

**As Passed by the Senate**

**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**

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**A B I L L**

To amend sections 9.90, 101.532, 101.83, 101.84, 1  
101.85, 101.86, 102.02, 109.91, 121.32, 127.14, 2  
173.03, 173.04, 2953.08, 3302.021, 3311.71, 3  
3312.01, 3312.09, 3313.202, 3701.025, 3701.63, 4  
3727.312, 3737.03, 3737.21, 3737.81, 3737.86, 5  
3737.88, 3743.54, 3746.04, 4117.03, 4121.03, 6  
4121.12, 4121.121, 4121.125, 4121.128, 4123.341, 7  
4123.342, 4123.35, 5111.708, 5123.032, and 8  
5123.093; and to repeal sections 9.901, 101.37, 9  
121.374, 122.97, 122.971, 122.98, 122.981, 10  
125.833, 181.21, 181.22, 181.23, 181.24, 181.25, 11  
181.26, 184.23, 184.231, 1349.71, 1349.72, 12  
1501.25, 2151.282, 3306.29, 3306.291, 3306.292, 13  
3306.50, 3306.51, 3306.52, 3306.53, 3306.54, 14  
3306.55, 3306.56, 3306.57, 3306.58, 3306.59, 15  
3311.77, 3312.11, 3312.12, 3319.70, 3319.71, 16  
3701.92, 3727.322, 3746.03, 4121.75, 4121.76, 17  
4121.77, 4121.78, 4121.79, 4501.025, 5111.709, 18  
5111.7010, 5123.60, and 5902.15 of the Revised 19  
Code; and to amend Section 5 of Sub. H.B. 125 of 20  
the 127th General Assembly as subsequently 21  
amended, Section 20 of Am. Sub. H.B. 554 of the 22

127th General Assembly, Section 3 of Sub. H.B. 187	23
of the 126th General Assembly, and Section 513.03	24
of Am. Sub. H.B. 66 of the 126th General Assembly	25
as subsequently amended; and to repeal Section 3	26
of Sub. H.B. 495 of the 128th General Assembly,	27
Sections 209.40, 309.40.70, and 709.10 of Am. Sub.	28
H.B. 1 of the 128th General Assembly, Sections	29
755.80 and 756.40 of Am. Sub. H.B. 2 of the 128th	30
General Assembly, Section 3 of Sub. H.B. 7 of the	31
127th General Assembly, Section 555.17 of Am. Sub.	32
H.B. 67 of the 127th General Assembly, Sections	33
263.30.30, 337.20.20, 377.20, and 737.11 of Am.	34
Sub. H.B. 119 of the 127th General Assembly,	35
Sections 6 and 7 of Sub. H.B. 125 of the 127th	36
General Assembly, Section 2 of Sub. H.B. 233 of	37
the 127th General Assembly, Sections 703.30 and	38
715.50 of Am. Sub. H.B. 562 of the 127th General	39
Assembly, Section 4 of Am. Sub. S.B. 77 of the	40
127th General Assembly, Sections 206.10.12,	41
206.42.12, 206.66.24, 206.66.43, 209.63.58,	42
503.09, and 503.12 of Am. Sub. H.B. 66 of the	43
126th General Assembly, Section 4 of Sub. H.B. 187	44
of the 126th General Assembly, Section 1 of Sub.	45
H.B. 371 of the 126th General Assembly, Section	46
235.60.70 of Am. Sub. H.B. 699 of the 126th	47
General Assembly, Section 3 of Am. Sub. S.B. 167	48
of the 126th General Assembly, Section 5 of Am.	49
Sub. S.B. 260 of the 126th General Assembly,	50
Section 3 of Sub. S.B. 393 of the 126th General	51
Assembly, Sections 12 and 25 of Am. Sub. H.B. 87	52
of the 125th General Assembly, Sections 41.35 and	53
153 of Am. Sub. H.B. 95 of the 125th General	54
Assembly, Section 8 of Sub. H.B. 299 of the 125th	55

General Assembly, Section 6 of Am. Sub. H.B. 516 56  
of the 125th General Assembly, Section 3 of Am. 57  
Sub. S.B. 86 of the 125th General Assembly, 58  
Section 3 of Sub. H.B. 230 of the 124th General 59  
Assembly, Section 3 of Am. Sub. H.B. 474 of the 60  
124th General Assembly, Section 4 of Am. Sub. S.B. 61  
281 of the 124th General Assembly, Section 3 of 62  
Am. H.B. 416 of the 127th General Assembly as 63  
subsequently amended, Section 701.20 of Am. Sub. 64  
H.B. 562 of the 127th General Assembly as 65  
subsequently amended, Section 206.66.53 of Am. 66  
Sub. H.B. 66 of the 126th General Assembly as 67  
subsequently amended, Section 6 of Sub. H.B. 336 68  
of the 126th General Assembly as subsequently 69  
amended, Section 755.03 of Am. Sub. H.B. 530 of 70  
the 126th General Assembly as subsequently 71  
amended, Section 6 of Am. Sub. S.B. 238 of the 72  
126th General Assembly as subsequently amended, 73  
Section 152 of Am. Sub. H.B. 95 of the 125th 74  
General Assembly as subsequently amended, and 75  
Section 59.29 of Am. Sub. H.B. 95 of the 125th 76  
General Assembly as subsequently amended to 77  
implement the recommendations of the Sunset Review 78  
Committee by abolishing, terminating, 79  
transferring, or renewing various agencies and by 80  
reestablishing the Sunset Review Committee but 81  
postponing its operation until the 131st General 82  
Assembly, to terminate the operation of certain 83  
provisions of this act on December 31, 2016, by 84  
repealing sections 101.82, 101.83, 101.84, 101.85, 85  
101.86, and 101.87 of the Revised Code on that 86  
date, and to declare an emergency. 87

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

**Section 1.** That sections 9.90, 101.532, 101.83, 101.84, 88  
101.85, 101.86, 102.02, 109.91, 121.32, 127.14, 173.03, 173.04, 89  
2953.08, 3302.021, 3311.71, 3312.01, 3312.09, 3313.202, 3701.025, 90  
3701.63, 3727.312, 3737.03, 3737.21, 3737.81, 3737.86, 3737.88, 91  
3743.54, 3746.04, 4117.03, 4121.03, 4121.12, 4121.121, 4121.125, 92  
4121.128, 4123.341, 4123.342, 4123.35, 5111.708, 5123.032, and 93  
5123.093 of the Revised Code be amended to read as follows: 94

**Sec. 9.90.** (A) The governing board of any public institution 95  
of higher education, including without limitation state 96  
universities and colleges, community college districts, university 97  
branch districts, technical college districts, and municipal 98  
universities, may, in addition to all other powers provided in the 99  
Revised Code: 100

(1) Contract for, purchase, or otherwise procure from an 101  
insurer or insurers licensed to do business by the state of Ohio 102  
for or on behalf of such of its employees as it may determine, 103  
life insurance, or sickness, accident, annuity, endowment, health, 104  
medical, hospital, dental, or surgical coverage and benefits, or 105  
any combination thereof, by means of insurance plans or other 106  
types of coverage, family, group or otherwise, and may pay from 107  
funds under its control and available for such purpose all or any 108  
portion of the cost, premium, or charge for such insurance, 109  
coverage, or benefits. However, the governing board, in addition 110  
to or as an alternative to the authority otherwise granted by 111  
division (A)(1) of this section, may elect to procure coverage for 112  
health care services, for or on behalf of such of its employees as 113  
it may determine, by means of policies, contracts, certificates, 114  
or agreements issued by at least two health insuring corporations 115  
holding a certificate of authority under Chapter 1751. of the 116

Revised Code and may pay from funds under the governing board's 117  
control and available for such purpose all or any portion of the 118  
cost of such coverage. 119

(2) Make payments to a custodial account for investment in 120  
regulated investment company stock for the purpose of providing 121  
retirement benefits as described in section 403(b)(7) of the 122  
Internal Revenue Code of 1954, as amended. Such stock shall be 123  
purchased only from persons authorized to sell such stock in this 124  
state. 125

Any income of an employee deferred under divisions (A)(1) and 126  
(2) of this section in a deferred compensation program eligible 127  
for favorable tax treatment under the Internal Revenue Code of 128  
1954, as amended, shall continue to be included as regular 129  
compensation for the purpose of computing the contributions to and 130  
benefits from the retirement system of such employee. Any sum so 131  
deferred shall not be included in the computation of any federal 132  
and state income taxes withheld on behalf of any such employee. 133

