoration 1673
of individuals for their exemplary accomplishments and acts of 1674
heroism at fire-related incidents or similar events that occurred 1675
in this state, including, but not limited to, expenses for 1676
official commendations and an annual awards ceremony as described 1677
in division (B) of section 3737.03 of the Revised Code, may be 1678
paid from moneys appropriated by the general assembly for purposes 1679
of that recognition and commemoration, from moneys that are 1680
available to the fire marshal under this chapter, or from other 1681
funding sources available to the ~~commission~~ council. 1682

Sec. 3737.86. (A) As used in this section, "rule" includes 1683
the adoption, amendment, or repeal of any rule by the fire marshal 1684
under sections 3737.82 to 3737.86 of the Revised Code, regardless 1685
of whether or not the rule is included in the state fire code. 1686

(B) The fire marshal shall adopt rules in accordance with 1687
Chapter 119. of the Revised Code. In adopting rules, the fire 1688
marshal shall consider and make appropriate findings with respect 1689
to the degree and nature of the risk of injury that the rule is 1690
designed to prevent or reduce, the approximate number of products 1691

or types or classes of products subject to the rule, the public
need for the products involved, the probable effect of the rule on
the utility, cost, or availability of such product, and any means
of achieving the objective of the rule that will minimize adverse
effects on competition or disruption or dislocation of
manufacturing and other commercial practices. The minimum
standards embodied in the rules shall be published in such a
manner as to assure that all interested parties have a reasonable
opportunity to be informed of the standards so established.

(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 1724
storage tanks to certified fire safety inspectors. 1725

(2) In the place of any rules regarding release containment 1726
and release detection for underground storage tanks adopted under 1727
division (A)(1) of this section, the fire marshal, by rule, shall 1728
designate areas as being sensitive for the protection of human 1729
health and the environment and adopt alternative rules regarding 1730
release containment and release detection methods for new and 1731
upgraded underground storage tank systems located in those areas. 1732
In designating such areas, the fire marshal shall take into 1733
consideration such factors as soil conditions, hydrogeology, water 1734
use, and the location of public and private water supplies. Not 1735
later than July 11, 1990, the fire marshal shall file the rules 1736
required under this division with the secretary of state, director 1737
of the legislative service commission, and joint committee on 1738
agency rule review in accordance with divisions (B) and (H) of 1739
section 119.03 of the Revised Code. 1740

(B) Before adopting any rule under this section or section 1741
3737.881 or 3737.882 of the Revised Code, the fire marshal shall 1742
file written notice of the proposed rule with the chairperson of 1743
the state fire ~~commission~~ council, and, within sixty days after 1744
notice is filed, the ~~commission~~ council may file responses to or 1745
comments on and may recommend alternative or supplementary rules 1746
to the fire marshal. At the end of the sixty-day period or upon 1747
the filing of responses, comments, or recommendations by the 1748
~~commission~~ council, the fire marshal may adopt the rule filed with 1749
the ~~commission~~ council or any alternative or supplementary rule 1750
recommended by the ~~commission~~ council. 1751

(C) The state fire ~~commission~~ council may recommend courses 1752
of action to be taken by the fire marshal in carrying out the fire 1753
marshal's duties under this section. The ~~commission~~ council shall 1754
file its recommendations in the office of the fire marshal, and, 1755

within sixty days after the recommendations are filed, the fire 1756
marshal shall file with the chairperson of the ~~commission~~ council 1757
comments on, and proposed action in response to, the 1758
recommendations. 1759

(D) For the purpose of sections 3737.87 to 3737.89 of the 1760
Revised Code, the fire marshal shall adopt, and may amend and 1761
rescind, rules identifying or listing hazardous substances. The 1762
rules shall be consistent with and equivalent in scope, coverage, 1763
and content to regulations identifying or listing hazardous 1764
substances adopted under the "Comprehensive Environmental 1765
Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 1766
42 U.S.C.A. 9602, as amended, except that the fire marshal shall 1767
not identify or list as a hazardous substance any hazardous waste 1768
identified or listed in rules adopted under division (A) of 1769
section 3734.12 of the Revised Code. 1770

(E) Notwithstanding any provision of the laws of this state 1771
to the contrary, the fire marshal has exclusive jurisdiction to 1772
regulate the storage, treatment, and disposal of petroleum 1773
contaminated soil generated from corrective actions undertaken in 1774
response to releases of petroleum. The fire marshal may adopt, 1775
amend, or rescind such rules as the fire marshal considers to be 1776
necessary or appropriate to regulate the storage, treatment, or 1777
disposal of petroleum contaminated soil so generated. 1778

(F) The fire marshal shall adopt, amend, and rescind rules 1779
under sections 3737.88 to 3737.882 of the Revised Code in 1780
accordance with Chapter 119. of the Revised Code. 1781

Sec. 3743.54. (A) A licensed exhibitor of fireworks may 1782
acquire fireworks for use at a public fireworks exhibition only 1783
from a licensed manufacturer of fireworks or licensed wholesaler 1784
of fireworks, and only in accordance with the procedures specified 1785
in this section and section 3743.55 of the Revised Code. 1786

(B)(1) A licensed exhibitor of fireworks who wishes to 1787
conduct a public fireworks exhibition shall apply for approval to 1788
conduct the exhibition to whichever of the following persons is 1789
appropriate under the circumstances: 1790

(a) Unless division (B)(1)(c) or (d) of this section applies, 1791
if the exhibition will take place in a municipal corporation, the 1792
approval shall be obtained from the fire chief, and from the 1793
police chief or other similar chief law enforcement officer, or 1794
the designee of the police chief or similar chief law enforcement 1795
officer, of the particular municipal corporation. 1796

(b) Unless division (B)(1)(c) or (d) of this section applies, 1797
if the exhibition will take place in an unincorporated area, the 1798
approval shall be obtained from the fire chief of the particular 1799
township or township fire district, and from the police chief or 1800
other similar chief law enforcement officer, or the designee of 1801
the police chief or similar chief law enforcement officer, of the 1802
particular township or township police district. 1803

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

of the political subdivision in which the premises on which the 1819
exhibition will take place are located. If both fire and police 1820
protection services for the premises on which the exhibition will 1821
take place are provided in accordance with a contract between 1822
political subdivisions, the approval shall be obtained from the 1823
fire chief, and from the police chief or other similar chief law 1824
enforcement officer, or the designee of the police chief or 1825
similar chief law enforcement officer, of the political 1826
subdivisions providing the police and fire protection services. 1827

(d) If there is no municipal corporation, township, or 1828
township fire district fire department, no municipal corporation, 1829
township, or township police district police department, and no 1830
contract for police or fire protection services between political 1831
subdivisions covering the premises on which the exhibition will 1832
take place, the approval shall be obtained from the fire 1833
prevention officer, and from the police chief or other similar 1834
chief law enforcement officer, or the designee of the police chief 1835
or other similar chief law enforcement officer, having 1836
jurisdiction over the premises. 1837

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

prevention officer, a police chief or other similar chief law 1851
enforcement officer of a municipal corporation, township, or 1852
township police district, or a designee of such a police chief or 1853
other similar chief law enforcement officer. 1854

(C) Before a permit is signed and issued to a licensed 1855
exhibitor of fireworks, the fire chief or fire prevention officer, 1856
in consultation with the police chief or other similar chief law 1857
enforcement officer or with the designee of the police chief or 1858
other similar chief law enforcement officer, shall inspect the 1859
premises on which the exhibition will take place and shall 1860
determine that, in fact, the applicant for the permit is a 1861
licensed exhibitor of fireworks. Each applicant shall show the 1862
applicant's license as an exhibitor of fireworks to the fire chief 1863
or fire prevention officer. 1864

The fire chief or fire prevention officer, and the police 1865
chief or other similar chief law enforcement officer, or the 1866
designee of the police chief or other similar chief law 1867
enforcement officer, shall give approval to conduct a public 1868
fireworks exhibition only if satisfied, based on the inspection, 1869
that the premises on which the exhibition will be conducted allow 1870
the exhibitor to comply with the rules adopted by the fire marshal 1871
pursuant to divisions (B) and (E) of section 3743.53 of the 1872
Revised Code and that the applicant is, in fact, a licensed 1873
exhibitor of fireworks. The fire chief or fire prevention officer, 1874
in consultation with the police chief or other similar chief law 1875
enforcement officer or with the designee of the police chief or 1876
other similar chief law enforcement officer, may inspect the 1877
premises immediately prior to the exhibition to determine if the 1878
exhibitor has complied with the rules, and may revoke a permit for 1879
noncompliance with the rules. 1880

(D) If the legislative authorities of their political 1881
subdivisions have prescribed a fee for the issuance of a permit 1882

for a public fireworks exhibition, fire chiefs or fire prevention 1883
officers, and police chiefs, other similar chief law enforcement 1884
officers, or their designee, shall not issue a permit until the 1885
exhibitor pays the requisite fee. 1886

Each exhibitor shall provide an indemnity bond in the amount 1887
of at least one million dollars, with surety satisfactory to the 1888
fire chief or fire prevention officer and to the police chief or 1889
other similar chief law enforcement officer, or the designee of 1890
the police chief or other similar chief law enforcement officer, 1891
conditioned for the payment of all final judgments that may be 1892
rendered against the exhibitor on account of injury, death, or 1893
loss to persons or property emanating from the fireworks 1894
exhibition, or proof of insurance coverage of at least one million 1895
dollars for liability arising from injury, death, or loss to 1896
persons or property emanating from the fireworks exhibition. The 1897
legislative authority of a political subdivision in which a public 1898
fireworks exhibition will take place may require the exhibitor to 1899
provide an indemnity bond or proof of insurance coverage in 1900
amounts greater than those required by this division. Fire chiefs 1901
or fire prevention officers, and police chiefs, other similar 1902
chief law enforcement officers, or their designee, shall not issue 1903
a permit until the exhibitor provides the bond or proof of the 1904
insurance coverage required by this division or by the political 1905
subdivision in which the fireworks exhibition will take place. 1906

(E)(1) Each permit for a fireworks exhibition issued by a 1907
fire chief or fire prevention officer, and by the police chief or 1908
other similar chief law enforcement officer, or the designee of 1909
the police chief or other similar chief law enforcement officer, 1910
shall contain a distinct number, designate the municipal 1911
corporation, township, or township fire or police district of the 1912
fire chief, fire prevention officer, police chief or other similar 1913
chief law enforcement officer, or designee of the police chief or 1914

other similar chief law enforcement officer, and identify the 1915
certified fire safety inspector, fire chief, or fire prevention 1916
officer who will be present before, during, and after the 1917
exhibition, where appropriate. A copy of each permit issued shall 1918
be forwarded by the fire chief or fire prevention officer, and by 1919
the police chief or other similar chief law enforcement officer, 1920
or the designee of the police chief or other similar chief law 1921
enforcement officer, issuing it to the fire marshal, who shall 1922
keep a record of the permits received. A permit is not 1923
transferable or assignable. 1924

(2) Each fire chief, fire prevention officer, police chief or 1925
other similar chief law enforcement officer, and designee of a 1926
police chief or other similar chief law enforcement officer shall 1927
keep a record of issued permits for fireworks exhibitions. In this 1928
list, the fire chief, fire prevention officer, police chief or 1929
other similar chief law enforcement officer, and designee of a 1930
police chief or other similar chief law enforcement officer shall 1931
list the name of the exhibitor, the exhibitor's license number, 1932
the premises on which the exhibition will be conducted, the date 1933
and time of the exhibition, and the number and political 1934
subdivision designation of the permit issued to the exhibitor for 1935
the exhibition. 1936

(F) The governing authority having jurisdiction in the 1937
location where an exhibition is to take place shall require that a 1938
certified fire safety inspector, fire chief, or fire prevention 1939
officer be present before, during, and after the exhibition, and 1940
shall require the certified fire safety inspector, fire chief, or 1941
fire prevention officer to inspect the premises where the 1942
exhibition is to take place and determine whether the exhibition 1943
is in compliance with this chapter. 1944

(G) Notwithstanding any provision of the Revised Code to the 1945
contrary, the state fire marshal is hereby authorized to create 1946

additional license categories for fireworks exhibitors and to 1947
create additional permit requirements for fireworks exhibitions 1948
for the indoor use of fireworks and other uses of pyrotechnics, 1949
including the use of pyrotechnic materials that do not meet the 1950
definition of fireworks as described in section 3743.01 of the 1951
Revised Code. Such licenses and permits and the fees for such 1952
licenses and permits shall be described in rules adopted by the 1953
fire marshal under Chapter 119. of the Revised Code. Such rules 1954
may provide for different standards for exhibitor licensure and 1955
the permitting and conducting of a fireworks exhibition than the 1956
requirements of this chapter. 1957

~~Prior to the state fire marshal's adoption of the rules 1958~~
~~described in this division, the director of commerce shall appoint 1959~~
~~a committee consisting of the state fire marshal or the marshal's 1960~~
~~designee, three representatives of the fireworks industry, and 1961~~
~~three representatives of the fire service to assist the state fire 1962~~
~~marshal in adopting these rules. Unless an extension is granted by 1963~~
~~the director of commerce, the state fire marshal shall adopt 1964~~
~~initial rules under this section not later than July 1, 2010. 1965~~

Sec. 3746.04. Within one year after September 28, 1994, the 1966
director of environmental protection, in accordance with Chapter 1967
119. of the Revised Code ~~and with the advice of the 1968~~
~~multidisciplinary council appointed under section 3746.03 of the 1969~~
Revised Code, shall adopt, and subsequently may amend, suspend, or 1970
rescind, rules that do both of the following: 1971

(A) Revise the rules adopted under Chapters 3704., 3714., 1972
3734., 6109., and 6111. of the Revised Code to incorporate the 1973
provisions necessary to conform those rules to the requirements of 1974
this chapter. The amended rules adopted under this division also 1975
shall establish response times for all submittals to the 1976
environmental protection agency required under this chapter or 1977

| | |
|--|--|
| rules adopted under it. | 1978 |
| (B) Establish requirements and procedures that are reasonably necessary for the implementation and administration of this chapter, including, without limitation, all of the following: | 1979 1980 1981 |
| (1) Appropriate generic numerical clean-up standards for the treatment or removal of soils, sediments, and water media for hazardous substances and petroleum. The rules shall establish separate generic numerical clean-up standards based upon the intended use of properties after the completion of voluntary actions, including industrial, commercial, and residential uses 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: | 1982 1983 1984 1985 1986 1987 1988 1989 1990 1991 1992 1993 1994 1995 |
| (a) Scientific information, including, without limitation, toxicological information and realistic assumptions regarding human and environmental exposure to hazardous substances or petroleum; | 1996 1997 1998 1999 |
| (b) Climatic factors; | 2000 |
| (c) Human activity patterns; | 2001 |
| (d) Current statistical techniques; | 2002 |
| (e) For petroleum at industrial property, alternatives to the use of total petroleum hydrocarbons. | 2003 2004 |
| 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 | 2005 2006 2007 |

any applicable standard established by federal environmental laws 2008
and regulations adopted under them, including, without limitation, 2009
the "Federal Water Pollution Control Act Amendments of 1972," 86 2010
Stat. 886, 33 U.S.C.A. 1251, as amended; the "Resource 2011
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 2012
6921, as amended; the "Toxic Substances Control Act," 90 Stat. 2013
2003 (1976), 15 U.S.C.A. 2601, as amended; the "Comprehensive 2014
Environmental Response, Compensation, and Liability Act of 1980," 2015
94 Stat. 2779, 42 U.S.C.A. 9601, as amended; and the "Safe 2016
Drinking Water Act," 88 Stat. 1660 (1974), 42 U.S.C.A. 300f, as 2017
amended. 2018

In order for the rules adopted under division (B)(1) of this 2019
section to require that any such federal environmental standard 2020
apply to a property, the property shall meet the requirements of 2021
the particular federal statute or regulation involved in the 2022
manner specified by the statute or regulation. 2023

The generic numerical clean-up standards for petroleum at 2024
commercial or residential property shall be the standards 2025
established in rules adopted under division (B) of section 2026
3737.882 of the Revised Code. 2027

(2)(a) Procedures for performing property-specific risk 2028
assessments that would be performed at a property to demonstrate 2029
that the remedy evaluated in a risk assessment results in 2030
protection of public health and safety and the environment instead 2031
of complying with the generic numerical clean-up standards 2032
established in the rules adopted under division (B)(1) of this 2033
section. The risk assessment procedures shall describe a 2034
methodology to establish, on a property-specific basis, allowable 2035
levels of contamination to remain at a property to ensure 2036
protection of public health and safety and the environment on the 2037
property and off the property when the contamination is emanating 2038
off the property, taking into account all of the following: 2039

(i) The implementation of treatment, storage, or disposal, or a combination thereof, of hazardous substances or petroleum; 2040
2041

(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; 2042
2043
2044
2045

(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. 2046
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(b) The risk assessment procedures and levels of acceptable risk set forth in the rules adopted under division (B)(2) of this section shall be based upon all of the following: 2051
2052
2053

(i) Scientific information, including, without limitation, toxicological information and actual or proposed human and environmental exposure; 2054
2055
2056

(ii) Locational and climatic factors; 2057

(iii) Surrounding land use and human activities; 2058

(iv) Differing levels of remediation that may be required when an existing land use is continued compared to when a different land use follows the remediation. 2059
2060
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(c) Any standards established pursuant to rules adopted under division (B)(2) of this section shall be no more stringent than standards established under the environmental statutes of this state and rules adopted under them for the same contaminant in the same environmental medium that are in effect at the time the risk assessment is conducted. 2062
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(3) Minimum standards for phase I property assessments. The standards shall specify the information needed to demonstrate that 2068
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there is no reason to believe that contamination exists on a 2070
property. The rules adopted under division (B)(3) of this section, 2071
at a minimum, shall require that a phase I property assessment 2072
include all of the following: 2073

(a) A review and analysis of deeds, mortgages, easements of 2074
record, and similar documents relating to the chain of title to 2075
the property that are publicly available or that are known to and 2076
reasonably available to the owner or operator; 2077

(b) A review and analysis of any previous environmental 2078
assessments, property assessments, environmental studies, or 2079
geologic studies of the property and any land within two thousand 2080
feet of the boundaries of the property that are publicly available 2081
or that are known to and reasonably available to the owner or 2082
operator; 2083

(c) A review of current and past environmental compliance 2084
histories of persons who owned or operated the property; 2085

(d) A review of aerial photographs of the property that 2086
indicate prior uses of the property; 2087

(e) Interviews with managers of activities conducted at the 2088
property who have knowledge of environmental conditions at the 2089
property; 2090

(f) Conducting an inspection of the property consisting of a 2091
walkover; 2092

(g) Identifying the current and past uses of the property, 2093
adjoining tracts of land, and the area surrounding the property, 2094
including, without limitation, interviews with persons who reside 2095
or have resided, or who are or were employed, within the area 2096
surrounding the property regarding the current and past uses of 2097
the property and adjacent tracts of land. 2098

The rules adopted under division (B)(3) of this section shall 2099

establish criteria to determine when a phase II property 2100
assessment shall be conducted when a phase I property assessment 2101
reveals facts that establish a reason to believe that hazardous 2102
substances or petroleum have been treated, stored, managed, or 2103
disposed of on the property if the person undertaking the phase I 2104
property assessment wishes to obtain a covenant not to sue under 2105
section 3746.12 of the Revised Code. 2106

(4) Minimum standards for phase II property assessments. The 2107
standards shall specify the information needed to demonstrate that 2108
any contamination present at the property does not exceed 2109
applicable standards or that the remedial activities conducted at 2110
the property have achieved compliance with applicable standards. 2111
The rules adopted under division (B)(4) of this section, at a 2112
minimum, shall require that a phase II property assessment include 2113
all of the following: 2114

(a) A review and analysis of all documentation prepared in 2115
connection with a phase I property assessment conducted within the 2116
one hundred eighty days before the phase II property assessment 2117
begins. The rules adopted under division (B)(4)(a) of this section 2118
shall require that if a period of more than one hundred eighty 2119
days has passed between the time that the phase I assessment of 2120
the property was completed and the phase II assessment begins, the 2121
phase II assessment shall include a reasonable inquiry into the 2122
change in the environmental condition of the property during the 2123
intervening period. 2124

(b) Quality assurance objectives for measurements taken in 2125
connection with a phase II assessment; 2126

(c) Sampling procedures to ensure the representative sampling 2127
of potentially contaminated environmental media; 2128

(d) Quality assurance and quality control requirements for 2129
samples collected in connection with phase II assessments; 2130

(e) Analytical and data assessment procedures; 2131

(f) Data objectives to ensure that samples collected in 2132
connection with phase II assessments are biased toward areas where 2133
information indicates that contamination by hazardous substances 2134
or petroleum is likely to exist. 2135