(B) All or any portion of the cost, premium, or charge 134  
therefor may be paid in such other manner or combination of 135  
matters as the governing board may determine, including direct 136  
payment by the employee in cases under division (A)(1) of this 137  
section, and, if authorized in writing by the employee in cases 138  
under division (A)(1) or (2) of this section, by such governing 139  
board with moneys made available by deduction from or reduction in 140  
salary or wages or by the foregoing of a salary or wage increase. 141  
Nothing in section 3917.01 or section 3917.06 of the Revised Code 142  
shall prohibit the issuance or purchase of group life insurance 143  
authorized by this section by reason of payment of premiums 144  
therefor by the governing board from its funds, and such group 145  
life insurance may be so issued and purchased if otherwise 146  
consistent with the provisions of sections 3917.01 to 3917.07 of 147  
the Revised Code. 148

(C) The board of education of any school district may 149  
exercise any of the powers granted to the governing boards of 150  
public institutions of higher education under divisions (A) and 151  
(B) of this section, ~~except in relation to the provision of health~~ 152  
~~care benefits to employees. All health care benefits provided to~~ 153  
~~persons employed by the public schools of this state shall be~~ 154  
~~health care plans that contain best practices established by the~~ 155  
~~school employees health care board pursuant to section 9.901 of~~ 156  
~~the Revised Code.~~ 157

**Sec. 101.532.** The main operating appropriations bill shall 158  
not contain appropriations for the industrial commission, ~~the~~ 159  
~~workers' compensation council,~~ or the bureau of workers' 160  
compensation. Appropriations for the bureau ~~and the council~~ shall 161  
be enacted in one bill, and appropriations for the industrial 162  
commission shall be enacted in a separate bill. 163

**Sec. 101.83.** (A) An agency in existence on January 1, ~~2005~~ 164  
2011, shall expire on December 31, ~~2010~~ 2016, unless the agency is 165  
renewed in accordance with division (D) of this section and, if so 166  
renewed, shall expire thereafter on the thirty-first day of 167  
December of the fourth year after the year in which it was most 168  
recently renewed unless the agency is renewed in accordance with 169  
division (D) of this section. An agency created after January 1, 170  
~~2005~~ 2011, that is created on the thirty-first day of December 171  
shall expire not later than four years after its creation, unless 172  
the agency is renewed in accordance with division (D) of this 173  
section. An agency created after January 1, ~~2005~~ 2011, that is 174  
created on any other date shall be considered for the purpose of 175  
this section to have been created on the preceding thirty-first 176  
day of December, and the agency shall expire not later than four 177  
years after the date it was considered to have been created, 178  
unless the agency is renewed in accordance with division (D) of 179

this section. Any act creating or renewing an agency shall contain 180  
a distinct section providing a specific expiration date for the 181  
agency in accordance with this division. 182

(B) If the general assembly does not renew or transfer an 183  
agency on or before its expiration date, it shall expire on that 184  
date. 185

The director of budget and management shall not authorize the 186  
expenditure of any moneys for any agency on or after the date of 187  
its expiration. 188

(C) The general assembly may provide by law for the orderly, 189  
efficient, and expeditious conclusion of an agency's business and 190  
operation. The rules, orders, licenses, contracts, and other 191  
actions made, taken, granted, or performed by the agency shall 192  
continue in effect according to their terms notwithstanding the 193  
agency's abolition, unless the general assembly provides otherwise 194  
by law. The general assembly may provide by law for the temporary 195  
or permanent transfer of some or all of a terminated or 196  
transferred agency's functions and personnel to a successor agency 197  
or officer. 198

The abolition, termination, or transfer of an agency shall 199  
not cause the termination or dismissal of any claim pending 200  
against the agency by any person, or any claim pending against any 201  
person by the agency. Unless the general assembly provides 202  
otherwise by law for the substitution of parties, the attorney 203  
general shall succeed the agency with reference to any pending 204  
claim. 205

(D) An agency may be renewed by passage of a bill that 206  
continues the statutes creating and empowering the agency, that 207  
amends or repeals those statutes, or that enacts new statutes, to 208  
improve agency usefulness, performance, or effectiveness. 209

Sec. 101.84. (A) There is hereby created the sunset review 210  
committee, to be composed of nine members and function in calendar 211  
years ~~2009~~ 2015 and ~~2010~~ 2016. The president of the senate shall 212  
appoint three members of the senate to the committee, not more 213  
than two of whom shall be members of the same political party. The 214  
speaker of the house of representatives shall appoint three 215  
members of the house of representatives to the committee, not more 216  
than two of whom shall be members of the same political party. The 217  
governor, with the advice and consent of the senate, shall appoint 218  
three members to the committee, not more than two of whom shall be 219  
members of the same political party. Members shall be appointed 220  
within fifteen days after the commencement of the first regular 221  
session of the ~~128th~~ 131st general assembly. 222

(B) Each member of the committee who is appointed by the 223  
president of the senate or the speaker of the house of 224  
representatives shall serve during that committee member's term of 225  
office or until that committee member no longer is a member of the 226  
senate or the house of representatives, whichever is applicable. 227  
Each member of the committee who is appointed by the governor 228  
shall serve a two-year term that ends on the thirty-first day of 229  
December in ~~2010~~ 2016. A vacancy on the committee shall be filled 230  
in the same manner as the original appointment. 231

In the first regular session of the ~~128th~~ 131st general 232  
assembly, the chairperson of the committee shall be a member of 233  
the house of representatives, and the vice-chairperson of the 234  
committee shall be a member of the senate. In the second regular 235  
session of the ~~128th~~ 131st general assembly, the chairperson of 236  
the committee shall be a member of the senate, and the 237  
vice-chairperson of the committee shall be a member of the house 238  
of representatives. 239

Members of the committee shall receive no compensation, but 240



shall be reimbursed for their necessary expenses incurred in the 241  
performance of their official duties. 242

(C) The committee shall meet not later than thirty days after 243  
the first day of the first regular session of the ~~128th~~ 131st 244  
general assembly to choose a chairperson and to commence 245  
establishment of the schedule for agency review provided for in 246  
section 101.85 of the Revised Code or perform other committee 247  
duties under sections 101.82 to 101.87 of the Revised Code. Five 248  
members of the committee shall constitute a quorum for the conduct 249  
of committee business. 250

**Sec. 101.85.** (A) The sunset review committee, not later than 251  
sixty days after its first meeting in ~~2009~~ 2015, shall schedule 252  
for review each agency in existence on January 1, ~~2009~~ 2015. The 253  
committee, by a unanimous vote, also may schedule for review any 254  
state board or commission described in division (A)(9) of section 255  
101.82 of the Revised Code that is in existence on that date, and 256  
any board or commission so scheduled shall be considered an agency 257  
for purposes of sections 101.82 to 101.87 of the Revised Code. 258

(B) The chairperson of the committee shall send a copy of the 259  
schedule for review of agencies for calendar year ~~2009~~ 2015 and 260  
calendar year ~~2010~~ 2016 to each of the agencies scheduled for 261  
review during that year and to the director of the legislative 262  
service commission. The director shall publish a copy of the 263  
schedule in the Ohio Administrative Code and in the register of 264  
Ohio created under section 103.051 of the Revised Code. The 265  
commission shall provide the committee with a list of agencies, 266  
and state boards and commissions described in division (A)(9) of 267  
section 101.82 of the Revised Code, in existence on January 1, 268  
~~2009~~ 2015, to assist the committee in identifying agencies and 269  
exercising its duties under sections 101.82 to 101.87 of the 270  
Revised Code with respect to those agencies. 271

Sec. 101.86. (A) Not later than six months prior to the date 272  
on which an agency in existence on January 1, ~~2009~~ 2015, is 273  
scheduled to expire under division (A) of section 101.83 of the 274  
Revised Code, the sunset review committee shall hold hearings to 275  
receive the testimony of the public and of the chief executive 276  
officer of each agency scheduled for review and otherwise shall 277  
consider and evaluate the usefulness, performance, and 278  
effectiveness of the agency. 279

(B) Each agency that is scheduled for review shall submit to 280  
the committee a report that contains all of the following 281  
information: 282

(1) The agency's primary purpose and its various goals and 283  
objectives; 284

(2) The agency's past and anticipated workload, the number of 285  
staff required to complete that workload, and the agency's total 286  
number of staff; 287

(3) The agency's past and anticipated budgets and its sources 288  
of funding; 289

(4) The number of members of its governing board or other 290  
governing entity and their compensation, if any. 291

(C) Each agency shall have the burden of demonstrating to the 292  
committee a public need for its continued existence. In 293  
determining whether an agency has demonstrated that need, the 294  
committee shall consider all of the following: 295

(1) The extent to which the agency has permitted qualified 296  
applicants to serve the public; 297

(2) The cost-effectiveness of the agency in terms of number 298  
of employees, services rendered, and administrative costs 299  
incurred, both past and present; 300

(3) The extent to which the agency has operated in the public 301

interest, and whether its operation has been impeded or enhanced 302  
by existing statutes and procedures and by budgetary, resource, 303  
and personnel practices; 304

(4) Whether the agency has recommended statutory changes to 305  
the general assembly that would benefit the public as opposed to 306  
the persons regulated by the agency, if any, and whether its 307  
recommendations and other policies have been adopted and 308  
implemented; 309

(5) Whether the agency has required any persons it regulates 310  
to report to it the impact of agency rules and decisions on the 311  
public as they affect service costs and service delivery; 312

(6) Whether persons regulated by the agency, if any, have 313  
been required to assess problems in their business operations that 314  
affect the public; 315

(7) Whether the agency has encouraged public participation in 316  
its rule-making and decision-making; 317

(8) The efficiency with which formal public complaints filed 318  
with the agency have been processed to completion; 319

(9) Whether the programs or services of the agency duplicate 320  
or overlap those of other agencies; 321

(10) Whether the purpose for which the agency was created has 322  
been fulfilled, has changed, or no longer exists; 323

(11) Whether federal law requires that the agency be renewed 324  
in some form; 325

(12) Changes needed in the enabling laws of the agency in 326  
order for it to comply with the criteria suggested by the 327  
considerations listed in divisions (C)(1) to (11) of this section. 328

(D) In its initial review of each agency, the committee, 329  
whenever possible, shall realign agency titles to conform to the 330  
following descriptions: 331

(1) Commission: an administrative appeals or hearing agency;	332
(2) Authority: an agency empowered to issue bonds or notes;	333
(3) Board: an agency having a licensing function only;	334
(4) Council: an advisory body to a major agency or department;	335 336
(5) Committee: an advisory body to a minor agency or department.	337 338
 <b>Sec. 102.02.</b> (A) Except as otherwise provided in division (H) of this section, all of the following shall file with the appropriate ethics commission the disclosure statement described in this division on a form prescribed by the appropriate commission: every person who is elected to or is a candidate for a state, county, or city office and every person who is appointed to fill a vacancy for an unexpired term in such an elective office; all members of the state board of education; the director, assistant directors, deputy directors, division chiefs, or persons of equivalent rank of any administrative department of the state; the president or other chief administrative officer of every state institution of higher education as defined in section 3345.011 of the Revised Code; the executive director and the members of the capitol square review and advisory board appointed or employed pursuant to section 105.41 of the Revised Code; all members of the Ohio casino control commission, the executive director of the commission, all professional employees of the commission, and all technical employees of the commission who perform an internal audit function; the individuals set forth in division (B)(2) of section 187.03 of the Revised Code; the chief executive officer and the members of the board of each state retirement system; each employee of a state retirement board who is a state retirement system investment officer licensed pursuant to section 1707.163 of the Revised Code; the members of the Ohio retirement study council	339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362

appointed pursuant to division (C) of section 171.01 of the 363  
Revised Code; employees of the Ohio retirement study council, 364  
other than employees who perform purely administrative or clerical 365  
functions; the administrator of workers' compensation and each 366  
member of the bureau of workers' compensation board of directors; 367  
the bureau of workers' compensation director of investments; the 368  
chief investment officer of the bureau of workers' compensation; 369  
~~the director appointed by the workers' compensation council;~~ all 370  
members of the board of commissioners on grievances and discipline 371  
of the supreme court and the ethics commission created under 372  
section 102.05 of the Revised Code; every business manager, 373  
treasurer, or superintendent of a city, local, exempted village, 374  
joint vocational, or cooperative education school district or an 375  
educational service center; every person who is elected to or is a 376  
candidate for the office of member of a board of education of a 377  
city, local, exempted village, joint vocational, or cooperative 378  
education school district or of a governing board of an 379  
educational service center that has a total student count of 380  
twelve thousand or more as most recently determined by the 381  
department of education pursuant to section 3317.03 of the Revised 382  
Code; every person who is appointed to the board of education of a 383  
municipal school district pursuant to division (B) or (F) of 384  
section 3311.71 of the Revised Code; all members of the board of 385  
directors of a sanitary district that is established under Chapter 386  
6115. of the Revised Code and organized wholly for the purpose of 387  
providing a water supply for domestic, municipal, and public use, 388  
and that includes two municipal corporations in two counties; 389  
every public official or employee who is paid a salary or wage in 390  
accordance with schedule C of section 124.15 or schedule E-2 of 391  
section 124.152 of the Revised Code; members of the board of 392  
trustees and the executive director of the southern Ohio 393  
agricultural and community development foundation; all members 394  
appointed to the Ohio livestock care standards board under section 395

904.02 of the Revised Code; and every other public official or 396  
employee who is designated by the appropriate ethics commission 397  
pursuant to division (B) of this section. 398

The disclosure statement shall include all of the following: 399

(1) The name of the person filing the statement and each 400  
member of the person's immediate family and all names under which 401  
the person or members of the person's immediate family do 402  
business; 403

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

arrangement, or facilitation of services or provision of goods on 428  
behalf of the business or profession of clients, including 429  
corporate clients, who are legislative agents. A person who files 430  
the statement under this section shall disclose the identity of 431  
and the amount of income received from a person who the public 432  
official or employee knows or has reason to know is doing or 433  
seeking to do business of any kind with the public official's or 434  
employee's agency. 435

(b) If the person filing the statement is a member of the 436  
general assembly, the statement shall identify every source of 437  
income and the amount of that income that was received from a 438  
legislative agent during the preceding calendar year, in the 439  
person's own name or by any other person for the person's use or 440  
benefit, by the person filing the statement, and a brief 441  
description of the nature of the services for which the income was 442  
received. Division (A)(2)(b) of this section requires the 443  
disclosure of clients of attorneys or persons licensed under 444  
section 4732.12 of the Revised Code, or patients of persons 445  
certified under section 4731.14 of the Revised Code, if those 446  
clients or patients are legislative agents. Division (A)(2)(b) of 447  
this section requires a person filing the statement who derives 448  
income from a business or profession to disclose those individual 449  
items of income that constitute the gross income of that business 450  
or profession that are received from legislative agents. 451

(c) Except as otherwise provided in division (A)(2)(c) of 452  
this section, division (A)(2)(a) of this section applies to 453  
attorneys, physicians, and other persons who engage in the 454  
practice of a profession and who, pursuant to a section of the 455  
Revised Code, the common law of this state, a code of ethics 456  
applicable to the profession, or otherwise, generally are required 457  
not to reveal, disclose, or use confidences of clients, patients, 458  
or other recipients of professional services except under 459

specified circumstances or generally are required to maintain 460  
those types of confidences as privileged communications except 461  
under specified circumstances. Division (A)(2)(a) of this section 462  
does not require an attorney, physician, or other professional 463  
subject to a confidentiality requirement as described in division 464  
(A)(2)(c) of this section to disclose the name, other identity, or 465  
address of a client, patient, or other recipient of professional 466  
services if the disclosure would threaten the client, patient, or 467  
other recipient of professional services, would reveal details of 468  
the subject matter for which legal, medical, or professional 469  
advice or other services were sought, or would reveal an otherwise 470  
privileged communication involving the client, patient, or other 471  
recipient of professional services. Division (A)(2)(a) of this 472  
section does not require an attorney, physician, or other 473  
professional subject to a confidentiality requirement as described 474  
in division (A)(2)(c) of this section to disclose in the brief 475  
description of the nature of services required by division 476  
(A)(2)(a) of this section any information pertaining to specific 477  
professional services rendered for a client, patient, or other 478  
recipient of professional services that would reveal details of 479  
the subject matter for which legal, medical, or professional 480  
advice was sought or would reveal an otherwise privileged 481  
communication involving the client, patient, or other recipient of 482  
professional services. 483

(3) The name of every corporation on file with the secretary 484  
of state that is incorporated in this state or holds a certificate 485  
of compliance authorizing it to do business in this state, trust, 486  
business trust, partnership, or association that transacts 487  
business in this state in which the person filing the statement or 488  
any other person for the person's use and benefit had during the 489  
preceding calendar year an investment of over one thousand dollars 490  
at fair market value as of the thirty-first day of December of the 491  
preceding calendar year, or the date of disposition, whichever is 492



earlier, or in which the person holds any office or has a 493  
fiduciary relationship, and a description of the nature of the 494  
investment, office, or relationship. Division (A)(3) of this 495  
section does not require disclosure of the name of any bank, 496  
savings and loan association, credit union, or building and loan 497  
association with which the person filing the statement has a 498  
deposit or a withdrawable share account. 499

(4) All fee simple and leasehold interests to which the 500  
person filing the statement holds legal title to or a beneficial 501  
interest in real property located within the state, excluding the 502  
person's residence and property used primarily for personal 503  
recreation; 504