(5) Standards governing the conduct of certified 2136
professionals, criteria and procedures for the certification of 2137
professionals to issue no further action letters under section 2138
3746.11 of the Revised Code, and criteria for the suspension and 2139
revocation of those certifications. The director shall take an 2140
action regarding a certification as a final action. The issuance, 2141
denial, renewal, suspension, and revocation of those 2142
certifications are subject to Chapter 3745. of the Revised Code, 2143
except that, in lieu of publishing an action regarding a 2144
certification in a newspaper of general circulation as required in 2145
section 3745.07 of the Revised Code, such an action shall be 2146
published on the environmental protection agency's web site and in 2147
the agency's weekly review not later than fifteen days after the 2148
date of the issuance, denial, renewal, suspension, or revocation 2149
of the certification and not later than thirty days before a 2150
hearing or public meeting concerning the action. 2151

The rules adopted under division (B)(5) of this section shall 2152
do all of the following: 2153

(a) Provide for the certification of environmental 2154
professionals to issue no further action letters pertaining to 2155
investigations and remedies in accordance with the criteria and 2156
procedures set forth in the rules. The rules adopted under 2157
division (B)(5)(a) of this section shall do at least all of the 2158
following: 2159

(i) Authorize the director to consider such factors as an 2160
environmental professional's previous performance record regarding 2161

such investigations and remedies and the environmental 2162
professional's environmental compliance history when determining 2163
whether to certify the environmental professional; 2164

(ii) Ensure that an application for certification is reviewed 2165
in a timely manner; 2166

(iii) Require the director to certify any environmental 2167
professional who the director determines complies with those 2168
criteria; 2169

(iv) Require the director to deny certification for any 2170
environmental professional who does not comply with those 2171
criteria. 2172

(b) Establish an annual fee to be paid by environmental 2173
professionals certified pursuant to the rules adopted under 2174
division (B)(5)(a) of this section. The fee shall be established 2175
at an amount calculated to defray the costs to the agency for the 2176
required reviews of the qualifications of environmental 2177
professionals for certification and for the issuance of the 2178
certifications. 2179

(c) Develop a schedule for and establish requirements 2180
governing the review by the director of the credentials of 2181
environmental professionals who were deemed to be certified 2182
professionals under division (D) of section 3746.07 of the Revised 2183
Code in order to determine if they comply with the criteria 2184
established in rules adopted under division (B)(5) of this 2185
section. The rules adopted under division (B)(5)(c) of this 2186
section shall do at least all of the following: 2187

(i) Ensure that the review is conducted in a timely fashion; 2188

(ii) Require the director to certify any such environmental 2189
professional who the director determines complies with those 2190
criteria; 2191

(iii) Require any such environmental professional initially 2192
to pay the fee established in the rules adopted under division 2193
(B)(5)(b) of this section at the time that the environmental 2194
professional is so certified by the director; 2195

(iv) Establish a time period within which any such 2196
environmental professional who does not comply with those criteria 2197
may obtain the credentials that are necessary for certification; 2198

(v) Require the director to deny certification for any such 2199
environmental professional who does not comply with those criteria 2200
and who fails to obtain the necessary credentials within the 2201
established time period. 2202

(d) Require that any information submitted to the director 2203
for the purposes of the rules adopted under division (B)(5)(a) or 2204
(c) of this section comply with division (A) of section 3746.20 of 2205
the Revised Code; 2206

(e) Authorize the director to suspend or revoke the 2207
certification of an environmental professional if the director 2208
finds that the environmental professional's performance has 2209
resulted in the issuance of no further action letters under 2210
section 3746.11 of the Revised Code that are not consistent with 2211
applicable standards or finds that the certified environmental 2212
professional has not substantially complied with section 3746.31 2213
of the Revised Code; 2214

(f) Authorize the director to suspend for a period of not 2215
more than five years or to permanently revoke a certified 2216
environmental professional's certification for any violation of or 2217
failure to comply with an ethical standard established in rules 2218
adopted under division (B)(5) of this section; 2219

(g) Require the director to revoke the certification of an 2220
environmental professional if the director finds that the 2221
environmental professional falsified any information on the 2222

environmental professional's application for certification 2223
regarding the environmental professional's credentials or 2224
qualifications or any other information generated for the purposes 2225
of or use under this chapter or rules adopted under it; 2226

(h) Require the director permanently to revoke the 2227
certification of an environmental professional who has violated or 2228
is violating division (A) of section 3746.18 of the Revised Code; 2229

(i) Preclude the director from revoking the certification of 2230
an environmental professional who only conducts investigations and 2231
remedies at property contaminated solely with petroleum unless the 2232
director first consults with the director of commerce. 2233

(6) Criteria and procedures for the certification of 2234
laboratories to perform analyses under this chapter and rules 2235
adopted under it. The issuance, denial, suspension, and revocation 2236
of those certifications are subject to Chapter 3745. of the 2237
Revised Code, and the director of environmental protection shall 2238
take any such action regarding a certification as a final action. 2239

The rules adopted under division (B)(6) of this section shall 2240
do all of the following: 2241

(a) Provide for the certification to perform analyses of 2242
laboratories in accordance with the criteria and procedures 2243
established in the rules adopted under division (B)(6)(a) of this 2244
section and establish an annual fee to be paid by those 2245
laboratories. The fee shall be established at an amount calculated 2246
to defray the costs to the agency for the review of the 2247
qualifications of those laboratories for certification and for the 2248
issuance of the certifications. The rules adopted under division 2249
(B)(6)(a) of this section may provide for the certification of 2250
those laboratories to perform only particular types or categories 2251
of analyses, specific test parameters or group of test parameters, 2252
or a specific matrix or matrices under this chapter. 2253

(b) Develop a schedule for and establish requirements 2254
governing the review by the director of the operations of 2255
laboratories that were deemed to be certified laboratories under 2256
division (E) of section 3746.07 of the Revised Code in order to 2257
determine if they comply with the criteria established in rules 2258
adopted under division (B)(6) of this section. The rules adopted 2259
under division (B)(6)(b) of this section shall do at least all of 2260
the following: 2261

(i) Ensure that the review is conducted in a timely fashion; 2262

(ii) Require the director to certify any such laboratory that 2263
the director determines complies with those criteria; 2264

(iii) Require any such laboratory initially to pay the fee 2265
established in the rules adopted under division (B)(6)(a) of this 2266
section at the time that the laboratory is so certified by the 2267
director; 2268

(iv) Establish a time period within which any such laboratory 2269
that does not comply with those criteria may make changes in its 2270
operations necessary for the performance of analyses under this 2271
chapter and rules adopted under it in order to be certified by the 2272
director; 2273

(v) Require the director to deny certification for any such 2274
laboratory that does not comply with those criteria and that fails 2275
to make the necessary changes in its operations within the 2276
established time period. 2277

(c) Require that any information submitted to the director 2278
for the purposes of the rules adopted under division (B)(6)(a) or 2279
(b) of this section comply with division (A) of section 3746.20 of 2280
the Revised Code; 2281

(d) Authorize the director to suspend or revoke the 2282
certification of a laboratory if the director finds that the 2283
laboratory's performance has resulted in the issuance of no 2284

further action letters under section 3746.11 of the Revised Code 2285
that are not consistent with applicable standards; 2286

(e) Authorize the director to suspend or revoke the 2287
certification of a laboratory if the director finds that the 2288
laboratory falsified any information on its application for 2289
certification regarding its credentials or qualifications; 2290

(f) Require the director permanently to revoke the 2291
certification of a laboratory that has violated or is violating 2292
division (A) of section 3746.18 of the Revised Code. 2293

(7) Information to be included in a no further action letter 2294
prepared under section 3746.11 of the Revised Code, including, 2295
without limitation, all of the following: 2296

(a) A summary of the information required to be submitted to 2297
the certified environmental professional preparing the no further 2298
action letter under division (C) of section 3746.10 of the Revised 2299
Code; 2300

(b) Notification that a risk assessment was performed in 2301
accordance with rules adopted under division (B)(2) of this 2302
section if such an assessment was used in lieu of generic 2303
numerical clean-up standards established in rules adopted under 2304
division (B)(1) of this section; 2305

(c) The contaminants addressed at the property, if any, their 2306
source, if known, and their levels prior to remediation; 2307

(d) The identity of any other person who performed work to 2308
support the request for the no further action letter as provided 2309
in division (B)(2) of section 3746.10 of the Revised Code and the 2310
nature and scope of the work performed by that person; 2311

(e) A list of the data, information, records, and documents 2312
relied upon by the certified environmental professional in 2313
preparing the no further action letter. 2314

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| (8) Methods for determining fees to be paid for the following | 2315 |
| services provided by the agency under this chapter and rules | 2316 |
| adopted under it: | 2317 |
| (a) Site- or property-specific technical assistance in | 2318 |
| developing or implementing plans in connection with a voluntary | 2319 |
| action; | 2320 |
| (b) Reviewing applications for and issuing consolidated | 2321 |
| standards permits under section 3746.15 of the Revised Code and | 2322 |
| monitoring compliance with those permits; | 2323 |
| (c) Negotiating, preparing, and entering into agreements | 2324 |
| necessary for the implementation and administration of this | 2325 |
| chapter and rules adopted under it; | 2326 |
| (d) Reviewing no further action letters, issuing covenants | 2327 |
| not to sue, and monitoring compliance with any terms and | 2328 |
| conditions of those covenants and with operation and maintenance | 2329 |
| agreements entered into pursuant to those covenants, including, | 2330 |
| without limitation, conducting audits of properties where | 2331 |
| voluntary actions are being or were conducted under this chapter | 2332 |
| and rules adopted under it. | 2333 |
| The fees established pursuant to the rules adopted under | 2334 |
| division (B)(8) of this section shall be at a level sufficient to | 2335 |
| defray the direct and indirect costs incurred by the agency for | 2336 |
| the administration and enforcement of this chapter and rules | 2337 |
| adopted under it other than the provisions regarding the | 2338 |
| certification of professionals and laboratories. | 2339 |
| (9) Criteria for selecting the no further action letters | 2340 |
| issued under section 3746.11 of the Revised Code that will be | 2341 |
| audited under section 3746.17 of the Revised Code, and the scope | 2342 |
| and procedures for conducting those audits. The rules adopted | 2343 |
| under division (B)(9) of this section, at a minimum, shall require | 2344 |
| the director to establish priorities for auditing no further | 2345 |

action letters to which any of the following applies: 2346

(a) The letter was prepared by an environmental professional 2347
who was deemed to be a certified professional under division (D) 2348
of section 3746.07 of the Revised Code, but who does not comply 2349
with the criteria established in rules adopted under division 2350
(B)(5) of this section as determined pursuant to rules adopted 2351
under division (B)(5)(d) of this section; 2352

(b) The letter was submitted fraudulently; 2353

(c) The letter was prepared by a certified environmental 2354
professional whose certification subsequently was revoked in 2355
accordance with rules adopted under division (B)(5) of this 2356
section, or analyses were performed for the purposes of the no 2357
further action letter by a certified laboratory whose 2358
certification subsequently was revoked in accordance with rules 2359
adopted under division (B)(6) of this section; 2360

(d) A covenant not to sue that was issued pursuant to the 2361
letter was revoked under this chapter; 2362

(e) The letter was for a voluntary action that was conducted 2363
pursuant to a risk assessment in accordance with rules adopted 2364
under division (B)(2) of this section; 2365

(f) The letter was for a voluntary action that included as 2366
remedial activities engineering controls or institutional controls 2367
or activity and use limitations authorized under section 3746.05 2368
of the Revised Code. 2369

The rules adopted under division (B)(9) of this section shall 2370
provide for random audits of no further action letters to which 2371
the rules adopted under divisions (B)(9)(a) to (f) of this section 2372
do not apply. 2373

(10) A classification system to characterize ground water 2374
according to its capability to be used for human use and its 2375

impact on the environment and a methodology that shall be used to 2376
determine when ground water that has become contaminated from 2377
sources on a property for which a covenant not to sue is requested 2378
under section 3746.11 of the Revised Code shall be remediated to 2379
the standards established in the rules adopted under division 2380
(B)(1) or (2) of this section. 2381

(a) In adopting rules under division (B)(10) of this section 2382
to characterize ground water according to its capability for human 2383
use, the director shall consider all of the following: 2384

(i) The presence of legally enforceable, reliable 2385
restrictions on the use of ground water, including, without 2386
limitation, local rules or ordinances; 2387

(ii) The presence of regional commingled contamination from 2388
multiple sources that diminishes the quality of ground water; 2389

(iii) The natural quality of ground water; 2390

(iv) Regional availability of ground water and reasonable 2391
alternative sources of drinking water; 2392

(v) The productivity of the aquifer; 2393

(vi) The presence of restrictions on the use of ground water 2394
implemented under this chapter and rules adopted under it; 2395

(vii) The existing use of ground water. 2396

(b) In adopting rules under division (B)(10) of this section 2397
to characterize ground water according to its impacts on the 2398
environment, the director shall consider both of the following: 2399

(i) The risks posed to humans, fauna, surface water, 2400
sediments, soil, air, and other resources by the continuing 2401
presence of contaminated ground water; 2402

(ii) The availability and feasibility of technology to remedy 2403
ground water contamination. 2404

(11) Governing the application for and issuance of variances 2405
under section 3746.09 of the Revised Code; 2406

(12)(a) In the case of voluntary actions involving 2407
contaminated ground water, specifying the circumstances under 2408
which the generic numerical clean-up standards established in 2409
rules adopted under division (B)(1) of this section and standards 2410
established through a risk assessment conducted pursuant to rules 2411
adopted under division (B)(2) of this section shall be 2412
inapplicable to the remediation of contaminated ground water and 2413
under which the standards for remediating contaminated ground 2414
water shall be established on a case-by-case basis prior to the 2415
commencement of the voluntary action pursuant to rules adopted 2416
under division (B)(12)(b) of this section; 2417

(b) Criteria and procedures for the case-by-case 2418
establishment of standards for the remediation of contaminated 2419
ground water under circumstances in which the use of the generic 2420
numerical clean-up standards and standards established through a 2421
risk assessment are precluded by the rules adopted under division 2422
(B)(12)(a) of this section. The rules governing the procedures for 2423
the case-by-case development of standards for the remediation of 2424
contaminated ground water shall establish application, public 2425
participation, adjudication, and appeals requirements and 2426
procedures that are equivalent to the requirements and procedures 2427
established in section 3746.09 of the Revised Code and rules 2428
adopted under division (B)(11) of this section, except that the 2429
procedural rules shall not require an applicant to make the 2430
demonstrations set forth in divisions (A)(1) to (3) of section 2431
3746.09 of the Revised Code. 2432

(13) A definition of the evidence that constitutes sufficient 2433
evidence for the purpose of division (A)(5) of section 3746.02 of 2434
the Revised Code. 2435

At least thirty days before filing the proposed rules 2436

required to be adopted under this section with the secretary of 2437
state, director of the legislative service commission, and joint 2438
committee on agency rule review in accordance with divisions (B) 2439
and (H) of section 119.03 of the Revised Code, the director of 2440
environmental protection shall hold at least one public meeting on 2441
the proposed rules in each of the five districts into which the 2442
agency has divided the state for administrative purposes. 2443

Sec. 4117.03. (A) Public employees have the right to: 2444

(1) Form, join, assist, or participate in, or refrain from 2445
forming, joining, assisting, or participating in, except as 2446
otherwise provided in Chapter 4117. of the Revised Code, any 2447
employee organization of their own choosing; 2448

(2) Engage in other concerted activities for the purpose of 2449
collective bargaining or other mutual aid and protection; 2450

(3) Representation by an employee organization; 2451

(4) Bargain collectively with their public employers to 2452
determine wages, hours, terms and other conditions of employment 2453
and the continuation, modification, or deletion of an existing 2454
provision of a collective bargaining agreement, and enter into 2455
collective bargaining agreements; 2456

(5) Present grievances and have them adjusted, without the 2457
intervention of the bargaining representative, as long as the 2458
adjustment is not inconsistent with the terms of the collective 2459
bargaining agreement then in effect and as long as the bargaining 2460
representatives have the opportunity to be present at the 2461
adjustment. 2462

(B) Persons on active duty or acting in any capacity as 2463
members of the organized militia do not have collective bargaining 2464
rights. 2465

(C) Except as provided in division (D) of this section, 2466

nothing in Chapter 4117. of the Revised Code prohibits public 2467
employers from electing to engage in collective bargaining, to 2468
meet and confer, to hold discussions, or to engage in any other 2469
form of collective negotiations with public employees who are not 2470
subject to Chapter 4117. of the Revised Code pursuant to division 2471
(C) of section 4117.01 of the Revised Code. 2472

(D) A public employer shall not engage in collective 2473
bargaining or other forms of collective negotiations with the 2474
employees of county boards of elections referred to in division 2475
(C)(12) of section 4117.01 of the Revised Code. 2476

(E) Employees of public schools may bargain collectively for 2477
health care benefits; ~~however, all health care benefits shall~~ 2478
~~include best practices prescribed by the school employees health~~ 2479
~~care board, in accordance with section 9.901 of the Revised Code.~~ 2480

Sec. 4121.03. (A) The governor shall appoint from among the 2481
members of the industrial commission the chairperson of the 2482
industrial commission. The chairperson shall serve as chairperson 2483
at the pleasure of the governor. The chairperson is the head of 2484
the commission and its chief executive officer. 2485

(B) The chairperson shall appoint, after consultation with 2486
other commission members and obtaining the approval of at least 2487
one other commission member, an executive director of the 2488
commission. The executive director shall serve at the pleasure of 2489
the chairperson. The executive director, under the direction of 2490
the chairperson, shall perform all of the following duties: 2491

(1) Act as chief administrative officer for the commission; 2492

(2) Ensure that all commission personnel follow the rules of 2493
the commission; 2494

(3) Ensure that all orders, awards, and determinations are 2495
properly heard and signed, prior to attesting to the documents; 2496

(4) Coordinate, to the fullest extent possible, commission 2497
activities with the bureau of workers' compensation activities; 2498

(5) Do all things necessary for the efficient and effective 2499
implementation of the duties of the commission. 2500

The responsibilities assigned to the executive director of 2501
the commission do not relieve the chairperson from final 2502
responsibility for the proper performance of the acts specified in 2503
this division. 2504

(C) The chairperson shall do all of the following: 2505

(1) Except as otherwise provided in this division, employ, 2506
promote, supervise, remove, and establish the compensation of all 2507
employees as needed in connection with the performance of the 2508
commission's duties under this chapter and Chapters 4123., 4127., 2509
and 4131. of the Revised Code and may assign to them their duties 2510
to the extent necessary to achieve the most efficient performance 2511
of its functions, and to that end may establish, change, or 2512
abolish positions, and assign and reassign duties and 2513
responsibilities of every employee of the commission. The civil 2514
service status of any person employed by the commission prior to 2515
November 3, 1989, is not affected by this section. Personnel 2516
employed by the bureau or the commission who are subject to 2517
Chapter 4117. of the Revised Code shall retain all of their rights 2518
and benefits conferred pursuant to that chapter as it presently 2519
exists or is hereafter amended and nothing in this chapter or 2520
Chapter 4123. of the Revised Code shall be construed as 2521
eliminating or interfering with Chapter 4117. of the Revised Code 2522
or the rights and benefits conferred under that chapter to public 2523
employees or to any bargaining unit. 2524

(2) Hire district and staff hearing officers after 2525
consultation with other commission members and obtaining the 2526
approval of at least one other commission member; 2527

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

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

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

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

(7) Approve all contracts for special services.