(5) The names of all persons residing or transacting business 505  
in the state to whom the person filing the statement owes, in the 506  
person's own name or in the name of any other person, more than 507  
one thousand dollars. Division (A)(5) of this section shall not be 508  
construed to require the disclosure of debts owed by the person 509  
resulting from the ordinary conduct of a business or profession or 510  
debts on the person's residence or real property used primarily 511  
for personal recreation, except that the superintendent of 512  
financial institutions shall disclose the names of all 513  
state-chartered savings and loan associations and of all service 514  
corporations subject to regulation under division (E)(2) of 515  
section 1151.34 of the Revised Code to whom the superintendent in 516  
the superintendent's own name or in the name of any other person 517  
owes any money, and that the superintendent and any deputy 518  
superintendent of banks shall disclose the names of all 519  
state-chartered banks and all bank subsidiary corporations subject 520  
to regulation under section 1109.44 of the Revised Code to whom 521  
the superintendent or deputy superintendent owes any money. 522

(6) The names of all persons residing or transacting business 523  
in the state, other than a depository excluded under division 524

(A)(3) of this section, who owe more than one thousand dollars to 525  
the person filing the statement, either in the person's own name 526  
or to any person for the person's use or benefit. Division (A)(6) 527  
of this section shall not be construed to require the disclosure 528  
of clients of attorneys or persons licensed under section 4732.12 529  
or 4732.15 of the Revised Code, or patients of persons certified 530  
under section 4731.14 of the Revised Code, nor the disclosure of 531  
debts owed to the person resulting from the ordinary conduct of a 532  
business or profession. 533

(7) Except as otherwise provided in section 102.022 of the 534  
Revised Code, the source of each gift of over seventy-five 535  
dollars, or of each gift of over twenty-five dollars received by a 536  
member of the general assembly from a legislative agent, received 537  
by the person in the person's own name or by any other person for 538  
the person's use or benefit during the preceding calendar year, 539  
except gifts received by will or by virtue of section 2105.06 of 540  
the Revised Code, or received from spouses, parents, grandparents, 541  
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 542  
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 543  
fathers-in-law, mothers-in-law, or any person to whom the person 544  
filing the statement stands in loco parentis, or received by way 545  
of distribution from any inter vivos or testamentary trust 546  
established by a spouse or by an ancestor; 547

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

institution of higher education as defined in section 3345.011 of 557  
the Revised Code, pays membership dues, or any political 558  
subdivision or any office or agency of a political subdivision 559  
pays membership dues; 560

(9) Except as otherwise provided in section 102.022 of the 561  
Revised Code, identification of the source of payment of expenses 562  
for meals and other food and beverages, other than for meals and 563  
other food and beverages provided at a meeting at which the person 564  
participated in a panel, seminar, or speaking engagement or at a 565  
meeting or convention of a national or state organization to which 566  
any state agency, including, but not limited to, any legislative 567  
agency or state institution of higher education as defined in 568  
section 3345.011 of the Revised Code, pays membership dues, or any 569  
political subdivision or any office or agency of a political 570  
subdivision pays membership dues, that are incurred in connection 571  
with the person's official duties and that exceed one hundred 572  
dollars aggregated per calendar year; 573

(10) If the disclosure statement is filed by a public 574  
official or employee described in division (B)(2) of section 575  
101.73 of the Revised Code or division (B)(2) of section 121.63 of 576  
the Revised Code who receives a statement from a legislative 577  
agent, executive agency lobbyist, or employer that contains the 578  
information described in division (F)(2) of section 101.73 of the 579  
Revised Code or division (G)(2) of section 121.63 of the Revised 580  
Code, all of the nondisputed information contained in the 581  
statement delivered to that public official or employee by the 582  
legislative agent, executive agency lobbyist, or employer under 583  
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 584  
the Revised Code. 585

A person may file a statement required by this section in 586  
person or by mail. A person who is a candidate for elective office 587  
shall file the statement no later than the thirtieth day before 588

the primary, special, or general election at which the candidacy 589  
is to be voted on, whichever election occurs soonest, except that 590  
a person who is a write-in candidate shall file the statement no 591  
later than the twentieth day before the earliest election at which 592  
the person's candidacy is to be voted on. A person who holds 593  
elective office shall file the statement on or before the 594  
fifteenth day of April of each year unless the person is a 595  
candidate for office. A person who is appointed to fill a vacancy 596  
for an unexpired term in an elective office shall file the 597  
statement within fifteen days after the person qualifies for 598  
office. Other persons shall file an annual statement on or before 599  
the fifteenth day of April or, if appointed or employed after that 600  
date, within ninety days after appointment or employment. No 601  
person shall be required to file with the appropriate ethics 602  
commission more than one statement or pay more than one filing fee 603  
for any one calendar year. 604

The appropriate ethics commission, for good cause, may extend 605  
for a reasonable time the deadline for filing a statement under 606  
this section. 607

A statement filed under this section is subject to public 608  
inspection at locations designated by the appropriate ethics 609  
commission except as otherwise provided in this section. 610

(B) The Ohio ethics commission, the joint legislative ethics 611  
committee, and the board of commissioners on grievances and 612  
discipline of the supreme court, using the rule-making procedures 613  
of Chapter 119. of the Revised Code, may require any class of 614  
public officials or employees under its jurisdiction and not 615  
specifically excluded by this section whose positions involve a 616  
substantial and material exercise of administrative discretion in 617  
the formulation of public policy, expenditure of public funds, 618  
enforcement of laws and rules of the state or a county or city, or 619  
the execution of other public trusts, to file an annual statement 620

on or before the fifteenth day of April under division (A) of this 621  
section. The appropriate ethics commission shall send the public 622  
officials or employees written notice of the requirement by the 623  
fifteenth day of February of each year the filing is required 624  
unless the public official or employee is appointed after that 625  
date, in which case the notice shall be sent within thirty days 626  
after appointment, and the filing shall be made not later than 627  
ninety days after appointment. 628

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

statement, might interfere with the public interests the person is 654  
required to serve in the exercise of the person's authority and 655  
duties in the person's office or position of employment. If the 656  
commission determines that a potential conflict of interest 657  
exists, it shall notify the person who filed the disclosure 658  
statement and shall make the portions of the disclosure statement 659  
that indicate a potential conflict of interest subject to public 660  
inspection in the same manner as is provided for other disclosure 661  
statements. Any portion of the disclosure statement that the 662  
commission determines does not indicate a potential conflict of 663  
interest shall be kept confidential by the commission and shall 664  
not be made subject to public inspection, except as is necessary 665  
for the enforcement of Chapters 102. and 2921. of the Revised Code 666  
and except as otherwise provided in this division. 667

(C) No person shall knowingly fail to file, on or before the 668  
applicable filing deadline established under this section, a 669  
statement that is required by this section. 670

(D) No person shall knowingly file a false statement that is 671  
required to be filed under this section. 672

(E)(1) Except as provided in divisions (E)(2) and (3) of this 673  
section, the statement required by division (A) or (B) of this 674  
section shall be accompanied by a filing fee of forty dollars. 675

(2) The statement required by division (A) of this section 676  
shall be accompanied by the following filing fee to be paid by the 677  
person who is elected or appointed to, or is a candidate for, any 678  
of the following offices: 679

For state office, except member of the		680
state board of education	\$65	681
For office of member of general assembly	\$40	682
For county office	\$40	683
For city office	\$25	684

For office of member of the state board		685
of education	\$25	686
For office of member of the Ohio		687
livestock care standards board	\$25	688
For office of member of a city, local,		689
exempted village, or cooperative		690
education board of		691
education or educational service		692
center governing board	\$20	693
For position of business manager,		694
treasurer, or superintendent of a		695
city, local, exempted village, joint		696
vocational, or cooperative education		697
school district or		698
educational service center	\$20	699
(3) No judge of a court of record or candidate for judge of a		700
court of record, and no referee or magistrate serving a court of		701
record, shall be required to pay the fee required under division		702
(E)(1) or (2) or (F) of this section.		703
(4) For any public official who is appointed to a nonelective		704
office of the state and for any employee who holds a nonelective		705
position in a public agency of the state, the state agency that is		706
the primary employer of the state official or employee shall pay		707
the fee required under division (E)(1) or (F) of this section.		708
(F) If a statement required to be filed under this section is		709
not filed by the date on which it is required to be filed, the		710
appropriate ethics commission shall assess the person required to		711
file the statement a late filing fee of ten dollars for each day		712
the statement is not filed, except that the total amount of the		713
late filing fee shall not exceed two hundred fifty dollars.		714
(G)(1) The appropriate ethics commission other than the Ohio		715
ethics commission and the joint legislative ethics committee shall		716

deposit all fees it receives under divisions (E) and (F) of this 717  
section into the general revenue fund of the state. 718

(2) The Ohio ethics commission shall deposit all receipts, 719  
including, but not limited to, fees it receives under divisions 720  
(E) and (F) of this section and all moneys it receives from 721  
settlements under division (G) of section 102.06 of the Revised 722  
Code, into the Ohio ethics commission fund, which is hereby 723  
created in the state treasury. All moneys credited to the fund 724  
shall be used solely for expenses related to the operation and 725  
statutory functions of the commission. 726

(3) The joint legislative ethics committee shall deposit all 727  
receipts it receives from the payment of financial disclosure 728  
statement filing fees under divisions (E) and (F) of this section 729  
into the joint legislative ethics committee investigative fund. 730

(H) Division (A) of this section does not apply to a person 731  
elected or appointed to the office of precinct, ward, or district 732  
committee member under Chapter 3517. of the Revised Code; a 733  
presidential elector; a delegate to a national convention; village 734  
or township officials and employees; any physician or psychiatrist 735  
who is paid a salary or wage in accordance with schedule C of 736  
section 124.15 or schedule E-2 of section 124.152 of the Revised 737  
Code and whose primary duties do not require the exercise of 738  
administrative discretion; or any member of a board, commission, 739  
or bureau of any county or city who receives less than one 740  
thousand dollars per year for serving in that position. 741

**Sec. 109.91.** (A) There is hereby established within the 742  
office of the attorney general the crime victims assistance 743  
office. 744

(B) There is hereby established the state victims assistance 745  
advisory ~~committee~~ council. The ~~committee~~ council shall consist of 746  
a chairperson, to be appointed by the attorney general, three ex 747



officio members, and fifteen members to be appointed by the 748  
attorney general as follows: one member who represents the Ohio 749  
victim-witness association; three members who represent local 750  
victim assistance programs, including one from a municipally 751  
operated program and one from a county-operated program; one 752  
member who represents the interests of elderly victims; one member 753  
who is a board member of any statewide or local organization that 754  
exists primarily to aid victims of domestic violence, or who is an 755  
employee of, or counselor for, such an organization; one member 756  
who is an employee or officer of a county probation department or 757  
a probation department operated by the department of 758  
rehabilitation and correction; one member who is a county 759  
prosecuting attorney; one member who is a city law director; one 760  
member who is a county sheriff; one member who is a member or 761  
officer of a township or municipal police department; one member 762  
who is a court of common pleas judge; one member who is a 763  
municipal court judge or county court judge; and two members who 764  
are private citizens and are not government employees. 765

The ~~committee~~ council shall include the following ex officio, 766  
nonvoting members: the attorney general, one member of the senate 767  
to be designated by the president of the senate, and one member of 768  
the house of representatives to be designated by the speaker of 769  
the house. 770

Members of the ~~committee~~ council shall serve without 771  
compensation, but shall be reimbursed for travel and other 772  
necessary expenses that are incurred in the conduct of their 773  
official duties as members of the ~~committee~~ council. The 774  
chairperson and members of the ~~committee~~ council appointed by the 775  
attorney general shall serve at the pleasure of the attorney 776  
general. The attorney general shall serve on the ~~committee~~ council 777  
until the end of the term of office that qualified the attorney 778  
general for membership on the ~~committee~~ council. The member of the 779

senate and the member of the house of representatives shall serve 780  
at the pleasure of the president of the senate and the speaker of 781  
the house of representatives, respectively. 782

(C) The victims assistance advisory ~~committee~~ council shall 783  
perform both of the following duties: 784

(1) Advise the crime victims assistance office in determining 785  
crime and delinquency victim service needs, determining crime and 786  
delinquency victim policies for the state, and improving and 787  
exercising leadership in the quality of crime and delinquency 788  
victim programs in the state; 789

(2) Review and recommend to the crime victims assistance 790  
office the victim assistance programs that should be considered 791  
for the receipt of state financial assistance pursuant to section 792  
109.92 of the Revised Code. The financial assistance allocation 793  
recommendations of the ~~committee~~ council shall be based on the 794  
following priorities: 795

(a) Programs in existence on July 1, 1985, shall be given 796  
first priority; 797

(b) Programs offering or proposing to offer the broadest 798  
range of services and referrals to the community served, including 799  
medical, psychological, financial, educational, vocational, and 800  
legal services that were not in existence on July 1, 1985, shall 801  
be given second priority; 802

(c) Other qualified programs shall be given last priority. 803

(D) As used in this section and section 109.92 of the Revised 804  
Code, "victim assistance program" includes, but is not limited to 805  
a program that provides at least one of the following: 806

(1) Services to victims of any offense of violence or 807  
delinquent act that would be an offense of violence if committed 808  
by an adult; 809

(2) Financial assistance or property repair services to victims of crime or delinquent acts; 810  
811

(3) Assistance to victims of crime or delinquent acts in judicial proceedings; 812  
813

(4) Assistance to victims of crime or delinquent acts under the operation of any political subdivision of the state or a branch of the criminal justice system set forth in division (B)(1)(a), (b), or (c) of section 5502.61 of the Revised Code; 814  
815  
816  
817

(5) Technical assistance to persons or organizations that provide services to victims of crime or delinquent acts under the operation of a branch of the criminal justice system set forth in division (B)(1)(a), (b), or (c) of section 5502.61 of the Revised Code. 818  
819  
820  
821  
822

A victim assistance program does not include the program for the reparation of crime victims established pursuant to Chapter 2743. of the Revised Code. 823  
824  
825

**Sec. 121.32.** The commission on Hispanic-Latino affairs shall: 826  
827

(A) Gather and disseminate information and conduct hearings, conferences, investigations, and special studies on problems and programs concerning Spanish-speaking people; 828  
829  
830

(B) Secure appropriate recognition of the accomplishments and contributions of Spanish-speaking people to this state; 831  
832

(C) Stimulate public awareness of the problems of Spanish-speaking people by conducting a program of public education; 833  
834  
835

(D) Develop, coordinate, and assist other public and private organizations that serve Spanish-speaking people, including the conducting of training programs for community leadership and service project staff; 836  
837  
838  
839

(E) Advise the governor, general assembly, and state 840  
departments and agencies of the nature, magnitude, and priorities 841  
of the problems of Spanish-speaking people; 842

(F) Advise the governor, general assembly, and state 843  
departments and agencies on, and assist in the development and 844  
implementation of, comprehensive and coordinated policies, 845  
programs, and procedures focusing on the special problems and 846  
needs of Spanish-speaking people, especially in the fields of 847  
education, employment, energy, health, housing, welfare, and 848  
recreation; 849

(G) Propose new programs concerning Spanish-speaking people 850  
to public and private agencies and evaluate for such agencies 851  
existing programs or prospective legislation concerning 852  
Spanish-speaking people; 853

(H) Review and approve grants to be made from federal, state, 854  
or private funds which are administered or subcontracted by the 855  
office of Spanish-speaking affairs; 856

(I) Review and approve the annual report prepared by the 857  
office of Spanish-speaking affairs; 858

~~(J) Create an interagency council consisting of the following 859  
persons or their authorized representatives: one member of the 860  
senate appointed by the president of the senate; one member of the 861  
house of representatives appointed by the speaker of the house of 862  
representatives; the directors of administrative services, 863  
agriculture, education, development, health, highway safety, job 864  
and family services, liquor control, mental health, developmental 865  
disabilities, natural resources, rehabilitation and correction, 866  
youth services, transportation, environmental protection, and 867  
budget and management; the chairperson of the Ohio civil rights 868  
commission, the administrators of the bureau of workers' 869  
compensation and the rehabilitation services commission, and an 870~~

~~additional member of the governor's cabinet appointed by the~~ 871  
~~governor. The commission on Hispanic Latino affairs, by rule, may~~ 872  
~~designate other state officers or their representatives to be~~ 873  
~~members of the council. The director of the commission shall be~~ 874  
~~the chairperson of the council.~~ 875

~~The interagency council shall provide~~ Provide and coordinate 876  
the exchange of information relative to the needs of 877  
Spanish-speaking people and promote the delivery of state services 878  
to such people. ~~The council shall meet at the call of the~~ 879  
~~chairperson.~~ 880

**Sec. 127.14.** The controlling board may, at the request of any 881  
state agency or the director of budget and management, authorize, 882  
with respect to the provisions of any appropriation act: 883

(A) Transfers of all or part of an appropriation within but 885  
not between state agencies, except such transfers as the director 886  
of budget and management is authorized by law to make, provided 887  
that no transfer shall be made by the director for the purpose of 888  
effecting new or changed levels of program service not authorized 889  
by the general assembly; 890