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

chairperson, the commission, and hearing officers by law. 2559

(E) A majority of the commission constitutes a quorum to 2560
transact business. No vacancy impairs the rights of the remaining 2561
members to exercise all of the powers of the commission, so long 2562
as a majority remains. Any investigation, inquiry, or hearing that 2563
the commission may hold or undertake may be held or undertaken by 2564
or before any one member of the commission, or before one of the 2565
deputies of the commission, except as otherwise provided in this 2566
chapter and Chapters 4123., 4127., and 4131. of the Revised Code. 2567
Every order made by a member, or by a deputy, when approved and 2568
confirmed by a majority of the members, and so shown on its record 2569
of proceedings, is the order of the commission. The commission may 2570
hold sessions at any place within the state. The commission is 2571
responsible for all of the following: 2572

(1) Establishing the overall adjudicatory policy and 2573
management of the commission under this chapter and Chapters 2574
4123., 4127., and 4131. of the Revised Code, except for those 2575
administrative matters within the jurisdiction of the chairperson, 2576
bureau of workers' compensation, and the administrator of workers' 2577
compensation under those chapters; 2578

(2) Hearing appeals and reconsiderations under this chapter 2579
and Chapters 4123., 4127., and 4131. of the Revised Code; 2580

(3) Engaging in rulemaking where required by this chapter or 2581
Chapter 4123., 4127., or 4131. of the Revised Code. 2582

Sec. 4121.12. (A) There is hereby created the bureau of 2583
workers' compensation board of directors consisting of eleven 2584
members to be appointed by the governor with the advice and 2585
consent of the senate. One member shall be an individual who, on 2586
account of the individual's previous vocation, employment, or 2587
affiliations, can be classed as a representative of employees; two 2588
members shall be individuals who, on account of their previous 2589

vocation, employment, or affiliations, can be classed as 2590
representatives of employee organizations and at least one of 2591
these two individuals shall be a member of the executive committee 2592
of the largest statewide labor federation; three members shall be 2593
individuals who, on account of their previous vocation, 2594
employment, or affiliations, can be classed as representatives of 2595
employers, one of whom represents self-insuring employers, one of 2596
whom is a state fund employer who employs one hundred or more 2597
employees, and one of whom is a state fund employer who employs 2598
less than one hundred employees; two members shall be individuals 2599
who, on account of their vocation, employment, or affiliations, 2600
can be classed as investment and securities experts who have 2601
direct experience in the management, analysis, supervision, or 2602
investment of assets and are residents of this state; one member 2603
who shall be a certified public accountant; one member who shall 2604
be an actuary who is a member in good standing with the American 2605
academy of actuaries or who is an associate or fellow with the 2606
society of actuaries; and one member shall represent the public 2607
and also be an individual who, on account of the individual's 2608
previous vocation, employment, or affiliations, cannot be classed 2609
as either predominantly representative of employees or of 2610
employers. The governor shall select the chairperson of the board 2611
who shall serve as chairperson at the pleasure of the governor. 2612

None of the members of the board, within one year immediately 2613
preceding the member's appointment, shall have been employed by 2614
the bureau of workers' compensation or by any person, partnership, 2615
or corporation that has provided to the bureau services of a 2616
financial or investment nature, including the management, 2617
analysis, supervision, or investment of assets. 2618

(B) Of the initial appointments made to the board, the 2619
governor shall appoint the member who represents employees, one 2620
member who represents employers, and the member who represents the 2621

public to a term ending one year after June 11, 2007; one member 2622
who represents employers, one member who represents employee 2623
organizations, one member who is an investment and securities 2624
expert, and the member who is a certified public accountant to a 2625
term ending two years after June 11, 2007; and one member who 2626
represents employers, one member who represents employee 2627
organizations, one member who is an investment and securities 2628
expert, and the member who is an actuary to a term ending three 2629
years after June 11, 2007. Thereafter, terms of office shall be 2630
for three years, with each term ending on the same day of the same 2631
month as did the term that it succeeds. Each member shall hold 2632
office from the date of the member's appointment until the end of 2633
the term for which the member was appointed. 2634

Members may be reappointed. Any member appointed to fill a 2635
vacancy occurring prior to the expiration date of the term for 2636
which the member's predecessor was appointed shall hold office as 2637
a member for the remainder of that term. A member shall continue 2638
in office subsequent to the expiration date of the member's term 2639
until a successor takes office or until a period of sixty days has 2640
elapsed, whichever occurs first. 2641

(C) In making appointments to the board, the governor shall 2642
select the members from the list of names submitted by the 2643
workers' compensation board of directors nominating committee 2644
pursuant to this division. The nominating committee shall submit 2645
to the governor a list containing four separate names for each of 2646
the members on the board. Within fourteen days after the 2647
submission of the list, the governor shall appoint individuals 2648
from the list. 2649

At least thirty days prior to a vacancy occurring as a result 2650
of the expiration of a term and within thirty days after other 2651
vacancies occurring on the board, the nominating committee shall 2652
submit an initial list containing four names for each vacancy. 2653

Within fourteen days after the submission of the initial list, the 2654
governor either shall appoint individuals from that list or 2655
request the nominating committee to submit another list of four 2656
names for each member the governor has not appointed from the 2657
initial list, which list the nominating committee shall submit to 2658
the governor within fourteen days after the governor's request. 2659
The governor then shall appoint, within seven days after the 2660
submission of the second list, one of the individuals from either 2661
list to fill the vacancy for which the governor has not made an 2662
appointment from the initial list. If the governor appoints an 2663
individual to fill a vacancy occurring as a result of the 2664
expiration of a term, the individual appointed shall begin serving 2665
as a member of the board when the term for which the individual's 2666
predecessor was appointed expires or immediately upon appointment 2667
by the governor, whichever occurs later. With respect to the 2668
filling of vacancies, the nominating committee shall provide the 2669
governor with a list of four individuals who are, in the judgment 2670
of the nominating committee, the most fully qualified to accede to 2671
membership on the board. 2672

In order for the name of an individual to be submitted to the 2673
governor under this division, the nominating committee shall 2674
approve the individual by an affirmative vote of a majority of its 2675
members. 2676

(D) All members of the board shall receive their reasonable 2677
and necessary expenses pursuant to section 126.31 of the Revised 2678
Code while engaged in the performance of their duties as members 2679
and also shall receive an annual salary not to exceed sixty 2680
thousand dollars in total, payable on the following basis: 2681

(1) Except as provided in division (D)(2) of this section, a 2682
member shall receive two thousand five hundred dollars during a 2683
month in which the member attends one or more meetings of the 2684
board and shall receive no payment during a month in which the 2685

member attends no meeting of the board. 2686

(2) A member may receive no more than thirty thousand dollars 2687
per year to compensate the member for attending meetings of the 2688
board, regardless of the number of meetings held by the board 2689
during a year or the number of meetings in excess of twelve within 2690
a year that the member attends. 2691

(3) Except as provided in division (D)(4) of this section, if 2692
a member serves on the workers' compensation audit committee, 2693
workers' compensation actuarial committee, or the workers' 2694
compensation investment committee, the member shall receive two 2695
thousand five hundred dollars during a month in which the member 2696
attends one or more meetings of the committee on which the member 2697
serves and shall receive no payment during any month in which the 2698
member attends no meeting of that committee. 2699

(4) A member may receive no more than thirty thousand dollars 2700
per year to compensate the member for attending meetings of any of 2701
the committees specified in division (D)(3) of this section, 2702
regardless of the number of meetings held by a committee during a 2703
year or the number of committees on which a member serves. 2704

The chairperson of the board shall set the meeting dates of 2705
the board as necessary to perform the duties of the board under 2706
this chapter and Chapters 4123., 4125., 4127., 4131., and 4167. of 2707
the Revised Code. The board shall meet at least twelve times a 2708
year. The administrator of workers' compensation shall provide 2709
professional and clerical assistance to the board, as the board 2710
considers appropriate. 2711

(E) Before entering upon the duties of office, each appointed 2712
member of the board shall take an oath of office as required by 2713
sections 3.22 and 3.23 of the Revised Code and file in the office 2714
of the secretary of state the bond required under section 4121.127 2715
of the Revised Code. 2716

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| (F) The board shall: | 2717 |
| (1) Establish the overall administrative policy for the | 2718 |
| bureau for the purposes of this chapter and Chapters 4123., 4125., | 2719 |
| 4127., 4131., and 4167. of the Revised Code; | 2720 |
| (2) Review progress of the bureau in meeting its cost and | 2721 |
| quality objectives and in complying with this chapter and Chapters | 2722 |
| 4123., 4125., 4127., 4131., and 4167. of the Revised Code; | 2723 |
| (3) Submit an annual report to the president of the senate, | 2724 |
| the speaker of the house of representatives, <u>and</u> the governor, and | 2725 |
| the workers' compensation council and include all of the following | 2726 |
| in that report: | 2727 |
| (a) An evaluation of the cost and quality objectives of the | 2728 |
| bureau; | 2729 |
| (b) A statement of the net assets available for the provision | 2730 |
| of compensation and benefits under this chapter and Chapters | 2731 |
| 4123., 4127., and 4131. of the Revised Code as of the last day of | 2732 |
| the fiscal year; | 2733 |
| (c) A statement of any changes that occurred in the net | 2734 |
| assets available, including employer premiums and net investment | 2735 |
| income, for the provision of compensation and benefits and payment | 2736 |
| of administrative expenses, between the first and last day of the | 2737 |
| fiscal year immediately preceding the date of the report; | 2738 |
| (d) The following information for each of the six consecutive | 2739 |
| fiscal years occurring previous to the report: | 2740 |
| (i) A schedule of the net assets available for compensation | 2741 |
| and benefits; | 2742 |
| (ii) The annual cost of the payment of compensation and | 2743 |
| benefits; | 2744 |
| (iii) Annual administrative expenses incurred; | 2745 |
| (iv) Annual employer premiums allocated for the provision of | 2746 |

| | |
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| compensation and benefits. | 2747 |
| (e) A description of any significant changes that occurred | 2748 |
| during the six years for which the board provided the information | 2749 |
| required under division (F)(3)(d) of this section that affect the | 2750 |
| ability of the board to compare that information from year to | 2751 |
| year. | 2752 |
| (4) Review all independent financial audits of the bureau. | 2753 |
| The administrator shall provide access to records of the bureau to | 2754 |
| facilitate the review required under this division. | 2755 |
| (5) Study issues as requested by the administrator or the | 2756 |
| governor; | 2757 |
| (6) Contract with all of the following: | 2758 |
| (a) An independent actuarial firm to assist the board in | 2759 |
| making recommendations to the administrator regarding premium | 2760 |
| rates; | 2761 |
| (b) An outside investment counsel to assist the workers' | 2762 |
| compensation investment committee in fulfilling its duties; | 2763 |
| (c) An independent fiduciary counsel to assist the board in | 2764 |
| the performance of its duties. | 2765 |
| (7) Approve the investment policy developed by the workers' | 2766 |
| compensation investment committee pursuant to section 4121.129 of | 2767 |
| the Revised Code if the policy satisfies the requirements | 2768 |
| specified in section 4123.442 of the Revised Code. | 2769 |
| (8) Review and publish the investment policy no less than | 2770 |
| annually and make copies available to interested parties. | 2771 |
| (9) Prohibit, on a prospective basis, any specific investment | 2772 |
| it finds to be contrary to the investment policy approved by the | 2773 |
| board. | 2774 |
| (10) Vote to open each investment class and allow the | 2775 |
| administrator to invest in an investment class only if the board, | 2776 |

by a majority vote, opens that class; 2777

(11) After opening a class but prior to the administrator 2778
investing in that class, adopt rules establishing due diligence 2779
standards for employees of the bureau to follow when investing in 2780
that class and establish policies and procedures to review and 2781
monitor the performance and value of each investment class; 2782

(12) Submit a report annually on the performance and value of 2783
each investment class to the governor, the president and minority 2784
leader of the senate, and the speaker and minority leader of the 2785
house of representatives, ~~and the workers' compensation council.~~ 2786

(13) Advise and consent on all of the following: 2787

(a) Administrative rules the administrator submits to it 2788
pursuant to division (B)(5) of section 4121.121 of the Revised 2789
Code for the classification of occupations or industries, for 2790
premium rates and contributions, for the amount to be credited to 2791
the surplus fund, for rules and systems of rating, rate revisions, 2792
and merit rating; 2793

(b) The duties and authority conferred upon the administrator 2794
pursuant to section 4121.37 of the Revised Code; 2795

(c) Rules the administrator adopts for the health partnership 2796
program and the qualified health plan system, as provided in 2797
sections 4121.44, 4121.441, and 4121.442 of the Revised Code; 2798

(d) Rules the administrator submits to it pursuant to Chapter 2799
4167. of the Revised Code regarding the public employment risk 2800
reduction program and the protection of public health care workers 2801
from exposure incidents. 2802

As used in this division, "public health care worker" and 2803
"exposure incident" have the same meanings as in section 4167.25 2804
of the Revised Code. 2805

(14) Perform all duties required under this chapter and 2806

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|---|------|
| Chapters 4123., 4125., 4127., 4131., and 4167. of the Revised | 2807 |
| Code; | 2808 |
| (15) Meet with the governor on an annual basis to discuss the | 2809 |
| administrator's performance of the duties specified in this | 2810 |
| chapter and Chapters 4123., 4125., 4127., 4131., and 4167. of the | 2811 |
| Revised Code; | 2812 |
| (16) Develop and participate in a bureau of workers' | 2813 |
| compensation board of directors education program that consists of | 2814 |
| all of the following: | 2815 |
| (a) An orientation component for newly appointed members; | 2816 |
| (b) A continuing education component for board members who | 2817 |
| have served for at least one year; | 2818 |
| (c) A curriculum that includes education about each of the | 2819 |
| following topics: | 2820 |
| (i) Board member duties and responsibilities; | 2821 |
| (ii) Compensation and benefits paid pursuant to this chapter | 2822 |
| and Chapters 4123., 4127., and 4131. of the Revised Code; | 2823 |
| (iii) Ethics; | 2824 |
| (iv) Governance processes and procedures; | 2825 |
| (v) Actuarial soundness; | 2826 |
| (vi) Investments; | 2827 |
| (vii) Any other subject matter the board believes is | 2828 |
| reasonably related to the duties of a board member. | 2829 |
| (17) Submit the program developed pursuant to division | 2830 |
| (F)(16) of this section to the workers' compensation council for | 2831 |
| approval; | 2832 |
| (18) Hold all sessions, classes, and other events for the | 2833 |
| program developed pursuant to division (F)(16) of this section in | 2834 |
| this state. | 2835 |

(G) The board may do both of the following: 2836

(1) Vote to close any investment class; 2837

(2) Create any committees in addition to the workers' 2838
compensation audit committee, the workers' compensation actuarial 2839
committee, and the workers' compensation investment committee that 2840
the board determines are necessary to assist the board in 2841
performing its duties. 2842

(H) The office of a member of the board who is convicted of 2843
or pleads guilty to a felony, a theft offense as defined in 2844
section 2913.01 of the Revised Code, or a violation of section 2845
102.02, 102.03, 102.04, 2921.02, 2921.11, 2921.13, 2921.31, 2846
2921.41, 2921.42, 2921.43, or 2921.44 of the Revised Code shall be 2847
deemed vacant. The vacancy shall be filled in the same manner as 2848
the original appointment. A person who has pleaded guilty to or 2849
been convicted of an offense of that nature is ineligible to be a 2850
member of the board. A member who receives a bill of indictment 2851
for any of the offenses specified in this section shall be 2852
automatically suspended from the board pending resolution of the 2853
criminal matter. 2854

(I) For the purposes of division (G)(1) of section 121.22 of 2855
the Revised Code, the meeting between the governor and the board 2856
to review the administrator's performance as required under 2857
division (F)(15) of this section shall be considered a meeting 2858
regarding the employment of the administrator. 2859

Sec. 4121.121. (A) There is hereby created the bureau of 2860
workers' compensation, which shall be administered by the 2861
administrator of workers' compensation. A person appointed to the 2862
position of administrator shall possess significant management 2863
experience in effectively managing an organization or 2864
organizations of substantial size and complexity. A person 2865
appointed to the position of administrator also shall possess a 2866

minimum of five years of experience in the field of workers' 2867
compensation insurance or in another insurance industry, except as 2868
otherwise provided when the conditions specified in division (C) 2869
of this section are satisfied. The governor shall appoint the 2870
administrator as provided in section 121.03 of the Revised Code, 2871
and the administrator shall serve at the pleasure of the governor. 2872
The governor shall fix the administrator's salary on the basis of 2873
the administrator's experience and the administrator's 2874
responsibilities and duties under this chapter and Chapters 4123., 2875
4125., 4127., 4131., and 4167. of the Revised Code. The governor 2876
shall not appoint to the position of administrator any person who 2877
has, or whose spouse has, given a contribution to the campaign 2878
committee of the governor in an amount greater than one thousand 2879
dollars during the two-year period immediately preceding the date 2880
of the appointment of the administrator. 2881

The administrator shall hold no other public office and shall 2882
devote full time to the duties of administrator. Before entering 2883
upon the duties of the office, the administrator shall take an 2884
oath of office as required by sections 3.22 and 3.23 of the 2885
Revised Code, and shall file in the office of the secretary of 2886
state, a bond signed by the administrator and by surety approved 2887
by the governor, for the sum of fifty thousand dollars payable to 2888
the state, conditioned upon the faithful performance of the 2889
administrator's duties. 2890

(B) The administrator is responsible for the management of 2891
the bureau and for the discharge of all administrative duties 2892
imposed upon the administrator in this chapter and Chapters 4123., 2893
4125., 4127., 4131., and 4167. of the Revised Code, and in the 2894
discharge thereof shall do all of the following: 2895

(1) Perform all acts and exercise all authorities and powers, 2896
discretionary and otherwise that are required of or vested in the 2897
bureau or any of its employees in this chapter and Chapters 4123., 2898

4125., 4127., 4131., and 4167. of the Revised Code, except the 2899
acts and the exercise of authority and power that is required of 2900
and vested in the bureau of workers' compensation board of 2901
directors or the industrial commission pursuant to those chapters. 2902
The treasurer of state shall honor all warrants signed by the 2903
administrator, or by one or more of the administrator's employees, 2904
authorized by the administrator in writing, or bearing the 2905
facsimile signature of the administrator or such employee under 2906
sections 4123.42 and 4123.44 of the Revised Code. 2907

(2) Employ, direct, and supervise all employees required in 2908
connection with the performance of the duties assigned to the 2909
bureau by this chapter and Chapters 4123., 4125., 4127., 4131., 2910
and 4167. of the Revised Code, including an actuary, and may 2911
establish job classification plans and compensation for all 2912
employees of the bureau provided that this grant of authority 2913
shall not be construed as affecting any employee for whom the 2914
state employment relations board has established an appropriate 2915
bargaining unit under section 4117.06 of the Revised Code. All 2916
positions of employment in the bureau are in the classified civil 2917
service except those employees the administrator may appoint to 2918
serve at the administrator's pleasure in the unclassified civil 2919
service pursuant to section 124.11 of the Revised Code. The 2920
administrator shall fix the salaries of employees the 2921
administrator appoints to serve at the administrator's pleasure, 2922
including the chief operating officer, staff physicians, and other 2923
senior management personnel of the bureau and shall establish the 2924
compensation of staff attorneys of the bureau's legal section and 2925
their immediate supervisors, and take whatever steps are necessary 2926
to provide adequate compensation for other staff attorneys. 2927

The administrator may appoint a person who holds a certified 2928
position in the classified service within the bureau to a position 2929
in the unclassified service within the bureau. A person appointed 2930

pursuant to this division to a position in the unclassified 2931
service shall retain the right to resume the position and status 2932
held by the person in the classified service immediately prior to 2933
the person's appointment in the unclassified service, regardless 2934
of the number of positions the person held in the unclassified 2935
service. An employee's right to resume a position in the 2936
classified service may only be exercised when the administrator 2937
demotes the employee to a pay range lower than the employee's 2938
current pay range or revokes the employee's appointment to the 2939
unclassified service. An employee forfeits the right to resume a 2940
position in the classified service when the employee is removed 2941
from the position in the unclassified service due to incompetence, 2942
inefficiency, dishonesty, drunkenness, immoral conduct, 2943
insubordination, discourteous treatment of the public, neglect of 2944
duty, violation of this chapter or Chapter 124., 4123., 4125., 2945
4127., 4131., or 4167. of the Revised Code, violation of the rules 2946
of the director of administrative services or the administrator, 2947
any other failure of good behavior, any other acts of misfeasance, 2948
malfeasance, or nonfeasance in office, or conviction of a felony. 2949
An employee also forfeits the right to resume a position in the 2950
classified service upon transfer to a different agency. 2951

Reinstatement to a position in the classified service shall 2952
be to a position substantially equal to that position in the 2953
classified service held previously, as certified by the department 2954
of administrative services. If the position the person previously 2955
held in the classified service has been placed in the unclassified 2956
service or is otherwise unavailable, the person shall be appointed 2957
to a position in the classified service within the bureau that the 2958
director of administrative services certifies is comparable in 2959
compensation to the position the person previously held in the 2960
classified service. Service in the position in the unclassified 2961
service shall be counted as service in the position in the 2962
classified service held by the person immediately prior to the 2963

person's appointment in the unclassified service. When a person is 2964
reinstated to a position in the classified service as provided in 2965
this division, the person is entitled to all rights, status, and 2966
benefits accruing to the position during the person's time of 2967
service in the position in the unclassified service. 2968

(3) Reorganize the work of the bureau, its sections, 2969
departments, and offices to the extent necessary to achieve the 2970
most efficient performance of its functions and to that end may 2971
establish, change, or abolish positions and assign and reassign 2972
duties and responsibilities of every employee of the bureau. All 2973
persons employed by the commission in positions that, after 2974
November 3, 1989, are supervised and directed by the administrator 2975
under this section are transferred to the bureau in their 2976
respective classifications but subject to reassignment and 2977
reclassification of position and compensation as the administrator 2978
determines to be in the interest of efficient administration. The 2979
civil service status of any person employed by the commission is 2980
not affected by this section. Personnel employed by the bureau or 2981
the commission who are subject to Chapter 4117. of the Revised 2982
Code shall retain all of their rights and benefits conferred 2983
pursuant to that chapter as it presently exists or is hereafter 2984
amended and nothing in this chapter or Chapter 4123. of the 2985
Revised Code shall be construed as eliminating or interfering with 2986
Chapter 4117. of the Revised Code or the rights and benefits 2987
conferred under that chapter to public employees or to any 2988
bargaining unit. 2989