(B) Transfers of all or part of an appropriation from one 891  
fiscal year to another; 892

(C) Transfers of all or part of an appropriation within or 893  
between state agencies made necessary by administrative 894  
reorganization or by the abolition of an agency or part of an 895  
agency; 896

(D) Transfers of all or part of cash balances in excess of 897  
needs from any fund of the state to the general revenue fund or to 898  
such other fund of the state to which the money would have been 899  
credited in the absence of the fund from which the transfers are 900

authorized to be made, except that the controlling board may not 901  
authorize such transfers from the accrued leave liability fund, 902  
auto registration distribution fund, budget stabilization fund, 903  
development bond retirement fund, facilities establishment fund, 904  
gasoline excise tax fund, general revenue fund, higher education 905  
improvement fund, highway improvement bond retirement fund, 906  
highway obligations bond retirement fund, highway capital 907  
improvement fund, highway operating fund, horse racing tax fund, 908  
improvements bond retirement fund, public library fund, liquor 909  
control fund, local government fund, local transportation 910  
improvement program fund, mental health facilities improvement 911  
fund, Ohio fairs fund, parks and recreation improvement fund, 912  
public improvements bond retirement fund, school district income 913  
tax fund, state agency facilities improvement fund, state and 914  
local government highway distribution fund, state highway safety 915  
fund, state lottery fund, undivided liquor permit fund, Vietnam 916  
conflict compensation bond retirement fund, volunteer fire 917  
fighters' dependents fund, waterways safety fund, wildlife fund, 918  
workers' compensation fund, ~~workers' compensation council~~ 919  
~~remuneration fund~~, or any fund not specified in this division that 920  
the director of budget and management determines to be a bond fund 921  
or bond retirement fund; 922

(E) Transfers of all or part of those appropriations included 923  
in the emergency purposes account of the controlling board; 924

(F) Temporary transfers of all or part of an appropriation or 925  
other moneys into and between existing funds, or new funds, as may 926  
be established by law when needed for capital outlays for which 927  
notes or bonds will be issued; 928

(G) Transfer or release of all or part of an appropriation to 929  
a state agency requiring controlling board approval of such 930  
transfer or release as provided by law; 931

(H) Temporary transfer of funds included in the emergency 932

purposes appropriation of the controlling board. Such temporary 933  
transfers may be made subject to conditions specified by the 934  
controlling board at the time temporary transfers are authorized. 935  
No transfers shall be made under this division for the purpose of 936  
effecting new or changed levels of program service not authorized 937  
by the general assembly. 938

As used in this section, "request" means an application by a 939  
state agency or the director of budget and management seeking some 940  
action by the controlling board. 941

When authorizing the transfer of all or part of an 942  
appropriation under this section, the controlling board may 943  
authorize the transfer to an existing appropriation item and the 944  
creation of and transfer to a new appropriation item. 945

Whenever there is a transfer of all or part of funds included 946  
in the emergency purposes appropriation by the controlling board, 947  
pursuant to division (E) of this section, the state agency or the 948  
director of budget and management receiving such transfer shall 949  
keep a detailed record of the use of the transferred funds. At the 950  
earliest scheduled meeting of the controlling board following the 951  
accomplishment of the purposes specified in the request originally 952  
seeking the transfer, or following the total expenditure of the 953  
transferred funds for the specified purposes, the state agency or 954  
the director of budget and management shall submit a report on the 955  
expenditure of such funds to the board. The portion of any 956  
appropriation so transferred which is not required to accomplish 957  
the purposes designated in the original request to the controlling 958  
board shall be returned to the proper appropriation of the 959  
controlling board at this time. 960

Notwithstanding any provisions of law providing for the 961  
deposit of revenues received by a state agency to the credit of a 962  
particular fund in the state treasury, whenever there is a 963  
temporary transfer of funds included in the emergency purposes 964

appropriation of the controlling board pursuant to division (H) of 965  
this section, revenues received by any state agency receiving such 966  
a temporary transfer of funds shall, as directed by the 967  
controlling board, be transferred back to the emergency purposes 968  
appropriation. 969

The board may delegate to the director of budget and 970  
management authority to approve transfers among items of 971  
appropriation under division (A) of this section. 972

**Sec. 173.03.** (A) There is hereby created the Ohio advisory 973  
council for the aging, which shall consist of twelve members to be 974  
appointed by the governor with the advice and consent of the 975  
senate. Two ex officio members of the council shall be members of 976  
the house of representatives appointed by the speaker of the house 977  
of representatives and shall be members of two different political 978  
parties. Two ex officio members of the council shall be members of 979  
the senate appointed by the president of the senate and shall be 980  
members of two different political parties. The directors of 981  
mental health, developmental disabilities, health, and job and 982  
family services, or their designees, shall serve as ex officio 983  
members of the council. The council shall carry out its role as 984  
defined under the "Older Americans Act of 1965," 79 Stat. 219, 42 985  
U.S.C. 3001, as amended. 986

At the first meeting of the council, and annually thereafter, 987  
the members shall select one of their members to serve as 988  
chairperson and one of their members to serve as vice-chairperson. 989

(B) Members of the council shall be appointed for a term of 990  
three years, except that for the first appointment members of the 991  
Ohio commission on aging who were serving on the commission 992  
immediately prior to July 26, 1984, shall become members of the 993  
council for the remainder of their unexpired terms. Thereafter, 994  
appointment to the council shall be for a three-year term by the 995



governor. Each member shall hold office from the date of 996  
appointment until the end of the term for which the member was 997  
appointed. Any member appointed to fill a vacancy occurring prior 998  
to the expiration of the term for which the member's predecessor 999  
was appointed shall hold office for the remainder of the term. ~~Any~~ 1000  
No member may shall continue in office subsequent to the 1001  
expiration date of the member's term ~~until a successor takes~~ 1002  
~~office and shall be compensated for the period served between the~~ 1003  
~~expiration of the member's term and the beginning of the~~ 1004  
~~successor's term unless reappointed under the provisions of this~~ 1005  
section, and no member shall serve more than three consecutive 1006  
terms on the council. 1007

(C) Membership of the council shall represent all areas of 1008  
Ohio and shall be as follows: 1009

(1) A majority of members of the council shall have attained 1010  
the age of sixty and have a knowledge of and continuing interest 1011  
in the affairs and welfare of the older citizens of Ohio. The 1012  
fields of business, labor, health, law, and human services shall 1013  
be represented in the membership. 1014

(2) No more than seven members shall be of the same political 1015  
party. 1016

(D) Any member of the council may be removed from office by 1017  
the governor for neglect of duty, misconduct, or malfeasance in 1018  
office after being informed in writing of the charges and afforded 1019  
an opportunity for a hearing. Two consecutive unexcused absences 1020  
from regularly scheduled meetings constitute neglect of duty. 1021

~~(E) Members of the council shall be compensated at the rate~~ 1022  
~~of fifty dollars for each day actually employed in the discharge~~ 1023  
~~of official duties but not to exceed two thousand dollars per year~~ 1024  
~~and in addition shall be allowed actual and necessary expenses~~ The 1025  
director of aging may reimburse a member for actual and necessary 1026

traveling and other expenses incurred in the discharge of official 1027  
duties. But reimbursement shall be made in the manner and at rates 1028  
that do not exceed those prescribed by the director of budget and 1029  
management for any officer, member, or employee of, or consultant 1030  
to, any state agency. 1031

(F) Council members are not limited as to the number of terms 1032  
they may serve. 1033

~~(G) Council members shall not be interested directly or~~ 1034  
~~indirectly in any contract awarded by the department of aging (1)~~ 1035  
The department of aging may award grants to or enter into 1036  
contracts with a member of the advisory council or an entity that 1037  
the member represents if any of the following apply: 1038

(a) The department determines that the member or the entity 1039  
the member represents is capable of providing the goods or 1040  
services specified under the terms of the grant or contract. 1041

(b) The member has not taken part in any discussion or vote 1042  
of the council related to whether the council should recommend 1043  
that the department of aging award the grant to or enter into the 1044  
contract with the member of the advisory council or the entity 1045  
that the member represents. 1046

(2) A member of the advisory council is not in violation of 1047  
Chapter 102. or section 2921.42 of the Revised Code with regard to 1048  
receiving a grant or entering into a contract under this section 1049  
if the conditions of division (G)(1)(a) and (b) of this section 1050  
have been met. 1051

**Sec. 173.04.** (A) As used in this section, "respite care" 1052  
means short-term, temporary care or supervision provided to a 1053  
person who has Alzheimer's disease in the absence of the person 1054  
who normally provides that care or supervision. 1055