(4) Provide offices, equipment, supplies, and other 2990
facilities for the bureau. 2991

(5) Prepare and submit to the board information the 2992
administrator considers pertinent or the board requires, together 2993
with the administrator's recommendations, in the form of 2994
administrative rules, for the advice and consent of the board, for 2995

classifications of occupations or industries, for premium rates 2996
and contributions, for the amount to be credited to the surplus 2997
fund, for rules and systems of rating, rate revisions, and merit 2998
rating. The administrator shall obtain, prepare, and submit any 2999
other information the board requires for the prompt and efficient 3000
discharge of its duties. 3001

(6) Keep the accounts required by division (A) of section 3002
4123.34 of the Revised Code and all other accounts and records 3003
necessary to the collection, administration, and distribution of 3004
the workers' compensation funds and shall obtain the statistical 3005
and other information required by section 4123.19 of the Revised 3006
Code. 3007

(7) Exercise the investment powers vested in the 3008
administrator by section 4123.44 of the Revised Code in accordance 3009
with the investment policy approved by the board pursuant to 3010
section 4121.12 of the Revised Code and in consultation with the 3011
chief investment officer of the bureau of workers' compensation. 3012
The administrator shall not engage in any prohibited investment 3013
activity specified by the board pursuant to division (F)(9) of 3014
section 4121.12 of the Revised Code and shall not invest in any 3015
type of investment specified in divisions (B)(1) to (10) of 3016
section 4123.442 of the Revised Code. All business shall be 3017
transacted, all funds invested, all warrants for money drawn and 3018
payments made, and all cash and securities and other property 3019
held, in the name of the bureau, or in the name of its nominee, 3020
provided that nominees are authorized by the administrator solely 3021
for the purpose of facilitating the transfer of securities, and 3022
restricted to the administrator and designated employees. 3023

(8) Make contracts for and supervise the construction of any 3024
project or improvement or the construction or repair of buildings 3025
under the control of the bureau. 3026

(9) Purchase supplies, materials, equipment, and services; 3027

make contracts for, operate, and superintend the telephone, other 3028
telecommunication, and computer services for the use of the 3029
bureau; and make contracts in connection with office reproduction, 3030
forms management, printing, and other services. Notwithstanding 3031
sections 125.12 to 125.14 of the Revised Code, the administrator 3032
may transfer surplus computers and computer equipment directly to 3033
an accredited public school within the state. The computers and 3034
computer equipment may be repaired or refurbished prior to the 3035
transfer. 3036

(10) Prepare and submit to the board an annual budget for 3037
internal operating purposes for the board's approval. The 3038
administrator also shall, separately from the budget the 3039
industrial commission submits ~~and from the budget the director of~~ 3040
~~the workers' compensation council submits~~, prepare and submit to 3041
the director of budget and management a budget for each biennium. 3042
The budgets submitted to the board and the director shall include 3043
estimates of the costs and necessary expenditures of the bureau in 3044
the discharge of any duty imposed by law. 3045

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

ensure that all service office employees report directly to the 3060
director for their service office. 3061

(12) Provide a written binder on new coverage where the 3062
administrator considers it to be in the best interest of the risk. 3063
The administrator, or any other person authorized by the 3064
administrator, shall grant the binder upon submission of a request 3065
for coverage by the employer. A binder is effective for a period 3066
of thirty days from date of issuance and is nonrenewable. Payroll 3067
reports and premium charges shall coincide with the effective date 3068
of the binder. 3069

(13) Set standards for the reasonable and maximum handling 3070
time of claims payment functions, ensure, by rules, the impartial 3071
and prompt treatment of all claims and employer risk accounts, and 3072
establish a secure, accurate method of time stamping all incoming 3073
mail and documents hand delivered to bureau employees. 3074

(14) Ensure that all employees of the bureau follow the 3075
orders and rules of the commission as such orders and rules relate 3076
to the commission's overall adjudicatory policy-making and 3077
management duties under this chapter and Chapters 4123., 4127., 3078
and 4131. of the Revised Code. 3079

(15) Manage and operate a data processing system with a 3080
common data base for the use of both the bureau and the commission 3081
and, in consultation with the commission, using electronic data 3082
processing equipment, shall develop a claims tracking system that 3083
is sufficient to monitor the status of a claim at any time and 3084
that lists appeals that have been filed and orders or 3085
determinations that have been issued pursuant to section 4123.511 3086
or 4123.512 of the Revised Code, including the dates of such 3087
filings and issuances. 3088

(16) Establish and maintain a medical section within the 3089
bureau. The medical section shall do all of the following: 3090

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

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

(c) Audit fee bill payments;

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

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

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

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

(19) Comply with section 3517.13 of the Revised Code, and except in regard to contracts entered into pursuant to the authority contained in section 4121.44 of the Revised Code, comply

with the competitive bidding procedures set forth in the Revised 3122
Code for all contracts into which the administrator enters 3123
provided that those contracts fall within the type of contracts 3124
and dollar amounts specified in the Revised Code for competitive 3125
bidding and further provided that those contracts are not 3126
otherwise specifically exempt from the competitive bidding 3127
procedures contained in the Revised Code. 3128

(20) Adopt, with the advice and consent of the board, rules 3129
for the operation of the bureau. 3130

(21) Prepare and submit to the board information the 3131
administrator considers pertinent or the board requires, together 3132
with the administrator's recommendations, in the form of 3133
administrative rules, for the advice and consent of the board, for 3134
the health partnership program and the qualified health plan 3135
system, as provided in sections 4121.44, 4121.441, and 4121.442 of 3136
the Revised Code. 3137

(C) The administrator, with the advice and consent of the 3138
senate, shall appoint a chief operating officer who has a minimum 3139
of five years of experience in the field of workers' compensation 3140
insurance or in another similar insurance industry if the 3141
administrator does not possess such experience. The chief 3142
operating officer shall not commence the chief operating officer's 3143
duties until after the senate consents to the chief operating 3144
officer's appointment. The chief operating officer shall serve in 3145
the unclassified civil service of the state. 3146

Sec. 4121.125. (A) The bureau of workers' compensation board 3147
of directors, based upon recommendations of the workers' 3148
compensation actuarial committee, may contract with one or more 3149
outside actuarial firms and other professional persons, as the 3150
board determines necessary, to assist the board in measuring the 3151
performance of Ohio's workers' compensation system and in 3152

comparing Ohio's workers' compensation system to other state and 3153
private workers' compensation systems. The board, actuarial firm 3154
or firms, and professional persons shall make such measurements 3155
and comparisons using accepted insurance industry standards, 3156
including, but not limited to, standards promulgated by the 3157
National Council on Compensation Insurance. 3158

(B) The board may contract with one or more outside firms to 3159
conduct management and financial audits of the workers' 3160
compensation system, including audits of the reserve fund 3161
belonging to the state insurance fund, and to establish objective 3162
quality management principles and methods by which to review the 3163
performance of the workers' compensation system. 3164

(C) The board shall do all of the following: 3165

(1) Contract to have prepared annually by or under the 3166
supervision of an actuary a report that meets the requirements 3167
specified under division (E) of this section and that consists of 3168
an actuarial valuation of the assets, liabilities, and funding 3169
requirements of the state insurance fund and all other funds 3170
specified in this chapter and Chapters 4123., 4127., and 4131. of 3171
the Revised Code; 3172

(2) Require that the actuary or person supervised by an 3173
actuary referred to in division (C)(1) of this section complete 3174
the valuation in accordance with the actuarial standards of 3175
practice promulgated by the actuarial standards board of the 3176
American academy of actuaries; 3177

(3) Submit the report referred to in division (C)(1) of this 3178
section to ~~the workers' compensation council and~~ the standing 3179
committees of the house of representatives and the senate with 3180
primary responsibility for workers' compensation legislation on or 3181
before the first day of November following the year for which the 3182
valuation was made; 3183

(4) Have an actuary or a person who provides actuarial 3184
services under the supervision of an actuary, at such time as the 3185
board determines, and at least once during the five-year period 3186
that commences on September 10, 2007, and once within each 3187
five-year period thereafter, conduct an actuarial investigation of 3188
the experience of employers, the mortality, service, and injury 3189
rate of employees, and the payment of temporary total disability, 3190
permanent partial disability, and permanent total disability under 3191
sections 4123.56 to 4123.58 of the Revised Code to update the 3192
actuarial assumptions used in the report required by division 3193
(C)(1) of this section; 3194

(5) Submit the report required under division (F) of this 3195
section to ~~the council and~~ the standing committees of the house of 3196
representatives and the senate with primary responsibility for 3197
workers' compensation legislation not later than the first day of 3198
November following the fifth year of the period that the report 3199
covers; 3200

(6) Have prepared by or under the supervision of an actuary 3201
an actuarial analysis of any introduced legislation expected to 3202
have a measurable financial impact on the workers' compensation 3203
system; 3204

(7) Submit the report required under division (G) of this 3205
section to the legislative service commission, and the standing 3206
committees of the house of representatives and the senate with 3207
primary responsibility for workers' compensation legislation, ~~and~~ 3208
~~the council~~ not later than sixty days after the date of 3209
introduction of the legislation. 3210

(D) The administrator of workers' compensation and the 3211
industrial commission shall compile information and provide access 3212
to records of the bureau and the industrial commission to the 3213
board to the extent necessary for fulfillment of both of the 3214
following requirements: 3215

| | |
|--|------|
| (1) Conduct of the measurements and comparisons described in | 3216 |
| division (A) of this section; | 3217 |
| (2) Conduct of the management and financial audits and | 3218 |
| establishment of the principles and methods described in division | 3219 |
| (B) of this section. | 3220 |
| (E) The firm or person with whom the board contracts pursuant | 3221 |
| to division (C)(1) of this section shall prepare a report of the | 3222 |
| valuation and submit the report to the board. The firm or person | 3223 |
| shall include all of the following information in the report that | 3224 |
| is required under division (C)(1) of this section: | 3225 |
| (1) A summary of the compensation and benefit provisions | 3226 |
| evaluated; | 3227 |
| (2) A summary of the census data and financial information | 3228 |
| used in the valuation; | 3229 |
| (3) A description of the actuarial assumptions, actuarial | 3230 |
| cost method, and asset valuation method used in the valuation; | 3231 |
| (4) A summary of findings that includes a statement of the | 3232 |
| actuarial accrued compensation and benefit liabilities and | 3233 |
| unfunded actuarial accrued compensation and benefit liabilities; | 3234 |
| (5) A schedule showing the effect of any changes in the | 3235 |
| compensation and benefit provisions, actuarial assumptions, or | 3236 |
| cost methods since the previous annual actuarial valuation report | 3237 |
| was submitted to the board. | 3238 |
| (F) The actuary or person whom the board designates to | 3239 |
| conduct an actuarial investigation under division (C)(4) of this | 3240 |
| section shall prepare a report of the actuarial investigation and | 3241 |
| shall submit the report to the board. The actuary or person shall | 3242 |
| prepare the report and make any recommended changes in actuarial | 3243 |
| assumptions in accordance with the actuarial standards of practice | 3244 |
| promulgated by the actuarial standards board of the American | 3245 |

academy of actuaries. The actuary or person shall include all of 3246
the following information in the report: 3247

(1) A summary of relevant decrement and economic assumption 3248
experience; 3249

(2) Recommended changes in actuarial assumptions to be used 3250
in subsequent actuarial valuations required by division (C)(1) of 3251
this section; 3252

(3) A measurement of the financial effect of the recommended 3253
changes in actuarial assumptions. 3254

(G) The actuary or person whom the board designates to 3255
conduct the actuarial analysis under division (C)(6) of this 3256
section shall prepare a report of the actuarial analysis and shall 3257
submit that report to the board. The actuary or person shall 3258
complete the analysis in accordance with the actuarial standards 3259
of practice promulgated by the actuarial standards board of the 3260
American academy of actuaries. The actuary or person shall include 3261
all of the following information in the report: 3262

(1) A summary of the statutory changes being evaluated; 3263

(2) A description of or reference to the actuarial 3264
assumptions and actuarial cost method used in the report; 3265

(3) A description of the participant group or groups included 3266
in the report; 3267

(4) A statement of the financial impact of the legislation, 3268
including the resulting increase, if any, in employer premiums, in 3269
actuarial accrued liabilities, and, if an increase in actuarial 3270
accrued liabilities is predicted, the per cent of premium increase 3271
that would be required to amortize the increase in those 3272
liabilities as a level per cent of employer premiums over a period 3273
not to exceed thirty years. 3274

(5) A statement of whether the employer premiums paid to the 3275

bureau of workers' compensation after the proposed change is 3276
enacted are expected to be sufficient to satisfy the funding 3277
objectives established by the board. 3278

(H) The board may, at any time, request an actuary to make 3279
any studies or actuarial valuations to determine the adequacy of 3280
the premium rates established by the administrator in accordance 3281
with sections 4123.29 and 4123.34 of the Revised Code, and may 3282
adjust those rates as recommended by the actuary. 3283

(I) The board shall have an independent auditor, at least 3284
once every ten years, conduct a fiduciary performance audit of the 3285
investment program of the bureau of workers' compensation. That 3286
audit shall include an audit of the investment policies approved 3287
by the board and investment procedures of the bureau. The board 3288
shall submit a copy of that audit to the auditor of state. 3289

(J) The administrator, with the advice and consent of the 3290
board, shall employ an internal auditor who shall report findings 3291
directly to the board, workers' compensation audit committee, and 3292
administrator, except that the internal auditor shall not report 3293
findings directly to the administrator when those findings involve 3294
malfeasance, misfeasance, or nonfeasance on the part of the 3295
administrator. The board and the workers' compensation audit 3296
committee may request and review internal audits conducted by the 3297
internal auditor. 3298

(K) The administrator shall pay the expenses incurred by the 3299
board to effectively fulfill its duties and exercise its powers 3300
under this section as the administrator pays other operating 3301
expenses of the bureau. 3302

Sec. 4121.128. The attorney general shall be the legal 3303
adviser of the bureau of workers' compensation board of directors 3304
~~and the workers' compensation council.~~ 3305

Sec. 4123.341. The administrative costs of the industrial 3306
commission, ~~the workers' compensation council~~, the bureau of 3307
workers' compensation board of directors, and the bureau of 3308
workers' compensation shall be those costs and expenses that are 3309
incident to the discharge of the duties and performance of the 3310
activities of the industrial commission, ~~the council~~, the board, 3311
and the bureau under this chapter and Chapters 4121., 4125., 3312
4127., 4131., and 4167. of the Revised Code, and all such costs 3313
shall be borne by the state and by other employers amenable to 3314
this chapter as follows: 3315

(A) In addition to the contribution required of the state 3316
under sections 4123.39 and 4123.40 of the Revised Code, the state 3317
shall contribute the sum determined to be necessary under section 3318
4123.342 of the Revised Code. 3319

(B) The director of budget and management may allocate the 3320
state's share of contributions in the manner the director finds 3321
most equitably apportions the costs. 3322

(C) The counties and taxing districts therein shall 3323
contribute such sum as may be required under section 4123.342 of 3324
the Revised Code. 3325

(D) The private employers shall contribute the sum required 3326
under section 4123.342 of the Revised Code. 3327

Sec. 4123.342. (A) The administrator of workers' compensation 3328
shall allocate among counties and taxing districts therein as a 3329
class, the state and its instrumentalities as a class, private 3330
employers who are insured under the private fund as a class, and 3331
self-insuring employers as a class their fair shares of the 3332
administrative costs which are to be borne by such employers under 3333
division (D) of section 4123.341 of the Revised Code, separately 3334
allocating to each class those costs solely attributable to the 3335

activities of the industrial commission, ~~those costs solely~~ 3336
~~attributable to the activities of the workers' compensation~~ 3337
~~council,~~ and those costs solely attributable to the activities of 3338
the bureau of workers' compensation board of directors, and the 3339
bureau of workers' compensation in respect of the class, 3340
allocating to any combination of classes those costs attributable 3341
to the activities of the industrial commission, ~~council,~~ board, or 3342
bureau in respect of the classes, and allocating to all four 3343
classes those costs attributable to the activities of the 3344
industrial commission, ~~council,~~ board, and bureau in respect of 3345
all classes. The administrator shall separately calculate each 3346
employer's assessment in the class, except self-insuring 3347
employers, on the basis of the following three factors: payroll, 3348
paid compensation, and paid medical costs of the employer for 3349
those costs solely attributable to the activities of the board and 3350
the bureau. The administrator shall separately calculate each 3351
employer's assessment in the class, except self-insuring 3352
employers, on the basis of the following three factors: payroll, 3353
paid compensation, and paid medical costs of the employer for 3354
those costs solely attributable to the activities of the 3355
industrial commission. ~~The administrator shall separately~~ 3356
~~calculate each employer's assessment in the class, except~~ 3357
~~self-insuring employers, on the basis of the following three~~ 3358
~~factors: payroll, paid compensation, and paid medical costs of the~~ 3359
~~employer for those costs solely attributable to the activities of~~ 3360
~~the council.~~ The administrator shall separately calculate each 3361
self-insuring employer's assessment in accordance with section 3362
4123.35 of the Revised Code for those costs solely attributable to 3363
the activities of the board and the bureau. The administrator 3364
shall separately calculate each self-insuring employer's 3365
assessment in accordance with section 4123.35 of the Revised Code 3366
for those costs solely attributable to the activities of the 3367
industrial commission. ~~The administrator shall separately~~ 3368

~~calculate each self-insuring employer's assessment in accordance~~ 3369
~~with section 4123.35 of the Revised Code for those costs solely~~ 3370
~~attributable to the activities of the council.~~ In a timely manner, 3371
the industrial commission shall provide to the administrator, the 3372
information necessary for the administrator to allocate and 3373
calculate, with the approval of the chairperson of the industrial 3374
commission, for each class of employer as described in this 3375
division, the costs solely attributable to the activities of the 3376
industrial commission. ~~In a timely manner, the director of the~~ 3377
~~workers' compensation council shall submit to the administrator~~ 3378
~~the information necessary for the administrator to allocate and~~ 3379
~~calculate, with the approval of the director, for each class of~~ 3380
~~employer as described in this division, the costs solely~~ 3381
~~attributable to the activities of the council.~~ 3382

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

for the industrial commission ~~or the administrative assessment~~ 3402
~~account for the council, as applicable.~~ 3403

(C) The administrator or the administrator's designee shall 3404
transfer moneys as necessary from the administrative assessment 3405
account identified for the bureau and the board to the workers' 3406
compensation fund for the use of the bureau and the board. As 3407
necessary and upon the authorization of the industrial commission, 3408
the administrator or the administrator's designee shall transfer 3409
moneys from the administrative assessment account identified for 3410
the industrial commission to the industrial commission operating 3411
fund created under section 4121.021 of the Revised Code. To the 3412
extent that the moneys collected by the administrator in any 3413
fiscal biennium of the state equal the sum appropriated by the 3414
general assembly for administrative costs of the industrial 3415
commission, board, and bureau for the biennium ~~and the~~ 3416
~~administrative costs approved by the workers' compensation~~ 3417
~~council,~~ the moneys shall be paid into the workers' compensation 3418
fund, or the industrial commission operating fund of the state, 3419
~~the workers' compensation council fund, and the workers'~~ 3420
~~compensation council remuneration fund,~~ as appropriate, and any 3421
remainder shall be retained in those funds and applied to reduce 3422
the amount collected during the next biennium. 3423

~~(D) As necessary and upon authorization of the director of~~ 3424
~~the council, the administrator or the administrator's designee~~ 3425
~~shall transfer moneys from the administrative assessment account~~ 3426
~~identified for the council to the workers' compensation council~~ 3427
~~fund created in division (C) of section 4121.79 of the Revised~~ 3428
~~Code.~~ 3429

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

provisions applicable to the collection of assessments for private 3434
employers apply. 3435

Sec. 4123.35. (A) Except as provided in this section, every 3436
employer mentioned in division (B)(2) of section 4123.01 of the 3437
Revised Code, and every publicly owned utility shall pay 3438
semiannually in the months of January and July into the state 3439
insurance fund the amount of annual premium the administrator of 3440
workers' compensation fixes for the employment or occupation of 3441
the employer, the amount of which premium to be paid by each 3442
employer to be determined by the classifications, rules, and rates 3443
made and published by the administrator. The employer shall pay 3444
semiannually a further sum of money into the state insurance fund 3445
as may be ascertained to be due from the employer by applying the 3446
rules of the administrator, and a receipt or certificate 3447
certifying that payment has been made, along with a written notice 3448
as is required in section 4123.54 of the Revised Code, shall be 3449
mailed immediately to the employer by the bureau of workers' 3450
compensation. The receipt or certificate is prima-facie evidence 3451
of the payment of the premium, and the proper posting of the 3452
notice constitutes the employer's compliance with the notice 3453
requirement mandated in section 4123.54 of the Revised Code. 3454