(B) Through the internet web site maintained by the 1056

department of aging, the director of aging shall disseminate 1057  
Alzheimer's disease training materials for licensed physicians, 1058  
registered nurses, licensed practical nurses, administrators of 1059  
health care programs, social workers, and other health care and 1060  
social service personnel who participate or assist in the care or 1061  
treatment of persons who have Alzheimer's disease. The training 1062  
materials disseminated through the web site may be developed by 1063  
the director or obtained from other sources. 1064

(C) To the extent funds are available, the director shall 1065  
administer respite care programs and other supportive services for 1066  
persons who have Alzheimer's disease and their families or care 1067  
givers. Respite care programs shall be approved by the director 1068  
and shall be provided for the following purposes: 1069

(1) Giving persons who normally provide care or supervision 1070  
for a person who has Alzheimer's disease relief from the stresses 1071  
and responsibilities that result from providing such care; 1072

(2) Preventing or reducing inappropriate institutional care 1073  
and enabling persons who have Alzheimer's disease to remain at 1074  
home as long as possible. 1075

(D) The director may provide services under this section to 1076  
persons with Alzheimer's disease and their families regardless of 1077  
the age of the persons with Alzheimer's disease. 1078

(E) The director ~~shall~~ may adopt rules in accordance with 1079  
Chapter 119. of the Revised Code governing respite care programs 1080  
and other supportive services, the distribution of funds, and the 1081  
purpose for which funds may be utilized under this section. 1082

~~(F) The director may create an Alzheimer's disease and 1083  
related disorders task force to advise the director on the 1084  
following: 1085~~

~~(1) The rights of persons with Alzheimer's disease and 1086  
related disorders; 1087~~

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

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

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

**Sec. 2953.08.** (A) In addition to any other right to appeal and except as provided in division (D) of this section, a defendant who is convicted of or pleads guilty to a felony may appeal as a matter of right the sentence imposed upon the defendant on one of the following grounds:

(1) The sentence consisted of or included the maximum prison term allowed for the offense by division (A) of section 2929.14 or section 2929.142 of the Revised Code, the sentence was not imposed pursuant to division (D)(3)(b) of section 2929.14 of the Revised Code, the maximum prison term was not required for the offense pursuant to Chapter 2925. or any other provision of the Revised Code, and the court imposed the sentence under one of the following circumstances:

(a) The sentence was imposed for only one offense.

(b) The sentence was imposed for two or more offenses arising out of a single incident, and the court imposed the maximum prison term for the offense of the highest degree.

(2) The sentence consisted of or included a prison term, the offense for which it was imposed is a felony of the fourth or fifth degree or is a felony drug offense that is a violation of a provision of Chapter 2925. of the Revised Code and that is specified as being subject to division (B) of section 2929.13 of

the Revised Code for purposes of sentencing, and the court did not 1118  
specify at sentencing that it found one or more factors specified 1119  
in divisions (B)(1)(a) to (i) of section 2929.13 of the Revised 1120  
Code to apply relative to the defendant. If the court specifies 1121  
that it found one or more of those factors to apply relative to 1122  
the defendant, the defendant is not entitled under this division 1123  
to appeal as a matter of right the sentence imposed upon the 1124  
offender. 1125

(3) The person was convicted of or pleaded guilty to a 1126  
violent sex offense or a designated homicide, assault, or 1127  
kidnapping offense, was adjudicated a sexually violent predator in 1128  
relation to that offense, and was sentenced pursuant to division 1129  
(A)(3) of section 2971.03 of the Revised Code, if the minimum term 1130  
of the indefinite term imposed pursuant to division (A)(3) of 1131  
section 2971.03 of the Revised Code is the longest term available 1132  
for the offense from among the range of terms listed in section 1133  
2929.14 of the Revised Code. As used in this division, "designated 1134  
homicide, assault, or kidnapping offense" and "violent sex 1135  
offense" have the same meanings as in section 2971.01 of the 1136  
Revised Code. As used in this division, "adjudicated a sexually 1137  
violent predator" has the same meaning as in section 2929.01 of 1138  
the Revised Code, and a person is "adjudicated a sexually violent 1139  
predator" in the same manner and the same circumstances as are 1140  
described in that section. 1141

(4) The sentence is contrary to law. 1142

(5) The sentence consisted of an additional prison term of 1143  
ten years imposed pursuant to division (D)(2)(a) of section 1144  
2929.14 of the Revised Code. 1145

(6) The sentence consisted of an additional prison term of 1146  
ten years imposed pursuant to division (D)(3)(b) of section 1147  
2929.14 of the Revised Code. 1148

(B) In addition to any other right to appeal and except as 1149  
provided in division (D) of this section, a prosecuting attorney, 1150  
a city director of law, village solicitor, or similar chief legal 1151  
officer of a municipal corporation, or the attorney general, if 1152  
one of those persons prosecuted the case, may appeal as a matter 1153  
of right a sentence imposed upon a defendant who is convicted of 1154  
or pleads guilty to a felony or, in the circumstances described in 1155  
division (B)(3) of this section the modification of a sentence 1156  
imposed upon such a defendant, on any of the following grounds: 1157

(1) The sentence did not include a prison term despite a 1158  
presumption favoring a prison term for the offense for which it 1159  
was imposed, as set forth in section 2929.13 or Chapter 2925. of 1160  
the Revised Code. 1161

(2) The sentence is contrary to law. 1162

(3) The sentence is a modification under section 2929.20 of 1163  
the Revised Code of a sentence that was imposed for a felony of 1164  
the first or second degree. 1165

(C)(1) In addition to the right to appeal a sentence granted 1166  
under division (A) or (B) of this section, a defendant who is 1167  
convicted of or pleads guilty to a felony may seek leave to appeal 1168  
a sentence imposed upon the defendant on the basis that the 1169  
sentencing judge has imposed consecutive sentences under division 1170  
(E)(3) or (4) of section 2929.14 of the Revised Code and that the 1171  
consecutive sentences exceed the maximum prison term allowed by 1172  
division (A) of that section for the most serious offense of which 1173  
the defendant was convicted. Upon the filing of a motion under 1174  
this division, the court of appeals may grant leave to appeal the 1175  
sentence if the court determines that the allegation included as 1176  
the basis of the motion is true. 1177

(2) A defendant may seek leave to appeal an additional 1178  
sentence imposed upon the defendant pursuant to division (D)(2)(a) 1179

or (b) of section 2929.14 of the Revised Code if the additional 1180  
sentence is for a definite prison term that is longer than five 1181  
years. 1182

(D)(1) A sentence imposed upon a defendant is not subject to 1183  
review under this section if the sentence is authorized by law, 1184  
has been recommended jointly by the defendant and the prosecution 1185  
in the case, and is imposed by a sentencing judge. 1186

(2) Except as provided in division (C)(2) of this section, a 1187  
sentence imposed upon a defendant is not subject to review under 1188  
this section if the sentence is imposed pursuant to division 1189  
(D)(2)(b) of section 2929.14 of the Revised Code. Except as 1190  
otherwise provided in this division, a defendant retains all 1191  
rights to appeal as provided under this chapter or any other 1192  
provision of the Revised Code. A defendant has the right to appeal 1193  
under this chapter or any other provision of the Revised Code the 1194  
court's application of division (D)(2)(c) of section 2929.14 of 1195  
the Revised Code. 1196

(3) A sentence imposed for aggravated murder or murder 1197  
pursuant to sections 2929.02 to 2929.06 of the Revised Code is not 1198  
subject to review under this section. 1199

(E) A defendant, prosecuting attorney, city director of law, 1200  
village solicitor, or chief municipal legal officer shall file an 1201  
appeal of a sentence under this section to a court of appeals 1202  
within the time limits specified in Rule 4(B) of the Rules of 1203  
Appellate Procedure, provided that if the appeal is pursuant to 1204  
division (B)(3) of this section, the time limits specified in that 1205  
rule shall not commence running until the court grants the motion 1206  
that makes the sentence modification in question. A sentence 1207  
appeal under this section shall be consolidated with any other 1208  
appeal in the case. If no other appeal is filed, the court of 1209  
appeals may review only the portions of the trial record that 1210  
pertain to sentencing. 1211

(F) On the appeal of a sentence under this section, the 1212  
record to be reviewed shall include all of the following, as 1213  
applicable: 1214

(1) Any presentence, psychiatric, or other investigative 1215  
report that was submitted to the court in writing before the 1216  
sentence was imposed. An appellate court that reviews a 1217  
presentence investigation report prepared pursuant to section 1218  
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in 1219  
connection with the appeal of a sentence under this section shall 1220  
comply with division (D)(3) of section 2951.03 of the Revised Code 1221  
when the appellate court is not using the presentence 1222  
investigation report, and the appellate court's use of a 1223  
presentence investigation report of that nature in connection with 1224  
the appeal of a sentence under this section does not affect the 1225  
otherwise confidential character of the contents of that report as 1226  
described in division (D)(1) of section 2951.03 of the Revised 1227  
Code and does not cause that report to become a public record, as 1228  
defined in section 149.43 of the Revised Code, following the 1229  
appellate court's use of the report. 1230