The bureau of workers' compensation shall verify with the 3455
secretary of state the existence of all corporations and 3456
organizations making application for workers' compensation 3457
coverage and shall require every such application to include the 3458
employer's federal identification number. 3459

An employer as defined in division (B)(2) of section 4123.01 3460
of the Revised Code who has contracted with a subcontractor is 3461
liable for the unpaid premium due from any subcontractor with 3462
respect to that part of the payroll of the subcontractor that is 3463
for work performed pursuant to the contract with the employer. 3464

Division (A) of this section providing for the payment of 3465
premiums semiannually does not apply to any employer who was a 3466
subscriber to the state insurance fund prior to January 1, 1914, 3467
or who may first become a subscriber to the fund in any month 3468
other than January or July. Instead, the semiannual premiums shall 3469
be paid by those employers from time to time upon the expiration 3470
of the respective periods for which payments into the fund have 3471
been made by them. 3472

The administrator shall adopt rules to permit employers to 3473
make periodic payments of the semiannual premium due under this 3474
division. The rules shall include provisions for the assessment of 3475
interest charges, where appropriate, and for the assessment of 3476
penalties when an employer fails to make timely premium payments. 3477
An employer who timely pays the amounts due under this division is 3478
entitled to all of the benefits and protections of this chapter. 3479
Upon receipt of payment, the bureau immediately shall mail a 3480
receipt or certificate to the employer certifying that payment has 3481
been made, which receipt is prima-facie evidence of payment. 3482
Workers' compensation coverage under this chapter continues 3483
uninterrupted upon timely receipt of payment under this division. 3484

Every public employer, except public employers that are 3485
self-insuring employers under this section, shall comply with 3486
sections 4123.38 to 4123.41, and 4123.48 of the Revised Code in 3487
regard to the contribution of moneys to the public insurance fund. 3488

(B) Employers who will abide by the rules of the 3489
administrator and who may be of sufficient financial ability to 3490
render certain the payment of compensation to injured employees or 3491
the dependents of killed employees, and the furnishing of medical, 3492
surgical, nursing, and hospital attention and services and 3493
medicines, and funeral expenses, equal to or greater than is 3494
provided for in sections 4123.52, 4123.55 to 4123.62, and 4123.64 3495
to 4123.67 of the Revised Code, and who do not desire to insure 3496

the payment thereof or indemnify themselves against loss sustained 3497
by the direct payment thereof, upon a finding of such facts by the 3498
administrator, may be granted the privilege to pay individually 3499
compensation, and furnish medical, surgical, nursing, and hospital 3500
services and attention and funeral expenses directly to injured 3501
employees or the dependents of killed employees, thereby being 3502
granted status as a self-insuring employer. The administrator may 3503
charge employers who apply for the status as a self-insuring 3504
employer a reasonable application fee to cover the bureau's costs 3505
in connection with processing and making a determination with 3506
respect to an application. 3507

All employers granted status as self-insuring employers shall 3508
demonstrate sufficient financial and administrative ability to 3509
assure that all obligations under this section are promptly met. 3510
The administrator shall deny the privilege where the employer is 3511
unable to demonstrate the employer's ability to promptly meet all 3512
the obligations imposed on the employer by this section. 3513

(1) The administrator shall consider, but is not limited to, 3514
the following factors, where applicable, in determining the 3515
employer's ability to meet all of the obligations imposed on the 3516
employer by this section: 3517

(a) The employer employs a minimum of five hundred employees 3518
in this state; 3519

(b) The employer has operated in this state for a minimum of 3520
two years, provided that an employer who has purchased, acquired, 3521
or otherwise succeeded to the operation of a business, or any part 3522
thereof, situated in this state that has operated for at least two 3523
years in this state, also shall qualify; 3524

(c) Where the employer previously contributed to the state 3525
insurance fund or is a successor employer as defined by bureau 3526
rules, the amount of the buyout, as defined by bureau rules; 3527

(d) The sufficiency of the employer's assets located in this 3528
state to insure the employer's solvency in paying compensation 3529
directly; 3530

(e) The financial records, documents, and data, certified by 3531
a certified public accountant, necessary to provide the employer's 3532
full financial disclosure. The records, documents, and data 3533
include, but are not limited to, balance sheets and profit and 3534
loss history for the current year and previous four years. 3535

(f) The employer's organizational plan for the administration 3536
of the workers' compensation law; 3537

(g) The employer's proposed plan to inform employees of the 3538
change from a state fund insurer to a self-insuring employer, the 3539
procedures the employer will follow as a self-insuring employer, 3540
and the employees' rights to compensation and benefits; and 3541

(h) The employer has either an account in a financial 3542
institution in this state, or if the employer maintains an account 3543
with a financial institution outside this state, ensures that 3544
workers' compensation checks are drawn from the same account as 3545
payroll checks or the employer clearly indicates that payment will 3546
be honored by a financial institution in this state. 3547

The administrator may waive the requirements of divisions 3548
(B)(1)(a) and (b) of this section and the requirement of division 3549
(B)(1)(e) of this section that the financial records, documents, 3550
and data be certified by a certified public accountant. The 3551
administrator shall adopt rules establishing the criteria that an 3552
employer shall meet in order for the administrator to waive the 3553
requirement of division (B)(1)(e) of this section. Such rules may 3554
require additional security of that employer pursuant to division 3555
(E) of section 4123.351 of the Revised Code. 3556

The administrator shall not grant the status of self-insuring 3557
employer to the state, except that the administrator may grant the 3558

status of self-insuring employer to a state institution of higher 3559
education, excluding its hospitals, that meets the requirements of 3560
division (B)(2) of this section. 3561

(2) When considering the application of a public employer, 3562
except for a board of county commissioners described in division 3563
(G) of section 4123.01 of the Revised Code, a board of a county 3564
hospital, or a publicly owned utility, the administrator shall 3565
verify that the public employer satisfies all of the following 3566
requirements as the requirements apply to that public employer: 3567

(a) For the two-year period preceding application under this 3568
section, the public employer has maintained an unvoted debt 3569
capacity equal to at least two times the amount of the current 3570
annual premium established by the administrator under this chapter 3571
for that public employer for the year immediately preceding the 3572
year in which the public employer makes application under this 3573
section. 3574

(b) For each of the two fiscal years preceding application 3575
under this section, the unreserved and undesignated year-end fund 3576
balance in the public employer's general fund is equal to at least 3577
five per cent of the public employer's general fund revenues for 3578
the fiscal year computed in accordance with generally accepted 3579
accounting principles. 3580

(c) For the five-year period preceding application under this 3581
section, the public employer, to the extent applicable, has 3582
complied fully with the continuing disclosure requirements 3583
established in rules adopted by the United States securities and 3584
exchange commission under 17 C.F.R. 240.15c 2-12. 3585

(d) For the five-year period preceding application under this 3586
section, the public employer has not had its local government fund 3587
distribution withheld on account of the public employer being 3588
indebted or otherwise obligated to the state. 3589

(e) For the five-year period preceding application under this 3590
section, the public employer has not been under a fiscal watch or 3591
fiscal emergency pursuant to section 118.023, 118.04, or 3316.03 3592
of the Revised Code. 3593

(f) For the public employer's fiscal year preceding 3594
application under this section, the public employer has obtained 3595
an annual financial audit as required under section 117.10 of the 3596
Revised Code, which has been released by the auditor of state 3597
within seven months after the end of the public employer's fiscal 3598
year. 3599

(g) On the date of application, the public employer holds a 3600
debt rating of Aa3 or higher according to Moody's investors 3601
service, inc., or a comparable rating by an independent rating 3602
agency similar to Moody's investors service, inc. 3603

(h) The public employer agrees to generate an annual 3604
accumulating book reserve in its financial statements reflecting 3605
an actuarially generated reserve adequate to pay projected claims 3606
under this chapter for the applicable period of time, as 3607
determined by the administrator. 3608

(i) For a public employer that is a hospital, the public 3609
employer shall submit audited financial statements showing the 3610
hospital's overall liquidity characteristics, and the 3611
administrator shall determine, on an individual basis, whether the 3612
public employer satisfies liquidity standards equivalent to the 3613
liquidity standards of other public employers. 3614

(j) Any additional criteria that the administrator adopts by 3615
rule pursuant to division (E) of this section. 3616

The administrator shall not approve the application of a 3617
public employer, except for a board of county commissioners 3618
described in division (G) of section 4123.01 of the Revised Code, 3619
a board of a county hospital, or publicly owned utility, who does 3620

not satisfy all of the requirements listed in division (B)(2) of 3621
this section. 3622

(C) A board of county commissioners described in division (G) 3623
of section 4123.01 of the Revised Code, as an employer, that will 3624
abide by the rules of the administrator and that may be of 3625
sufficient financial ability to render certain the payment of 3626
compensation to injured employees or the dependents of killed 3627
employees, and the furnishing of medical, surgical, nursing, and 3628
hospital attention and services and medicines, and funeral 3629
expenses, equal to or greater than is provided for in sections 3630
4123.52, 4123.55 to 4123.62, and 4123.64 to 4123.67 of the Revised 3631
Code, and that does not desire to insure the payment thereof or 3632
indemnify itself against loss sustained by the direct payment 3633
thereof, upon a finding of such facts by the administrator, may be 3634
granted the privilege to pay individually compensation, and 3635
furnish medical, surgical, nursing, and hospital services and 3636
attention and funeral expenses directly to injured employees or 3637
the dependents of killed employees, thereby being granted status 3638
as a self-insuring employer. The administrator may charge a board 3639
of county commissioners described in division (G) of section 3640
4123.01 of the Revised Code that applies for the status as a 3641
self-insuring employer a reasonable application fee to cover the 3642
bureau's costs in connection with processing and making a 3643
determination with respect to an application. All employers 3644
granted such status shall demonstrate sufficient financial and 3645
administrative ability to assure that all obligations under this 3646
section are promptly met. The administrator shall deny the 3647
privilege where the employer is unable to demonstrate the 3648
employer's ability to promptly meet all the obligations imposed on 3649
the employer by this section. The administrator shall consider, 3650
but is not limited to, the following factors, where applicable, in 3651
determining the employer's ability to meet all of the obligations 3652
imposed on the board as an employer by this section: 3653

- (1) The board as an employer employs a minimum of five 3654
hundred employees in this state; 3655
- (2) The board has operated in this state for a minimum of two 3656
years; 3657
- (3) Where the board previously contributed to the state 3658
insurance fund or is a successor employer as defined by bureau 3659
rules, the amount of the buyout, as defined by bureau rules; 3660
- (4) The sufficiency of the board's assets located in this 3661
state to insure the board's solvency in paying compensation 3662
directly; 3663
- (5) The financial records, documents, and data, certified by 3664
a certified public accountant, necessary to provide the board's 3665
full financial disclosure. The records, documents, and data 3666
include, but are not limited to, balance sheets and profit and 3667
loss history for the current year and previous four years. 3668
- (6) The board's organizational plan for the administration of 3669
the workers' compensation law; 3670
- (7) The board's proposed plan to inform employees of the 3671
proposed self-insurance, the procedures the board will follow as a 3672
self-insuring employer, and the employees' rights to compensation 3673
and benefits; 3674
- (8) The board has either an account in a financial 3675
institution in this state, or if the board maintains an account 3676
with a financial institution outside this state, ensures that 3677
workers' compensation checks are drawn from the same account as 3678
payroll checks or the board clearly indicates that payment will be 3679
honored by a financial institution in this state; 3680
- (9) The board shall provide the administrator a surety bond 3681
in an amount equal to one hundred twenty-five per cent of the 3682
projected losses as determined by the administrator. 3683

(D) The administrator shall require a surety bond from all self-insuring employers, issued pursuant to section 4123.351 of the Revised Code, that is sufficient to compel, or secure to injured employees, or to the dependents of employees killed, the payment of compensation and expenses, which shall in no event be less than that paid or furnished out of the state insurance fund in similar cases to injured employees or to dependents of killed employees whose employers contribute to the fund, except when an employee of the employer, who has suffered the loss of a hand, arm, foot, leg, or eye prior to the injury for which compensation is to be paid, and thereafter suffers the loss of any other of the members as the result of any injury sustained in the course of and arising out of the employee's employment, the compensation to be paid by the self-insuring employer is limited to the disability suffered in the subsequent injury, additional compensation, if any, to be paid by the bureau out of the surplus created by section 4123.34 of the Revised Code.

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

Employers shall secure directly from the bureau central offices application forms upon which the bureau shall stamp a

designating number. Prior to submission of an application, an 3716
employer shall make available to the bureau, and the bureau shall 3717
review, the information described in division (B)(1) of this 3718
section, and public employers shall make available, and the bureau 3719
shall review, the information necessary to verify whether the 3720
public employer meets the requirements listed in division (B)(2) 3721
of this section. An employer shall file the completed application 3722
forms with an application fee, which shall cover the costs of 3723
processing the application, as established by the administrator, 3724
by rule, with the bureau at least ninety days prior to the 3725
effective date of the employer's new status as a self-insuring 3726
employer. The application form is not deemed complete until all 3727
the required information is attached thereto. The bureau shall 3728
only accept applications that contain the required information. 3729

(F) The bureau shall review completed applications within a 3730
reasonable time. If the bureau determines to grant an employer the 3731
status as a self-insuring employer, the bureau shall issue a 3732
statement, containing its findings of fact, that is prepared by 3733
the bureau and signed by the administrator. If the bureau 3734
determines not to grant the status as a self-insuring employer, 3735
the bureau shall notify the employer of the determination and 3736
require the employer to continue to pay its full premium into the 3737
state insurance fund. The administrator also shall adopt rules 3738
establishing a minimum level of performance as a criterion for 3739
granting and maintaining the status as a self-insuring employer 3740
and fixing time limits beyond which failure of the self-insuring 3741
employer to provide for the necessary medical examinations and 3742
evaluations may not delay a decision on a claim. 3743

(G) The administrator shall adopt rules setting forth 3744
procedures for auditing the program of self-insuring employers. 3745
The bureau shall conduct the audit upon a random basis or whenever 3746
the bureau has grounds for believing that a self-insuring employer 3747

is not in full compliance with bureau rules or this chapter. 3748

The administrator shall monitor the programs conducted by 3749
self-insuring employers, to ensure compliance with bureau 3750
requirements and for that purpose, shall develop and issue to 3751
self-insuring employers standardized forms for use by the 3752
self-insuring employer in all aspects of the self-insuring 3753
employers' direct compensation program and for reporting of 3754
information to the bureau. 3755

The bureau shall receive and transmit to the self-insuring 3756
employer all complaints concerning any self-insuring employer. In 3757
the case of a complaint against a self-insuring employer, the 3758
administrator shall handle the complaint through the 3759
self-insurance division of the bureau. The bureau shall maintain a 3760
file by employer of all complaints received that relate to the 3761
employer. The bureau shall evaluate each complaint and take 3762
appropriate action. 3763

The administrator shall adopt as a rule a prohibition against 3764
any self-insuring employer from harassing, dismissing, or 3765
otherwise disciplining any employee making a complaint, which rule 3766
shall provide for a financial penalty to be levied by the 3767
administrator payable by the offending self-insuring employer. 3768

(H) For the purpose of making determinations as to whether to 3769
grant status as a self-insuring employer, the administrator may 3770
subscribe to and pay for a credit reporting service that offers 3771
financial and other business information about individual 3772
employers. The costs in connection with the bureau's subscription 3773
or individual reports from the service about an applicant may be 3774
included in the application fee charged employers under this 3775
section. 3776

(I) The administrator, notwithstanding other provisions of 3777
this chapter, may permit a self-insuring employer to resume 3778

payment of premiums to the state insurance fund with appropriate 3779
credit modifications to the employer's basic premium rate as such 3780
rate is determined pursuant to section 4123.29 of the Revised 3781
Code. 3782

(J) On the first day of July of each year, the administrator 3783
shall calculate separately each self-insuring employer's 3784
assessments for the safety and hygiene fund, administrative costs 3785
pursuant to section 4123.342 of the Revised Code, and for the 3786
portion of the surplus fund under division (B) of section 4123.34 3787
of the Revised Code that is not used for handicapped 3788
reimbursement, on the basis of the paid compensation attributable 3789
to the individual self-insuring employer according to the 3790
following calculation: 3791

(1) The total assessment against all self-insuring employers 3792
as a class for each fund and for the administrative costs for the 3793
year that the assessment is being made, as determined by the 3794
administrator, divided by the total amount of paid compensation 3795
for the previous calendar year attributable to all amenable 3796
self-insuring employers; 3797

(2) Multiply the quotient in division (J)(1) of this section 3798
by the total amount of paid compensation for the previous calendar 3799
year that is attributable to the individual self-insuring employer 3800
for whom the assessment is being determined. Each self-insuring 3801
employer shall pay the assessment that results from this 3802
calculation, unless the assessment resulting from this calculation 3803
falls below a minimum assessment, which minimum assessment the 3804
administrator shall determine on the first day of July of each 3805
year with the advice and consent of the bureau of workers' 3806
compensation board of directors, in which event, the self-insuring 3807
employer shall pay the minimum assessment. 3808

In determining the total amount due for the total assessment 3809
against all self-insuring employers as a class for each fund and 3810

the administrative assessment, the administrator shall reduce 3811
proportionately the total for each fund and assessment by the 3812
amount of money in the self-insurance assessment fund as of the 3813
date of the computation of the assessment. 3814

The administrator shall calculate the assessment for the 3815
portion of the surplus fund under division (B) of section 4123.34 3816
of the Revised Code that is used for handicapped reimbursement in 3817
the same manner as set forth in divisions (J)(1) and (2) of this 3818
section except that the administrator shall calculate the total 3819
assessment for this portion of the surplus fund only on the basis 3820
of those self-insuring employers that retain participation in the 3821
handicapped reimbursement program and the individual self-insuring 3822
employer's proportion of paid compensation shall be calculated 3823
only for those self-insuring employers who retain participation in 3824
the handicapped reimbursement program. The administrator, as the 3825
administrator determines appropriate, may determine the total 3826
assessment for the handicapped portion of the surplus fund in 3827
accordance with sound actuarial principles. 3828

The administrator shall calculate the assessment for the 3829
portion of the surplus fund under division (B) of section 4123.34 3830
of the Revised Code that under division (D) of section 4121.66 of 3831
the Revised Code is used for rehabilitation costs in the same 3832
manner as set forth in divisions (J)(1) and (2) of this section, 3833
except that the administrator shall calculate the total assessment 3834
for this portion of the surplus fund only on the basis of those 3835
self-insuring employers who have not made the election to make 3836
payments directly under division (D) of section 4121.66 of the 3837
Revised Code and an individual self-insuring employer's proportion 3838
of paid compensation only for those self-insuring employers who 3839
have not made that election. 3840

The administrator shall calculate the assessment for the 3841
portion of the surplus fund under division (B) of section 4123.34 3842

of the Revised Code that is used for reimbursement to a 3843
self-insuring employer under division (H) of section 4123.512 of 3844
the Revised Code in the same manner as set forth in divisions 3845
(J)(1) and (2) of this section except that the administrator shall 3846
calculate the total assessment for this portion of the surplus 3847
fund only on the basis of those self-insuring employers that 3848
retain participation in reimbursement to the self-insuring 3849
employer under division (H) of section 4123.512 of the Revised 3850
Code and the individual self-insuring employer's proportion of 3851
paid compensation shall be calculated only for those self-insuring 3852
employers who retain participation in reimbursement to the 3853
self-insuring employer under division (H) of section 4123.512 of 3854
the Revised Code. 3855

An employer who no longer is a self-insuring employer in this 3856
state or who no longer is operating in this state, shall continue 3857
to pay assessments for administrative costs and for the portion of 3858
the surplus fund under division (B) of section 4123.34 of the 3859
Revised Code that is not used for handicapped reimbursement, based 3860
upon paid compensation attributable to claims that occurred while 3861
the employer was a self-insuring employer within this state. 3862

~~(K) The administrator shall deposit any moneys received from 3863~~
~~a self-insuring employer for the self-insuring employer's 3864~~
~~assessment to pay the costs solely attributable to the workers' 3865~~
~~compensation council into the administrative assessment account 3866~~
~~described in division (B) of section 4123.342 of the Revised Code 3867~~
~~for the administrative cost assessment collected by the 3868~~
~~administrator for the council. There is hereby created in the 3869~~
state treasury the self-insurance assessment fund. All investment 3870
earnings of the fund shall be deposited in the fund. The 3871
administrator shall use the money in the self-insurance assessment 3872
fund only for administrative costs as specified in section 3873
4123.341 of the Revised Code. 3874

(L) Every self-insuring employer shall certify, in affidavit 3875
form subject to the penalty for perjury, to the bureau the amount 3876
of the self-insuring employer's paid compensation for the previous 3877
calendar year. In reporting paid compensation paid for the 3878
previous year, a self-insuring employer shall exclude from the 3879
total amount of paid compensation any reimbursement the 3880
self-insuring employer receives in the previous calendar year from 3881
the surplus fund pursuant to section 4123.512 of the Revised Code 3882
for any paid compensation. The self-insuring employer also shall 3883
exclude from the paid compensation reported any amount recovered 3884
under section 4123.931 of the Revised Code and any amount that is 3885
determined not to have been payable to or on behalf of a claimant 3886
in any final administrative or judicial proceeding. The 3887
self-insuring employer shall exclude such amounts from the paid 3888
compensation reported in the reporting period subsequent to the 3889
date the determination is made. The administrator shall adopt 3890
rules, in accordance with Chapter 119. of the Revised Code, that 3891
provide for all of the following: 3892

(1) Establishing the date by which self-insuring employers 3893
must submit such information and the amount of the assessments 3894
provided for in division (J) of this section for employers who 3895
have been granted self-insuring status within the last calendar 3896
year; 3897

(2) If an employer fails to pay the assessment when due, the 3898
administrator may add a late fee penalty of not more than five 3899
hundred dollars to the assessment plus an additional penalty 3900
amount as follows: 3901

(a) For an assessment from sixty-one to ninety days past due, 3902
the prime interest rate, multiplied by the assessment due; 3903

(b) For an assessment from ninety-one to one hundred twenty 3904
days past due, the prime interest rate plus two per cent, 3905
multiplied by the assessment due; 3906

(c) For an assessment from one hundred twenty-one to one 3907
hundred fifty days past due, the prime interest rate plus four per 3908
cent, multiplied by the assessment due; 3909

(d) For an assessment from one hundred fifty-one to one 3910
hundred eighty days past due, the prime interest rate plus six per 3911
cent, multiplied by the assessment due; 3912

(e) For an assessment from one hundred eighty-one to two 3913
hundred ten days past due, the prime interest rate plus eight per 3914
cent, multiplied by the assessment due; 3915

(f) For each additional thirty-day period or portion thereof 3916
that an assessment remains past due after it has remained past due 3917
for more than two hundred ten days, the prime interest rate plus 3918
eight per cent, multiplied by the assessment due. 3919

(3) An employer may appeal a late fee penalty and penalty 3920
assessment to the administrator. 3921

For purposes of division (L)(2) of this section, "prime 3922
interest rate" means the average bank prime rate, and the 3923
administrator shall determine the prime interest rate in the same 3924
manner as a county auditor determines the average bank prime rate 3925
under section 929.02 of the Revised Code. 3926

The administrator shall include any assessment and penalties 3927
that remain unpaid for previous assessment periods in the 3928
calculation and collection of any assessments due under this 3929
division or division (J) of this section. 3930

(M) As used in this section, "paid compensation" means all 3931
amounts paid by a self-insuring employer for living maintenance 3932
benefits, all amounts for compensation paid pursuant to sections 3933
4121.63, 4121.67, 4123.56, 4123.57, 4123.58, 4123.59, 4123.60, and 3934
4123.64 of the Revised Code, all amounts paid as wages in lieu of 3935
such compensation, all amounts paid in lieu of such compensation 3936
under a nonoccupational accident and sickness program fully funded 3937

by the self-insuring employer, and all amounts paid by a 3938
self-insuring employer for a violation of a specific safety 3939
standard pursuant to Section 35 of Article II, Ohio Constitution 3940
and section 4121.47 of the Revised Code. 3941

(N) Should any section of this chapter or Chapter 4121. of 3942
the Revised Code providing for self-insuring employers' 3943
assessments based upon compensation paid be declared 3944
unconstitutional by a final decision of any court, then that 3945
section of the Revised Code declared unconstitutional shall revert 3946
back to the section in existence prior to November 3, 1989, 3947
providing for assessments based upon payroll. 3948

(O) The administrator may grant a self-insuring employer the 3949
privilege to self-insure a construction project entered into by 3950
the self-insuring employer that is scheduled for completion within 3951
six years after the date the project begins, and the total cost of 3952
which is estimated to exceed one hundred million dollars or, for 3953
employers described in division (R) of this section, if the 3954
construction project is estimated to exceed twenty-five million 3955
dollars. The administrator may waive such cost and time criteria 3956
and grant a self-insuring employer the privilege to self-insure a 3957
construction project regardless of the time needed to complete the 3958
construction project and provided that the cost of the 3959
construction project is estimated to exceed fifty million dollars. 3960
A self-insuring employer who desires to self-insure a construction 3961
project shall submit to the administrator an application listing 3962
the dates the construction project is scheduled to begin and end, 3963
the estimated cost of the construction project, the contractors 3964
and subcontractors whose employees are to be self-insured by the 3965
self-insuring employer, the provisions of a safety program that is 3966
specifically designed for the construction project, and a 3967
statement as to whether a collective bargaining agreement 3968
governing the rights, duties, and obligations of each of the 3969

parties to the agreement with respect to the construction project 3970
exists between the self-insuring employer and a labor 3971
organization. 3972

A self-insuring employer may apply to self-insure the 3973
employees of either of the following: 3974

(1) All contractors and subcontractors who perform labor or 3975
work or provide materials for the construction project; 3976

(2) All contractors and, at the administrator's discretion, a 3977
substantial number of all the subcontractors who perform labor or 3978
work or provide materials for the construction project. 3979

Upon approval of the application, the administrator shall 3980
mail a certificate granting the privilege to self-insure the 3981
construction project to the self-insuring employer. The 3982
certificate shall contain the name of the self-insuring employer 3983
and the name, address, and telephone number of the self-insuring 3984
employer's representatives who are responsible for administering 3985
workers' compensation claims for the construction project. The 3986
self-insuring employer shall post the certificate in a conspicuous 3987
place at the site of the construction project. 3988

The administrator shall maintain a record of the contractors 3989
and subcontractors whose employees are covered under the 3990
certificate issued to the self-insured employer. A self-insuring 3991
employer immediately shall notify the administrator when any 3992
contractor or subcontractor is added or eliminated from inclusion 3993
under the certificate. 3994

Upon approval of the application, the self-insuring employer 3995
is responsible for the administration and payment of all claims 3996
under this chapter and Chapter 4121. of the Revised Code for the 3997
employees of the contractor and subcontractors covered under the 3998
certificate who receive injuries or are killed in the course of 3999
and arising out of employment on the construction project, or who 4000

contract an occupational disease in the course of employment on 4001
the construction project. For purposes of this chapter and Chapter 4002
4121. of the Revised Code, a claim that is administered and paid 4003
in accordance with this division is considered a claim against the 4004
self-insuring employer listed in the certificate. A contractor or 4005
subcontractor included under the certificate shall report to the 4006
self-insuring employer listed in the certificate, all claims that 4007
arise under this chapter and Chapter 4121. of the Revised Code in 4008
connection with the construction project for which the certificate 4009
is issued. 4010

A self-insuring employer who complies with this division is 4011
entitled to the protections provided under this chapter and 4012
Chapter 4121. of the Revised Code with respect to the employees of 4013
the contractors and subcontractors covered under a certificate 4014
issued under this division for death or injuries that arise out 4015
of, or death, injuries, or occupational diseases that arise in the 4016
course of, those employees' employment on that construction 4017
project, as if the employees were employees of the self-insuring 4018
employer, provided that the self-insuring employer also complies 4019
with this section. No employee of the contractors and 4020
subcontractors covered under a certificate issued under this 4021
division shall be considered the employee of the self-insuring 4022
employer listed in that certificate for any purposes other than 4023
this chapter and Chapter 4121. of the Revised Code. Nothing in 4024
this division gives a self-insuring employer authority to control 4025
the means, manner, or method of employment of the employees of the 4026
contractors and subcontractors covered under a certificate issued 4027
under this division. 4028

The contractors and subcontractors included under a 4029
certificate issued under this division are entitled to the 4030
protections provided under this chapter and Chapter 4121. of the 4031
Revised Code with respect to the contractor's or subcontractor's 4032

employees who are employed on the construction project which is 4033
the subject of the certificate, for death or injuries that arise 4034
out of, or death, injuries, or occupational diseases that arise in 4035
the course of, those employees' employment on that construction 4036
project. 4037

The contractors and subcontractors included under a 4038
certificate issued under this division shall identify in their 4039
payroll records the employees who are considered the employees of 4040
the self-insuring employer listed in that certificate for purposes 4041
of this chapter and Chapter 4121. of the Revised Code, and the 4042
amount that those employees earned for employment on the 4043
construction project that is the subject of that certificate. 4044
Notwithstanding any provision to the contrary under this chapter 4045
and Chapter 4121. of the Revised Code, the administrator shall 4046
exclude the payroll that is reported for employees who are 4047
considered the employees of the self-insuring employer listed in 4048
that certificate, and that the employees earned for employment on 4049
the construction project that is the subject of that certificate, 4050
when determining those contractors' or subcontractors' premiums or 4051
assessments required under this chapter and Chapter 4121. of the 4052
Revised Code. A self-insuring employer issued a certificate under 4053
this division shall include in the amount of paid compensation it 4054
reports pursuant to division (L) of this section, the amount of 4055
paid compensation the self-insuring employer paid pursuant to this 4056
division for the previous calendar year. 4057

Nothing in this division shall be construed as altering the 4058
rights of employees under this chapter and Chapter 4121. of the 4059
Revised Code as those rights existed prior to September 17, 1996. 4060
Nothing in this division shall be construed as altering the rights 4061
devolved under sections 2305.31 and 4123.82 of the Revised Code as 4062
those rights existed prior to September 17, 1996. 4063

As used in this division, "privilege to self-insure a 4064

construction project" means privilege to pay individually 4065
compensation, and to furnish medical, surgical, nursing, and 4066
hospital services and attention and funeral expenses directly to 4067
injured employees or the dependents of killed employees. 4068

(P) A self-insuring employer whose application is granted 4069
under division (O) of this section shall designate a safety 4070
professional to be responsible for the administration and 4071
enforcement of the safety program that is specifically designed 4072
for the construction project that is the subject of the 4073
application. 4074

A self-insuring employer whose application is granted under 4075
division (O) of this section shall employ an ombudsperson for the 4076
construction project that is the subject of the application. The 4077
ombudsperson shall have experience in workers' compensation or the 4078
construction industry, or both. The ombudsperson shall perform all 4079
of the following duties: 4080

(1) Communicate with and provide information to employees who 4081
are injured in the course of, or whose injury arises out of 4082
employment on the construction project, or who contract an 4083
occupational disease in the course of employment on the 4084
construction project; 4085

(2) Investigate the status of a claim upon the request of an 4086
employee to do so; 4087

(3) Provide information to claimants, third party 4088
administrators, employers, and other persons to assist those 4089
persons in protecting their rights under this chapter and Chapter 4090
4121. of the Revised Code. 4091

A self-insuring employer whose application is granted under 4092
division (O) of this section shall post the name of the safety 4093
professional and the ombudsperson and instructions for contacting 4094
the safety professional and the ombudsperson in a conspicuous 4095

place at the site of the construction project. 4096

(Q) The administrator may consider all of the following when 4097
deciding whether to grant a self-insuring employer the privilege 4098
to self-insure a construction project as provided under division 4099
(O) of this section: 4100

(1) Whether the self-insuring employer has an organizational 4101
plan for the administration of the workers' compensation law; 4102

(2) Whether the safety program that is specifically designed 4103
for the construction project provides for the safety of employees 4104
employed on the construction project, is applicable to all 4105
contractors and subcontractors who perform labor or work or 4106
provide materials for the construction project, and has as a 4107
component, a safety training program that complies with standards 4108
adopted pursuant to the "Occupational Safety and Health Act of 4109
1970," 84 Stat. 1590, 29 U.S.C.A. 651, and provides for continuing 4110
management and employee involvement; 4111

(3) Whether granting the privilege to self-insure the 4112
construction project will reduce the costs of the construction 4113
project; 4114

(4) Whether the self-insuring employer has employed an 4115
ombudsperson as required under division (P) of this section; 4116

(5) Whether the self-insuring employer has sufficient surety 4117
to secure the payment of claims for which the self-insuring 4118
employer would be responsible pursuant to the granting of the 4119
privilege to self-insure a construction project under division (O) 4120
of this section. 4121

(R) As used in divisions (O), (P), and (Q), "self-insuring 4122
employer" includes the following employers, whether or not they 4123
have been granted the status of being a self-insuring employer 4124
under division (B) of this section: 4125

| | |
|---|--|
| (1) A state institution of higher education; | 4126 |
| (2) A school district; | 4127 |
| (3) A county school financing district; | 4128 |
| (4) An educational service center; | 4129 |
| (5) A community school established under Chapter 3314. of the Revised Code; | 4130 4131 |
| (6) A municipal power agency as defined in section 3734.058 of the Revised Code. | 4132 4133 |
| (S) As used in this section: | 4134 |
| (1) "Unvoted debt capacity" means the amount of money that a public employer may borrow without voter approval of a tax levy; | 4135 4136 |
| (2) "State institution of higher education" means the state universities listed in section 3345.011 of the Revised Code, community colleges created pursuant to Chapter 3354. of the Revised Code, university branches created pursuant to Chapter 3355. of the Revised Code, technical colleges created pursuant to Chapter 3357. of the Revised Code, and state community colleges created pursuant to Chapter 3358. of the Revised Code. | 4137 4138 4139 4140 4141 4142 4143 |
| Sec. 5111.708. (A) The director of job and family services, after consulting with the medicaid buy in advisory council, shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement the medicaid buy-in for workers with disabilities program. The rules shall do all of the following: | 4144 4145 4146 4147 4148 |
| (1) Specify assets, asset values, and amounts to be disregarded in determining asset and income eligibility limits for the program; | 4149 4150 4151 |
| (2) Establish meanings for the terms "earned income," "health insurance," "resources," "spouse," and "unearned income"; | 4152 4153 |
| (3) Establish additional eligibility requirements for the | 4154 |

program that must be established for the United States secretary 4155
of health and human services to approve the program; 4156

(4) For the purpose of division (B) of section 5111.704 of 4157
the Revised Code, specify an amount to be subtracted from the 4158
difference determined under division (A) of that section. 4159

(B) The director, ~~after consulting with the medicaid buy-in~~ 4160
~~advisory council,~~ may adopt rules in accordance with Chapter 119. 4161
of the Revised Code to specify amounts to be disregarded from an 4162
individual's earned income, unearned income, or both under 4163
division (C) of section 5111.703 of the Revised Code for the 4164
purpose of determining whether the individual is within the income 4165
eligibility limit for the medicaid buy-in for workers with 4166
disabilities program. 4167

Sec. 5123.032. (A) As used in this section, "developmental 4168
center" means any institution or facility of the department of 4169
developmental disabilities that, on or after January 30, 2004, is 4170
named, designated, or referred to as a developmental center. 4171

(B) Notwithstanding any other provision of law, ~~on and after~~ 4172
~~January 30, 2004,~~ any closure of a developmental center shall be 4173
subject to, and in accordance with, this section. ~~Notwithstanding~~ 4174
~~any other provision of law, if the governor announced on or after~~ 4175
~~January 1, 2003, and prior to January 30, 2004, the intended~~ 4176
~~closure of a developmental center and if the closure identified in~~ 4177
~~the announcement has not occurred prior to January 30, 2004, the~~ 4178
~~closure identified in the announcement shall be subject to the~~ 4179
~~criteria set forth in this section as if the announcement had been~~ 4180
~~made on or after January 30, 2004, except for the time at which~~ 4181
~~the notice to the general assembly must be provided as identified~~ 4182
~~in division (C) of this section.~~ 4183

(C) Notwithstanding any other provision of law, ~~on and after~~ 4184
~~January 30, 2004,~~ at least ten days prior to making any official, 4185

public announcement that the governor intends to close one or more 4186
developmental centers, the governor shall notify the general 4187
assembly in writing that the governor intends to close one or more 4188
developmental centers. ~~Notwithstanding any other provision of law,~~ 4189
~~if the governor announced on or after January 1, 2003, and prior~~ 4190
~~to January 30, 2004, the intended closure of a developmental~~ 4191
~~center and if the closure identified in the announcement has not~~ 4192
~~occurred prior to January 30, 2004, not later than ten days after~~ 4193
~~January 30, 2004, the~~ The governor shall notify the general 4194
assembly in writing of the prior announcement and that the 4195
governor intends to close the center identified in the prior 4196
announcement, and the notification to the general assembly shall 4197
constitute, for purposes of this section, the governor's official, 4198
public announcement that the governor intends to close that 4199
center. 4200

The notice required by this division shall identify by name 4201
each developmental center that the governor intends to close or, 4202
if the governor has not determined any specific developmental 4203
center to close, shall state the governor's general intent to 4204
close one or more developmental centers. When the governor 4205
notifies the general assembly as required by this division, the 4206
legislative service commission promptly shall conduct an 4207
independent study of the developmental centers of the department 4208
of developmental disabilities and of the department's operation of 4209
the centers, and the study shall address relevant criteria and 4210
factors, including, but not limited to, all of the following: 4211

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

center so identified would affect the safety, health, well-being, 4218
and lifestyle of the center's residents and their family members 4219
and would affect public safety; 4220

(2) The availability of alternate facilities; 4221

(3) The cost effectiveness of the facilities identified for 4222
closure; 4223

(4) A comparison of the cost of residing at a facility 4224
identified for closure and the cost of new living arrangements; 4225

(5) The geographic factors associated with each facility and 4226
its proximity to other similar facilities; 4227

(6) The impact of collective bargaining on facility 4228
operations; 4229

(7) The utilization and maximization of resources; 4230

(8) Continuity of the staff and ability to serve the facility 4231
population; 4232

(9) Continuing costs following closure of a facility; 4233

(10) The impact of the closure on the local economy; 4234

(11) Alternatives and opportunities for consolidation with 4235
other facilities; 4236

(12) How the closing of a facility identified for closure 4237
relates to the department's plans for the future of developmental 4238
centers in this state; 4239

(13) The effect of the closure of developmental centers in 4240
general upon the state's fiscal resources and fiscal status and, 4241
if the governor's notice identifies by name one or more 4242
developmental centers that the governor intends to close, the 4243
effect of the closure of each center so identified upon the 4244
state's fiscal resources and fiscal status. 4245

(D) The legislative service commission shall complete the 4246

study required by division (C) of this section, and prepare a 4247
report that contains its findings, not later than sixty days after 4248
the governor makes the official, public announcement that the 4249
governor intends to close one or more developmental centers as 4250
described in division (C) of this section. The commission shall 4251
provide a copy of the report to each member of the general 4252
assembly who requests a copy of the report. 4253

~~Not later than the date on which the legislative service 4254
commission is required to complete the report under this division, 4255
the developmental disabilities developmental center closure 4256
commission is hereby created as described in division (E) of this 4257
section. The officials with the duties to appoint members of the 4258
closure commission, as described in division (E) of this section, 4259
shall appoint the specified members of the closure commission, 4260
and, as soon as possible after the appointments, the closure 4261
commission shall meet for the purposes described in that division. 4262
Upon completion of the report and the creation of the closure 4263
commission under this division, the legislative service commission 4264
promptly shall provide a copy of the report to the closure 4265
commission and shall present the report as described in division 4266
(E) of this section. 4267~~

~~(E)(1) A developmental disabilities developmental center 4268
closure commission shall be created at the time and in the manner 4269
specified in division (D) of this section. The closure commission 4270
consists of six members. One member shall be the director of 4271
developmental disabilities. One member shall be the director of 4272
health. One member shall be a private executive with expertise in 4273
facility utilization, in economics, or in both facility 4274
utilization and economics, jointly appointed by the speaker of the 4275
house of representatives and the president of the senate. The 4276
member appointed for expertise in facility utilization, economics, 4277
or both may not be a member of the general assembly and may not 4278~~

~~have a developmental center identified for closure by the governor 4279~~
~~in the county in which the member resides. One member shall be a 4280~~
~~member of the board of the Ohio civil service employees' 4281~~
~~association, jointly appointed by the speaker of the house of 4282~~
~~representatives and the president of the senate. One member shall 4283~~
~~be either a family member of a resident of a developmental center 4284~~
~~or a representative of a mental retardation and developmental 4285~~
~~disabilities advocacy group, jointly appointed by the speaker of 4286~~
~~the house of representatives and the president of the senate. The 4287~~
~~member appointed who is a family member of a developmental center 4288~~
~~resident or a representative of an advocacy group may not be a 4289~~
~~member of the general assembly. One member shall be a member of 4290~~
~~the law enforcement community, appointed by the governor. The 4291~~
~~officials with the duties to appoint members of the closure 4292~~
~~commission shall make the appointments, and the closure commission 4293~~
~~shall meet, within the time periods specified in division (D) of 4294~~
~~this section. The members of the closure commission shall serve 4295~~
~~without compensation. At the closure commission's first meeting, 4296~~
~~the members shall organize and appoint a chairperson and 4297~~
~~vice chairperson. 4298~~

~~The closure commission shall meet as often as is necessary 4299~~
~~for the purpose of making the recommendations to the governor that 4300~~
~~are described in this division. The closure commission's meetings 4301~~
~~shall be open to the public, and the closure commission shall 4302~~
~~accept public testimony. The legislative service commission shall 4303~~
~~appear before the closure commission and present the report the 4304~~
~~legislative service commission prepared under division (D) of this 4305~~
~~section. The closure commission shall meet for the purpose of 4306~~
~~making recommendations to the governor, which recommendations may 4307~~
~~include all of the following: 4308~~

~~(a) Whether any developmental center should be closed; 4309~~

~~(b) If the recommendation described in division (E)(1)(a) of 4310~~

~~this section is that one or more developmental centers should be~~ 4311
~~closed, which center or centers should be closed;~~ 4312

~~(c) If the governor's notice described in division (C) of~~ 4313
~~this section identifies by name one or more developmental centers~~ 4314
~~that the governor intends to close, whether the center or centers~~ 4315
~~so identified should be closed.~~ 4316

~~(2) The developmental disabilities developmental center~~ 4317
~~closure commission, not later than sixty days after it receives~~ 4318
~~the report of the legislative service commission under division~~ 4319
~~(D) of this section, shall prepare a report containing its~~ 4320
~~recommendations to the governor. The closure commission shall send~~ 4321
~~a copy of the report to the governor and to each member of the~~ 4322
~~general assembly who requests a copy of the report. Upon receipt~~ 4323
~~of the closure commission's report, the governor shall review and~~ 4324
~~consider the commission's recommendation. The governor shall do~~ 4325
~~one of the following:~~ 4326

~~(a) Follow the recommendation of the commission;~~ 4327

~~(b) Close no developmental center;~~ 4328

~~(c) Take other action that the governor determines is~~ 4329
~~necessary for the purpose of expenditure reductions or budget cuts~~ 4330
~~and state the reasons for the action.~~ 4331

~~The governor's decision is final. Upon the governor's making~~ 4332
~~of the decision, the closure commission shall cease to exist.~~ 4333
~~Another closure commission shall be created under this section~~ 4334
~~each time the governor subsequently makes an official, public~~ 4335
~~announcement that the governor intends to close one or more~~ 4336
~~developmental centers.~~ 4337

Sec. 5123.093. The citizen's advisory councils established 4338
under section 5123.092 of the Revised Code shall: 4339

(A) Transmit verbal or written information from any person or 4340

organization associated with the institution or within the 4341
community, that an advisory council considers important, to the 4342
~~joint council on developmental disabilities created by section~~ 4343
~~101.37 of the Revised Code and~~ the director of developmental 4344
disabilities; 4345

(B) Review the records of all applicants to any unclassified 4346
position at the institution, except for resident physician 4347
positions filled under section 5123.11 of the Revised Code; 4348

(C) Review and evaluate institutional employee training and 4349
continuing education programs; 4350

(D) On or before the thirty-first day of January of each 4351
year, submit a written report to the ~~joint council on~~ 4352
~~developmental disabilities and the~~ director of developmental 4353
disabilities regarding matters affecting the institution 4354
including, but not limited to, allegations of dehumanizing 4355
practices and violations of individual or legal rights; 4356

(E) Review institutional budgets, programs, services, and 4357
planning; 4358

(F) Develop and maintain relationships within the community 4359
with community mental retardation and developmental disabilities 4360
organizations; 4361

(G) Participate in the formulation of the institution's 4362
objectives, administrative procedures, program philosophy, and 4363
long range goals; 4364

(H) Bring any matter that an advisory council considers 4365
important to the attention of the joint council on developmental 4366
disabilities and the director of developmental disabilities; 4367

(I) Recommend to the director of developmental disabilities 4368
persons for appointment to citizen's advisory councils; 4369

(J) Adopt any rules or procedures necessary to carry out this 4370

section. 4371

The chairperson of the advisory council or the chairperson's 4372
designee shall be notified within twenty-four hours of any alleged 4373
incident of abuse to a resident or staff member by anyone. 4374
Incidents of resident or staff abuse shall include, but not be 4375
limited to, sudden deaths, accidents, suicides, attempted 4376
suicides, injury caused by other persons, alleged criminal acts, 4377
errors in prescribing or administering medication, theft from 4378
clients, fires, epidemic disease, administering unprescribed 4379
drugs, unauthorized use of restraint, withholding of information 4380
concerning alleged abuse, neglect, or any deprivation of rights as 4381
defined in Chapter 5122. or 5123. of the Revised Code. 4382

Section 2. That existing sections 9.90, 101.532, 101.83, 4383
101.84, 101.85, 101.86, 102.02, 109.91, 121.32, 127.14, 173.03, 4384
173.04, 3302.021, 3311.71, 3312.01, 3312.09, 3313.202, 3701.025, 4385
3701.63, 3727.312, 3737.03, 3737.21, 3737.81, 3737.86, 3737.88, 4386
3743.54, 3746.04, 4117.03, 4121.03, 4121.12, 4121.121, 4121.125, 4387
4121.128, 4123.341, 4123.342, 4123.35, 5111.708, 5123.032, and 4388
5123.093 and sections 9.901, 101.37, 121.374, 122.97, 122.971, 4389
122.98, 122.981, 125.833, 184.23, 184.231, 1349.71, 1349.72, 4390
1501.25, 2151.282, 3306.29, 3306.291, 3306.292, 3306.50, 3306.51, 4391
3306.52, 3306.53, 3306.54, 3306.55, 3306.56, 3306.57, 3306.58, 4392
3306.59, 3311.77, 3312.11, 3312.12, 3319.70, 3319.71, 3701.92, 4393
3727.322, 3746.03, 4121.75, 4121.76, 4121.77, 4121.78, 4121.79, 4394
4501.025, 5111.709, 5111.7010, and 5902.15 of the Revised Code are 4395
hereby repealed. 4396

Section 2.01. That section 5123.60 is hereby repealed 4397
effective October 1, 2012. 4398

Section 3. That Section 20 of Am. Sub. H.B. 554 of the 127th 4399
General Assembly be amended to read as follows: 4400

Sec. 20. The amendments to section 184.02 that add the cross 4401
references to sections 184.25 and 184.26 and enactments of 4402
sections ~~184.23, 184.231~~, 184.24, 184.25, and 184.26 of the 4403
Revised Code are hereby repealed, effective June 30, 2011. 4404

Section 3.02. That existing Section 20 of Am. Sub. H.B. 554 4405
of the 127th General Assembly is hereby repealed. 4406

Section 3.03. The intent of the repeal of sections 184.23 and 4407
184.231 of the Revised Code and the amendment of Section 20 of Am. 4408
Sub. H.B. 554 of the 127th General Assembly is to extinguish 4409
sections 184.23 and 184.231 of the Revised Code on the effective 4410
date of this act. 4411

Section 4. The following agencies are retained under division 4412
(D) of section 101.83 of the Revised Code and expire on December 4413
31, 2016: 4414

| AGENCY NAME | REVISED CODE OR UNCODIFIED SECTION | |
|--|--|------|
| Academic Distress Commission | 3302.10 | 4416 |
| Advisory Board of Governor's Office of Faith-Based and Community Initiatives | 107.12 | 4417 |
| Advisory Board to Assist and Advise in the Operation of the Ohio Center for Autism and Low Incidence | 3323.33, 3323.34 | 4418 |
| Advisory Council on Amusement Ride Safety | 1711.51, 1711.52 | 4419 |
| Advisory Council of Directors for Prison Labor | 5145.162 | 4420 |
| Advisory Council for Wild, Scenic, or Recreational River Area(s) | 1547.84 | 4421 |
| Advisory Committee on Livestock Exhibitions | 901.71 | 4422 |
| Agricultural Commodity Marketing Programs | 924.07 | 4423 |

Operating Committees

| | | |
|---|--|------|
| Agricultural Commodity Marketing Programs | 924.14 | 4424 |
| Coordinating Committee | | |
| Alternative Energy Advisory Committee | 4928.64(D) | 4425 |
| AMBER Alert Advisory Committee | 5502.521 | 4426 |
| Apprenticeship Council | Chapter 4139. | 4427 |
| Armory Board of Control | 5911.09, 5911.12 | 4428 |
| Automated Title Processing Board | 4505.09(C)(1) | 4429 |
| Backflow Advisory Board | 3703.21 | 4430 |
| Banking Commission | 1123.01 | 4431 |
| Board of Directors of the Great Lakes Protection Fund | 1506.22 (6161.04) | 4432 |
| Board of Directors of the Medical Liability Underwriting Association Stabilization Fund | 3929.631 | 4433 |
| Board of Directors of the Ohio Appalachian Center for Higher Education | 3333.58 | 4434 |
| Board of Directors of the Ohio Health Reinsurance Program | 3924.08 - 3924.11 | 4435 |
| Board of Governors of the Commercial Insurance Joint Underwriting Association | 3930.03 | 4436 |
| Board of Governors of the Medical Liability Underwriting Association | 3929.64 | 4437 |
| Board of Voting Machines Examiners | 3506.05 | 4438 |
| Budget Planning and Management Commission | Section 509.10, H.B. 1, 128th G.A. | 4439 |
| Brain Injury Advisory Committee | 3304.231 | 4440 |
| Bureau of Workers' Compensation Board of Directors | 4121.12 | 4441 |
| Capitol Square Review and Advisory Board | 105.41 | 4442 |
| Child Care Advisory Council | 5104.08 | 4443 |
| Child Support Guideline Advisory Council | 3119.024 | 4444 |
| Children's Trust Fund Board | 3109.15 - | 4445 |

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| | 3109.17 | |
| Citizen's Advisory Council | 5123.092, | 4446 |
| | 5123.093 | |
| Clean Ohio Trail Advisory Board | 1519.06 | 4447 |
| Coastal Resources Advisory Council | 1506.12 | 4448 |
| Commission on African-American Males | 4112.12, 4112.13 | 4449 |
| Commission on Hispanic-Latino Affairs | 121.31 | 4450 |
| Commission on Minority Health | 3701.78 | 4451 |
| Committee on Prescriptive Governance | 4723.49 - | 4452 |
| | 4723.492 | |
| Commodity Advisory Commission | 926.32 | 4453 |
| Consumer Advisory Committee to the Rehabilitation Services Commission | 3304.24 | 4454 |
| Continuing Education Committee | 109.80(B) | 4455 |
| Council on Alcohol and Drug Addiction Services | 3793.09 | 4456 |
| Council on Unreclaimed Strip Mined Lands | 1513.29 | 4457 |
| County Sheriff's Standard Car Marking and Uniform Commission | 311.25 - 311.27 | 4458 |
| Credential Review Board | 3319.65 | 4459 |
| Credit Union Council | 1733.329 | 4460 |
| Criminal Sentencing Advisory Committee | 181.22 | 4461 |
| Data Collection and Analysis Group | 3727.32 | 4462 |
| Dentist Loan Repayment Advisory Board | 3702.92 | 4463 |
| Department Advisory Council(s) | 107.18, 121.13 | 4464 |
| Development Financing Advisory Council | 122.40, 122.41 | 4465 |
| Early Childhood Advisory Council | 3301.90 | 4466 |
| Education Commission of the States (Interstate Compact for Education) | 3301.48, 3301.49 | 4467 |
| Education Management Information System Advisory Board | 3301.0713 | 4468 |
| Educator Standards Board | 3319.60 | 4469 |
| Electrical Safety Inspector Advisory Committee | 3783.08 | 4470 |
| Emergency Response Commission | 3750.02 | 4471 |

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|---|------------------|------|
| Engineering Experiment Station Advisory Committee | 3335.27 | 4472 |
| Environmental Education Council | 3745.21 | 4473 |
| Environmental Protection Agency Advisory Board(s) | 121.13, 3704.03, | 4474 |
| | 3745.01 | |
| eTech Ohio Commission | 3353.02 - | 4475 |
| | 3353.04 | |
| Ex-Offender Reentry Coalition | 5120.07 | 4476 |
| Farmland Preservation Advisory Board | 901.23 | 4477 |
| Financial Planning and Supervision Commission(s) | 118.05 | 4478 |
| for Municipal Corporation, County, or Township | | |
| Financial Planning and Supervision Commission for | 3316.05 | 4479 |
| a school district | | |
| Forestry Advisory Council | 1503.40 | 4480 |
| Governance Authority for a State University or | 3345.75 | 4481 |
| College | | |
| Governor's Council on People with Disabilities | 3303.41 | 4482 |
| Governor's Policy Information Working Group | Section 313, | 4483 |
| | H.B. 420, 127th | |
| | G.A. | |
| Governor's Residence Advisory Commission | 107.40 | 4484 |
| Grain Marketing Program Operating Committee | 924.20 - 924.30 | 4485 |
| Great Lakes Commission (Great Lakes Basin | 6161.01 | 4486 |
| Compact) | | |
| Gubernatorial Transition Committee | 107.29, 126.26 | 4487 |
| Help Me Grow Advisory Council | 3701.611 | 4488 |
| Hemophilia Advisory Subcommittee of the Medically | 3701.0210 | 4489 |
| Handicapped Children's Medical Advisory Council | | |
| Homeland Security Advisory Council | 5502.011(E) | 4490 |
| Hospital Measures Advisory Council | 3727.31 | 4491 |
| Housing Trust Fund Advisory Committee | 174.06 | 4492 |
| Industrial Commission Nominating Council | 4121.04 | 4493 |
| Industrial Technology and Enterprise Advisory | 122.29, 122.30 | 4494 |
| Council | | |

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| Infant Hearing Screening Subcommittee | 3701.507 | 4495 |
| Infection Control Group | 3727.312(D) | 4496 |
| Insurance Agent Education Advisory Council | 3905.483 | 4497 |
| Interstate Rail Passenger Advisory Council | 4981.35 | 4498 |
| Joint Select Committee on Volume Cap | 133.021 | 4499 |
| Labor-Management Government Advisory Council | 4121.70 | 4500 |
| Legislative Programming Committee of the Ohio Government Telecommunications Service | 3353.07 | 4501 |
| Legislative Task Force on Redistricting, Reapportionment, and Demographic Research | 103.51 | 4502 |
| Maternity and Newborn Advisory Council | 3711.20, 3711.21 | 4503 |
| Medically Handicapped Children's Medical Advisory Council | 3701.025 | 4504 |
| Midwest Interstate Passenger Rail Compact Commission | 4981.361 | 4505 |
| Milk Sanitation Board | 917.03 - 917.032 | 4506 |
| Mine Subsidence Insurance Governing Board | 3929.51 | 4507 |
| Minority Development Financing Advisory Board | 122.72, 122.73 | 4508 |
| Multi-Agency Radio Communications System (MARCS) Steering Committee | Section 15.02, H.B. 640, 123rd G.A. | 4509 |
| National Museum of Afro-American History and Culture Planning Committee | 149.303 | 4510 |
| New African Immigrants Commission | 4112.31, 4112.32 | 4511 |
| Ohio Accountability Task Force | 3302.021(E) | 4512 |
| Ohio Advisory Council for the Aging | 173.03 | 4513 |
| Ohio Agriculture License Plate Scholarship Fund Board | 901.90 | 4514 |
| Ohio Arts Council | Chapter 3379. | 4515 |
| Ohio Business Gateway Steering Committee | 5703.57 | 4516 |
| Ohio Cemetery Dispute Resolution Commission | 4767.05, 4767.06 | 4517 |
| Ohio Civil Rights Commission Advisory Agencies and Conciliation Councils | 4112.04(B)(4) | 4518 |

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| Ohio Commercial Market Assistance Plan Executive Committee | 3930.02 | 4519 |
| Ohio Commission on Dispute Resolution and Conflict Management | 179.02 - 179.04 | 4520 |
| Ohio Commission on Fatherhood | 5101.34 | 4521 |
| Ohio Community Service Council | 121.40 - 121.404 | 4522 |
| Ohio Council for Interstate Adult Offender Supervision | 5149.22 | 4523 |
| Ohio Cultural Facilities Commission | Chapter 3383. | 4524 |
| Ohio Cystic Fibrosis Legislative Task Force | 101.38 | 4525 |
| Ohio Developmental Disabilities Council | 5123.35 | 4526 |
| Ohio Expositions Commission | 991.02 | 4527 |
| Ohio Family and Children First Cabinet Council | 121.37 | 4528 |
| Ohio Geographically Referenced Information Program Council | 125.901, 125.902 | 4529 |
| Ohio Geology Advisory Council | 1501.11 | 4530 |
| Ohio Grape Industries Committee | 924.51 - 924.55 | 4531 |
| Ohio Historic Site Preservation Advisory Board | 149.301 | 4532 |
| Ohio Historical Society Board of Trustees | 149.30 | 4533 |
| Ohio Judicial Conference | 105.91 - 105.97 | 4534 |
| Ohio Lake Erie Commission | 1506.21 | 4535 |
| Ohio Legislative Commission on the Education and Preservation of State History | Section 701.05, H.B. 1, 128th G.A. | 4536 |
| Ohio Medical Quality Foundation | 3701.89 | 4537 |
| Ohio Parks and Recreation Council | 1541.40 | 4538 |
| Ohio Peace Officer Training Commission | 109.71, 109.72 | 4539 |
| Ohio Private Investigation and Security Services Commission | 4749.021, 4743.01 | 4540 |
| Ohio Public Defender Commission | 120.01 - 120.03 | 4541 |
| Ohio Public Library Information Network Board of Trustees | 3375.65, 3375.66 | 4542 |
| Ohio Quarter Horse Development Commission | 3769.086 | 4543 |

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| Ohio Small Government Capital Improvements Commission | 164.02(C)(D) | 4544 |
| Ohio Soil and Water Conservation Commission | 1515.02 | 4545 |
| Ohio Standardbred Development Commission | 3769.085 | 4546 |
| Ohio Subrogation Rights Commission | 2323.44 | 4547 |
| Ohio Thoroughbred Racing Advisory Committee | 3769.084 | 4548 |
| Ohio Transportation Finance Commission | 5531.12(B) to (D) | 4549 |
| Ohio Tuition Trust Authority | 3334.03, 3334.08 | 4550 |
| Ohio University College of Osteopathic Medicine Advisory Committee | 3337.10, 3337.11 | 4551 |
| Ohio Vendors Representative Committee | 3304.34, 20 USC 107 | 4552 |
| Ohio War Orphans Scholarship Board | 5910.02 - 5910.06 | 4553 |
| Ohio Water Advisory Council | 1521.031 | 4554 |
| Ohio Water Resources Council Advisory Group | 1521.19 | 4555 |
| Ohio Water Resources Council | 1521.19 | 4556 |
| Oil and Gas Commission | 1509.35 | 4557 |
| Operating Committee of the Oil and Gas Marketing Program | 1510.06, 1510.11 | 4558 |
| Organized Crime Investigations Commission | 177.01 | 4559 |
| Pharmacy and Therapeutics Committee of the Department of Job and Family Services | 5111.084 | 4560 |
| Physician Assistant Policy Committee of the State Medical Board | 4730.05, 4730.06 | 4561 |
| Physician Loan Repayment Advisory Board | 3702.81 | 4562 |
| Power Siting Board | 4906.02 | 4563 |
| Prequalification Review Board | 5525.07 | 4564 |
| Private Water Systems Advisory Council | 3701.346 | 4565 |
| Public Health Council | 3701.33, 3701.34 | 4566 |
| Public Utilities Commission Nominating Council | 4901.021 | 4567 |
| Public Utility Property Tax Study Committee | 5727.85(K) | 4568 |

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| Radiation Advisory Council | 3748.20 | 4569 |
| Reclamation Commission | 1513.05 | 4570 |
| Reclamation Forfeiture Fund Advisory Board | 1513.182 | 4571 |
| Recreation and Resources Commission | 1501.04 | 4572 |
| Recycling and Litter Prevention Advisory Council | 1502.04 | 4573 |
| School and Ministerial Lands Divestiture Committee | 501.041 | 4574 |
| Savings and Loan Associations and Savings Banks Board | 1181.16 | 4575 |
| Second Chance Trust Fund Advisory Committee | 2108.35 | 4576 |
| Service Coordination Workgroup | Section 751.20, H.B. 1, 128th G.A. | 4577 |
| Ski Tramway Board | 4169.02 | 4578 |
| Small Business Stationary Source Technical and Environmental Compliance Assistance Council | 3704.19 | 4579 |
| Solid Waste Management Advisory Council | 3734.51 | 4580 |
| Special Commission to Consider the Suspension of Local Government Officials | 3.16 | 4581 |
| Speed to Scale Task Force | Section 375.60.80, H.B. 119, 128th G.A. | 4582 |
| State Agency Coordinating Group | 1521.19 | 4583 |
| State Audit Committee | 126.46 | 4584 |
| State Council of Uniform State Laws | 105.21 - 105.27 | 4585 |
| State Criminal Sentencing Commission | 181.22 - 181.26 | 4586 |
| State Fire Council | 3737.81 | 4587 |
| State Library Board | 3375.01 | 4588 |
| State Victims Assistance Advisory Council | 109.91(B) and (C) | 4589 |
| Statewide Consortium of County Law Library Resource Boards | 3375.481 | 4590 |
| STEM Committee | 3326.02 | 4591 |

| | | |
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| Student Tuition Recovery Authority | 3332.081 | 4592 |
| Sunset Review Committee | 101.84 - 101.87 | 4593 |
| Tax Credit Authority | 122.17(M) | 4594 |
| Technical Advisory Committee to Assist Director of the Ohio Coal Development Office | 1551.35 | 4595 |
| Technical Advisory Council on Oil and Gas | 1509.38 | 4596 |
| Transportation Review Advisory Council | 5512.07 - 5512.09 | 4597 |
| Unemployment Compensation Advisory Council | 4141.08 | 4598 |
| Unemployment Compensation Review Commission | 4141.06 | 4599 |
| Veterans Advisory Committee | 5902.02(K) | 4600 |
| Volunteer Fire Fighters' Dependents Fund Boards (private volunteer) | 146.02 - 146.06 | 4601 |
| Volunteer Fire Fighters' Dependents Fund Boards (public) | 146.02 - 146.06 | 4602 |
| Water and Sewer Commission | 1525.11(C) | 4603 |
| Waterways Safety Council | 1547.73 | 4604 |
| Wildlife Council | 1531.03 - 1531.05 | 4605 |
| Workers' Compensation Board of Directors Nominating Committee | 4121.123 | 4606 |

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

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

Sec. 513.03. (A) Notwithstanding any provision of law to the
contrary and during the period beginning July 1, 2005, and ending
May 1, 2006, or the effective date of H.B. 397 of the 126th

General Assembly, whichever is earlier, the Director of 4616
Environmental Protection or a board of health as defined in 4617
section 3714.01 of the Revised Code shall not issue a license to 4618
open a new construction and demolition debris facility under 4619
Chapter 3714. of the Revised Code and rules adopted under it. 4620
Except as otherwise provided in this division, the moratorium 4621
established by this division applies both with respect to an 4622
application for a license to open a new construction and 4623
demolition debris facility that is submitted on or after the 4624
effective date of this section and to an application for such a 4625
license that has been submitted to the Director or a board of 4626
health prior to the effective date of this section, but concerning 4627
which a license for a facility has not been issued as of that 4628
effective date. 4629

The board of county commissioners of a county may request the 4630
Director or a board of health to continue to process an 4631
application for a license to open a new construction and 4632
demolition debris facility in that county that has been submitted 4633
to the Director or board of health prior to the effective date of 4634
this section. After receiving such a request from a board of 4635
county commissioners, the Director or board of health may then 4636
issue a license for the new construction and demolition debris 4637
facility notwithstanding the moratorium established by this 4638
division. 4639

The moratorium established by this division does not apply to 4640
a license for a new construction and demolition debris facility if 4641
the new facility will be located adjacent or contiguous to a 4642
previously licensed construction and demolition debris facility. 4643
The moratorium also does not apply to an expansion of or other 4644
modification to an existing licensed construction and demolition 4645
debris facility. 4646

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

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

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

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

(4) The application submitted by the applicant would have been determined to be complete if the moratorium had not been in effect.

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

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

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

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

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

~~(d) One member representing health districts in the state~~ 4677
~~appointed by the Governor;~~ 4678

~~(e) Three members representing the construction and~~ 4679
~~demolition debris industry in the state appointed by the Governor,~~ 4680
~~one of whom shall be the owner of both a construction and~~ 4681
~~demolition debris facility and a solid waste disposal facility;~~ 4682

~~(f) Two members representing environmental consulting~~ 4683
~~organizations or firms in the state appointed by the Governor.~~ 4684

~~Appointments shall be made to the Committee not later than~~ 4685
~~fifteen days after the effective date of this section. Members of~~ 4686
~~the Committee shall not receive compensation for their service on~~ 4687
~~the Committee and shall not receive reimbursement for expenses~~ 4688
~~incurred related to that service.~~ 4689

~~(2) The Committee shall study the laws of this state~~ 4690
~~governing construction and demolition debris facilities and the~~ 4691
~~rules adopted under those laws and shall make recommendations to~~ 4692
~~the General Assembly regarding changes to those laws including,~~ 4693
~~but not limited to, recommendations concerning the following~~ 4694
~~topics:~~ 4695

~~(a) The establishment of a code of ethics for owners and~~ 4696
~~operators of construction and demolition debris facilities;~~ 4697

~~(b) The establishment of best management practices;~~ 4698

~~(c) Licensing requirements;~~ 4699

~~(d) Testing and monitoring requirements and protocols;~~ 4700

~~(e) Siting and setback criteria for construction and~~ 4701
~~demolition debris facilities;~~ 4702

~~(f) State and local oversight and regulatory authority;~~ 4703

~~(g) Fees;~~ 4704

~~(h) The regulation of construction and demolition debris from~~ 4705

~~sources inside and outside the state;~~ 4706

~~(i) The closure process for construction and demolition
debris facilities.~~ 4707
4708

~~(3) The Committee shall submit a report of its study and any
recommendations that it has developed to the General Assembly not
later than September 30, 2005. The Committee shall cease to exist
on the date on which it submits its report.~~ 4709
4710
4711
4712

~~The General Assembly shall enact legislation based on the
recommendations of the Committee as soon as is practicable.~~ 4713
4714

Section 6.02. That existing Section 513.03 of Am. Sub. H.B. 4715
66 of the 126th General Assembly, as amended by Am. Sub. H.B. 100 4716
of the 126th General Assembly is hereby repealed. 4717

Section 6.03. That Section 5 of Sub. H.B. 125 of the 127th 4718
General Assembly, as most recently amended by Sub. H.B. 198 of the 4719
128th General Assembly, be amended to read as follows: 4720

Sec. 5. (A) As used in this section ~~and Section 6 of Sub.~~ 4721
~~H.B. 125 of the 127th General Assembly:~~ 4722

(1) "Most favored nation clause" means a provision in a 4723
health care contract that does any of the following: 4724

(a) Prohibits, or grants a contracting entity an option to 4725
prohibit, the participating provider from contracting with another 4726
contracting entity to provide health care services at a lower 4727
price than the payment specified in the contract; 4728

(b) Requires, or grants a contracting entity an option to 4729
require, the participating provider to accept a lower payment in 4730
the event the participating provider agrees to provide health care 4731
services to any other contracting entity at a lower price; 4732

(c) Requires, or grants a contracting entity an option to 4733

require, termination or renegotiation of the existing health care 4734
contract in the event the participating provider agrees to provide 4735
health care services to any other contracting entity at a lower 4736
price; 4737

(d) Requires the participating provider to disclose the 4738
participating provider's contractual reimbursement rates with 4739
other contracting entities. 4740

(2) "Contracting entity," "health care contract," "health 4741
care services," "participating provider," and "provider" have the 4742
same meanings as in section 3963.01 of the Revised Code, as 4743
enacted by Sub. H.B. 125 of the 127th General Assembly. 4744

(B) With respect to a contracting entity and a provider other 4745
than a hospital, no health care contract that includes a most 4746
favored nation clause shall be entered into, and no health care 4747
contract at the instance of a contracting entity shall be amended 4748
or renewed to include a most favored nation clause, for a period 4749
of three years after the effective date of Sub. H.B. 125 of the 4750
127th General Assembly. 4751

(C) With respect to a contracting entity and a hospital, no 4752
health care contract that includes a most favored nation clause 4753
shall be entered into, and no health care contract at the instance 4754
of a contracting entity shall be amended or renewed to include a 4755
most favored nation clause, for a period of three years after the 4756
effective date of Sub. H.B. 125 of the 127th General Assembly, 4757
~~subject to extension as provided in Section 6 of Sub. H.B. 125 of~~ 4758
~~the 127th General Assembly.~~ 4759

(D) This section does not apply to and does not prohibit the 4760
continued use of a most favored nation clause in a health care 4761
contract that is between a contracting entity and a hospital and 4762
that is in existence on the effective date of Sub. H.B. 125 of the 4763
127th General Assembly even if the health care contract is 4764

materially amended with respect to any provision of the health 4765
care contract other than the most favored nation clause during the 4766
two-year period specified in this section or during any extended 4767
period of time as provided in Section 6 of Sub. H.B. 125 of the 4768
127th General Assembly. 4769

Section 6.04. That existing Section 5 of Sub. H.B. 125 of the 4770
127th General Assembly, as most recently amended by Sub. H.B. 198 4771
of the 128th General Assembly, is hereby repealed. 4772

Section 7.01. That Section 3 of Sub. H.B. 187 of the 126th 4773
General Assembly be amended to read as follows: 4774

Sec. 3. In addition to its recommendations that are included 4775
in ~~this act~~ Sub. H.B. 187 of the 126th General Assembly, the Civil 4776
Service Review Commission that was created by Amended Senate Bill 4777
No. 210 of the 123rd General Assembly recommends, with necessary 4778
changes made by the General Assembly to reflect subsequent 4779
legislative enactments, ~~all of the following:~~ 4780

~~(A) The~~ that the Department of Administrative Services, in 4781
conjunction with all appropriate stakeholder groups, ~~shall~~ study 4782
the compensation and classification system that applies to 4783
employees paid by warrant of the Director of Budget and Management 4784
and county employees in order to determine how the system could be 4785
simplified. The Department shall report to the General Assembly on 4786
the results of its study not later than six months after the 4787
effective date of this act and at appropriate intervals 4788
thereafter. 4789

~~(B) An ad hoc committee shall be formed to review, study, and 4790
encourage greater awareness of the use of alternate dispute 4791
resolution procedures, such as mediation, in appeals to the State 4792
Personnel Board of Review and to municipal and civil service 4793
township civil service commissions. The committee shall consist of 4794~~

~~representatives of labor organizations, counties, cities, the 4795~~
~~State Personnel Board of Review, the State Employment Relations 4796~~
~~Board, the Office of Collective Bargaining of the Department of 4797~~
~~Administrative Services, the Ohio Commission on Dispute Resolution 4798~~
~~and Conflict Management, the American Arbitration Association, and 4799~~
~~the Federal Mediation and Conciliation Service. Professors on the 4800~~
~~faculty of Ohio law schools, a professional arbitrator with 4801~~
~~experience in public sector disputes, and a plaintiff's lawyer 4802~~
~~with experience in civil service disputes also should be members 4803~~
~~of the committee. The committee shall report its findings and 4804~~
~~recommendations to the General Assembly within six months after 4805~~
~~the effective date of this act. 4806~~

Section 7.02. That existing Section 3 of Sub. H.B. 187 of the 4807
126th General Assembly is hereby repealed. 4808

Section 8. That Section 3 of Sub. H.B. 495 of the 128th 4809
General Assembly and Section 6 of Am. Sub. H.B. 516 of the 125th 4810
General Assembly are repealed. 4811

This repeal prevents the repeal of sections 101.82, 101.83, 4812
101.84, 101.85, 101.86, and 101.87 of the Revised Code that was to 4813
have been effective on December 31, 2010, and that was postponed 4814
until July 1, 2011. These repeals remove all limitations upon the 4815
continued existence of sections 101.82, 101.83, 101.84, 101.85, 4816
101.86, and 101.87 of the Revised Code. The rule of construction 4817
that the repeal of a repealing act does not revive the statute 4818
repealed, which is reflected in section 1.57 of the Revised Code, 4819
does not affect the intent of this section. 4820

Section 9. The following Sections are repealed: 4821

Sections 209.40, 309.40.70, and 709.10 of Am. Sub. H.B. 1 of 4822
the 128th General Assembly 4823

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| Sections 755.80 and 756.40 of Am. Sub. H.B. 2 of the 128th General Assembly | 4824 4825 |
| Section 3 of Sub. H.B. 7 of the 127th General Assembly | 4826 |
| Section 555.17 of Am. Sub. H.B. 67 of the 127th General Assembly | 4827 4828 |
| Sections 263.30.30, 337.20.20, 377.20, and 737.11 of Am. Sub. H.B. 119 of the 127th General Assembly | 4829 4830 |
| Sections 6 and 7 of Sub. H.B. 125 of the 127th General Assembly | 4831 4832 |
| Section 2 of Sub. H.B. 233 of the 127th General Assembly | 4833 |
| Sections 703.30 and 715.50 of Am. Sub. H.B. 562 of the 127th General Assembly | 4834 4835 |
| Section 4 of Am. Sub. S.B. 77 of the 127th General Assembly | 4836 |
| Sections 206.10.12, 206.42.12, 206.66.24, 206.66.43, 209.63.58, 503.09, and 503.12 of Am. Sub. H.B. 66 of the 126th General Assembly | 4837 4838 4839 |
| Section 4 of Sub. H.B. 187 of the 126th General Assembly | 4840 |
| Section 1 of Sub. H.B. 371 of the 126th General Assembly | 4841 |
| Section 235.60.70 of Am. Sub. H.B. 699 of the 126th General Assembly | 4842 4843 |
| Section 3 of Am. Sub. S.B. 167 of the 126th General Assembly | 4844 |
| Section 5 of Am. Sub. S.B. 260 of the 126th General Assembly | 4845 |
| Section 3 of Sub. S.B. 393 of the 126th General Assembly | 4846 |
| Sections 12 and 25 of Am. Sub. H.B. 87 of the 125th General Assembly | 4847 4848 |
| Sections 41.35 and 153 of Am. Sub. H.B. 95 of the 125th General Assembly | 4849 4850 |
| Section 8 of Sub. H.B. 299 of the 125th General Assembly | 4851 |

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| Section 3 of Am. Sub. S.B. 86 of the 125th General Assembly | 4852 |
| Section 3 of Sub. H.B. 230 of the 124th General Assembly | 4853 |
| Section 3 of Am. Sub. H.B. 474 of the 124th General Assembly | 4854 |
| Section 4 of Am. Sub. S.B. 281 of the 124th General Assembly | 4855 |
| 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 | 4856 4857 |
| 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 | 4858 4859 4860 |
| 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 | 4861 4862 |
| 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 | 4863 4864 |
| 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 | 4865 4866 4867 |
| Section 6 of Am. Sub. S.B. 238 of the 126th General Assembly, as amended by Am. Sub. H.B. 461 of the 126th General Assembly | 4868 4869 |
| Section 152 of Am. Sub. H.B. 95 of the 125th General Assembly, as amended by Am. Sub. S.B. 2 of the 125th General Assembly | 4870 4871 4872 |
| Section 59.29 of Am. Sub. H.B. 95 of the 125th General Assembly, as amended by Am. Sub. S.B. 189 of the 125th General Assembly | 4873 4874 4875 |
| Section 10. It is in part the intent of the General Assembly in enacting this act to implement the report of the Sunset Review Committee that was created by Am. Sub. H.B. 516 of the 125th General Assembly and the committee that convened under that act during the 128th General Assembly. That report is implemented in | 4876 4877 4878 4879 4880 |

part as follows: 4881

(A) By the abolishment in this act, through amendments to 4882
relevant codified sections of law and through outright repeals of 4883
codified or uncoded sections of law, of numerous agencies, as 4884
defined in section 101.82 of the Revised Code, that were subject 4885
to the Committee's jurisdiction; 4886

(B) By the termination, through amendments to relevant 4887
codified sections of law and through outright repeals of codified 4888
or 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

(C) By the transfer, through the amendment of codified or 4892
uncoded sections of law, of several agencies, as defined in 4893
section 101.82 of the Revised Code, that were subject to the 4894
Committee's jurisdiction; 4895

(D) By the renewal, through the amendment or enactment of 4896
codified or uncoded sections of law, of the existence of 4897
numerous agencies, as defined in section 101.82 of the Revised 4898
Code, that were subject to the Committee's jurisdiction. 4899

Section 11. The hospital measures advisory council shall 4900
supersede the group of experts in pediatric medicine and their 4901
members and succeed to and have and perform all the duties, 4902
powers, and obligations pertaining to the duties, powers, and 4903
obligations of the group of experts in pediatric medicine and 4904
their members. All rules, actions, determinations, commitments, 4905
resolutions, decisions, and agreements pertaining to those duties, 4906
powers, obligations, functions, and rights in force or in effect 4907
on the effective date of this section shall continue in force and 4908
effect subject to any further lawful action thereon by the 4909
hospital measures advisory council. Wherever the group of experts 4910

in pediatric medicine are referred to in any provision of law, or 4911
in any agreement or document that pertains to those duties, 4912
powers, obligations, functions, and rights, the reference is to 4913
the hospital measures advisory council. 4914

All authorized obligations and supplements thereto of the 4915
group of experts in pediatric medicine and their members 4916
pertaining to the duties, powers, and obligations transferred are 4917
binding on the hospital measures advisory council, and nothing in 4918
this act impairs the obligations or rights thereunder or under any 4919
contract. The abolition of the group of experts in pediatric 4920
medicine and the transfer of their duties, powers, and obligations 4921
do not affect the validity of agreements or obligations made by 4922
the group of experts in pediatric medicine and their members 4923
pursuant to Chapters 4121., 4123., 4125., 4127., 4131., and 4167. 4924
of the Revised Code or any other provisions of law. 4925

In connection with the transfer of duties, powers, 4926
obligations, functions, and rights and abolition of the group of 4927
experts in pediatric medicine, all real property and interest 4928
therein, documents, books, money, papers, records, machinery, 4929
furnishings, office equipment, furniture, and all other property 4930
over which the group of experts in pediatric medicine have control 4931
pertaining to the duties, powers, and obligations transferred and 4932
the rights of the group of experts in pediatric medicine to 4933
enforce or receive any of the aforesaid is automatically 4934
transferred to the hospital measures advisory council without 4935
necessity for further action on the part of the hospital measures 4936
advisory council. Additionally, all appropriations or 4937
reappropriations made to the group of experts in pediatric 4938
medicine for the purposes of the performance of their duties, 4939
powers, and obligations, are transferred to the hospital measures 4940
advisory council to the extent of the remaining unexpended or 4941
unencumbered balance thereof, whether allocated or unallocated, 4942

and whether obligated or unobligated. 4943

Section 12. The commission on Hispanic-Latino affairs shall 4944
supersede the interagency council on Hispanic-Latino affairs and 4945
its members and succeed to and have and perform all the duties, 4946
powers, and obligations pertaining to the duties, powers, and 4947
obligations of the interagency council on Hispanic-Latino affairs 4948
and its members. All rules, actions, determinations, commitments, 4949
resolutions, decisions, and agreements pertaining to those duties, 4950
powers, obligations, functions, and rights in force or in effect 4951
on the effective date of this section shall continue in force and 4952
effect subject to any further lawful action thereon by the 4953
commission on Hispanic-Latino affairs. Wherever the interagency 4954
council on Hispanic-Latino affairs is referred to in any provision 4955
of law, or in any agreement or document that pertains to those 4956
duties, powers, obligations, functions, and rights, the reference 4957
is to the commission on Hispanic-Latino affairs. 4958

All authorized obligations and supplements thereto of the 4959
interagency council on Hispanic-Latino affairs and its members 4960
pertaining to the duties, powers, and obligations transferred are 4961
binding on the commission on Hispanic-Latino affairs, and nothing 4962
in this act impairs the obligations or rights thereunder or under 4963
any contract. The abolition of the interagency council on 4964
Hispanic-Latino affairs and the transfer of their duties, powers, 4965
and obligations do not affect the validity of agreements or 4966
obligations made by the interagency council on Hispanic-Latino 4967
affairs and its members pursuant to Chapters 4121., 4123., 4125., 4968
4127., 4131., and 4167. of the Revised Code or any other 4969
provisions of law. 4970

In connection with the transfer of duties, powers, 4971
obligations, functions, and rights and abolition of the 4972
interagency council on Hispanic-Latino affairs, all real property 4973

and interest therein, documents, books, money, papers, records, 4974
machinery, furnishings, office equipment, furniture, and all other 4975
property over which the interagency council on Hispanic-Latino 4976
affairs has control pertaining to the duties, powers, and 4977
obligations transferred and the rights of the interagency council 4978
on Hispanic-Latino affairs to enforce or receive any of the 4979
aforesaid is automatically transferred to the commission on 4980
Hispanic-Latino affairs without necessity for further action on 4981
the part of the commission on Hispanic-Latino affairs. 4982
Additionally, all appropriations or reappropriations made to the 4983
interagency council on Hispanic-Latino affairs for the purposes of 4984
the performance of their duties, powers, and obligations, are 4985
transferred to the commission on Hispanic-Latino affairs to the 4986
extent of the remaining unexpended or unencumbered balance 4987
thereof, whether allocated or unallocated, and whether obligated 4988
or unobligated. 4989

Section 13. This act is an emergency measure necessary for 4990
the immediate preservation of the public peace, health, and 4991
safety. The sunset review law is scheduled to operate on July 1, 4992
2011, as a matter of law. And if the sunset review law operates 4993
before the effective date of this act, uncertainty and confusion, 4994
with respect to the authority for certain agencies to operate, 4995
could result. Therefore, this act goes into immediate effect. 4996