(2) The trial record in the case in which the sentence was 1231  
imposed; 1232

(3) Any oral or written statements made to or by the court at 1233  
the sentencing hearing at which the sentence was imposed; 1234

(4) Any written findings that the court was required to make 1235  
in connection with the modification of the sentence pursuant to a 1236  
judicial release under division (I) of section 2929.20 of the 1237  
Revised Code. 1238

(G)(1) If the sentencing court was required to make the 1239  
findings required by division (B) or (D) of section 2929.13, 1240  
division (D)(2)(e) or (E)(4) of section 2929.14, or division (I) 1241  
of section 2929.20 of the Revised Code relative to the imposition 1242



or modification of the sentence, and if the sentencing court 1243  
failed to state the required findings on the record, the court 1244  
hearing an appeal under division (A), (B), or (C) of this section 1245  
shall remand the case to the sentencing court and instruct the 1246  
sentencing court to state, on the record, the required findings. 1247

(2) The court hearing an appeal under division (A), (B), or 1248  
(C) of this section shall review the record, including the 1249  
findings underlying the sentence or modification given by the 1250  
sentencing court. 1251

The appellate court may increase, reduce, or otherwise modify 1252  
a sentence that is appealed under this section or may vacate the 1253  
sentence and remand the matter to the sentencing court for 1254  
resentencing. The appellate court's standard for review is not 1255  
whether the sentencing court abused its discretion. The appellate 1256  
court may take any action authorized by this division if it 1257  
clearly and convincingly finds either of the following: 1258

(a) That the record does not support the sentencing court's 1259  
findings under division (B) or (D) of section 2929.13, division 1260  
(D)(2)(e) or (E)(4) of section 2929.14, or division (I) of section 1261  
2929.20 of the Revised Code, whichever, if any, is relevant; 1262

(b) That the sentence is otherwise contrary to law. 1263

(H) A judgment or final order of a court of appeals under 1264  
this section may be appealed, by leave of court, to the supreme 1265  
court. 1266

(I)(1) There is hereby established the felony sentence appeal 1267  
cost oversight committee, consisting of eight members. One member 1268  
shall be the chief justice of the supreme court or a 1269  
representative of the court designated by the chief justice, one 1270  
member shall be a member of the senate appointed by the president 1271  
of the senate, one member shall be a member of the house of 1272  
representatives appointed by the speaker of the house of 1273

representatives, one member shall be the director of budget and 1274  
management or a representative of the office of budget and 1275  
management designated by the director, one member shall be a judge 1276  
of a court of appeals, court of common pleas, municipal court, or 1277  
county court appointed by the chief justice of the supreme court, 1278  
one member shall be the state public defender or a representative 1279  
of the office of the state public defender designated by the state 1280  
public defender, one member shall be a prosecuting attorney 1281  
appointed by the Ohio prosecuting attorneys association, and one 1282  
member shall be a county commissioner appointed by the county 1283  
commissioners association of Ohio. No more than three of the 1284  
appointed members of the committee may be members of the same 1285  
political party. 1286

The president of the senate, the speaker of the house of 1287  
representatives, the chief justice of the supreme court, the Ohio 1288  
prosecuting attorneys association, and the county commissioners 1289  
association of Ohio shall make the initial appointments to the 1290  
committee of the appointed members no later than ninety days after 1291  
July 1, 1996. Of those initial appointments to the committee, the 1292  
members appointed by the speaker of the house of representatives 1293  
and the Ohio prosecuting attorneys association shall serve a term 1294  
ending two years after July 1, 1996, the member appointed by the 1295  
chief justice of the supreme court shall serve a term ending three 1296  
years after July 1, 1996, and the members appointed by the 1297  
president of the senate and the county commissioners association 1298  
of Ohio shall serve terms ending four years after July 1, 1996. 1299  
Thereafter, terms of office of the appointed members shall be for 1300  
four years, with each term ending on the same day of the same 1301  
month as did the term that it succeeds. Members may be 1302  
reappointed. Vacancies shall be filled in the same manner provided 1303  
for original appointments. A member appointed to fill a vacancy 1304  
occurring prior to the expiration of the term for which that 1305  
member's predecessor was appointed shall hold office as a member 1306

for the remainder of the predecessor's term. An appointed member 1307  
shall continue in office subsequent to the expiration date of that 1308  
member's term until that member's successor takes office or until 1309  
a period of sixty days has elapsed, whichever occurs first. 1310

If the chief justice of the supreme court, the director of 1311  
the office of budget and management, or the state public defender 1312  
serves as a member of the committee, that person's term of office 1313  
as a member shall continue for as long as that person holds office 1314  
as chief justice, director of the office of budget and management, 1315  
or state public defender. If the chief justice of the supreme 1316  
court designates a representative of the court to serve as a 1317  
member, the director of budget and management designates a 1318  
representative of the office of budget and management to serve as 1319  
a member, or the state public defender designates a representative 1320  
of the office of the state public defender to serve as a member, 1321  
the person so designated shall serve as a member of the commission 1322  
for as long as the official who made the designation holds office 1323  
as chief justice, director of the office of budget and management, 1324  
or state public defender or until that official revokes the 1325  
designation. 1326

The chief justice of the supreme court or the representative 1327  
of the supreme court appointed by the chief justice shall serve as 1328  
chairperson of the committee. The committee shall meet within two 1329  
weeks after all appointed members have been appointed and shall 1330  
organize as necessary. Thereafter, the committee shall meet at 1331  
least once every six months or more often upon the call of the 1332  
chairperson or the written request of three or more members, 1333  
provided that the committee shall not meet unless moneys have been 1334  
appropriated to the judiciary budget administered by the supreme 1335  
court specifically for the purpose of providing financial 1336  
assistance to counties under division (I)(2) of this section and 1337  
the moneys so appropriated then are available for that purpose. 1338

The members of the committee shall serve without 1339  
compensation, but, if moneys have been appropriated to the 1340  
judiciary budget administered by the supreme court specifically 1341  
for the purpose of providing financial assistance to counties 1342  
under division (I)(2) of this section, each member shall be 1343  
reimbursed out of the moneys so appropriated that then are 1344  
available for actual and necessary expenses incurred in the 1345  
performance of official duties as a committee member. 1346

(2) ~~The state criminal sentencing commission periodically~~ 1347  
~~shall provide to the felony sentence appeal cost oversight~~ 1348  
~~committee all data the commission collects pursuant to division~~ 1349  
~~(A)(5) of section 181.25 of the Revised Code. Upon receipt of the~~ 1350  
~~data from the state criminal sentencing commission, the felony~~ 1351  
~~sentence appeal cost oversight committee periodically shall review~~ 1352  
~~the data;~~ determine whether any money has been appropriated to the 1353  
judiciary budget administered by the supreme court specifically 1354  
for the purpose of providing state financial assistance to 1355  
counties in accordance with this division for the increase in 1356  
expenses the counties experience as a result of the felony 1357  
sentence appeal provisions set forth in this section or as a 1358  
result of a postconviction relief proceeding brought under 1359  
division (A)(2) of section 2953.21 of the Revised Code or an 1360  
appeal of a judgment in that proceeding; if it determines that any 1361  
money has been so appropriated, determine the total amount of 1362  
moneys that have been so appropriated specifically for that 1363  
purpose and that then are available for that purpose; and develop 1364  
a recommended method of distributing those moneys to the counties. 1365  
The committee shall send a copy of its recommendation to the 1366  
supreme court. Upon receipt of the committee's recommendation, the 1367  
supreme court shall distribute to the counties, based upon that 1368  
recommendation, the moneys that have been so appropriated 1369  
specifically for the purpose of providing state financial 1370  
assistance to counties under this division and that then are 1371

available for that purpose. 1372

**Sec. 3302.021.** (A) Not earlier than July 1, 2005, and not 1373  
later than July 1, 2007, the department of education shall 1374  
implement a value-added progress dimension for school districts 1375  
and buildings and shall incorporate the value-added progress 1376  
dimension into the report cards and performance ratings issued for 1377  
districts and buildings under section 3302.03 of the Revised Code. 1378

The state board of education shall adopt rules, pursuant to 1379  
Chapter 119. of the Revised Code, for the implementation of the 1380  
value-added progress dimension. In adopting rules, the state board 1381  
shall consult with the Ohio accountability task force established 1382  
under division (E) of this section. The rules adopted under this 1383  
division shall specify both of the following: 1384

(1) A scale for describing the levels of academic progress in 1385  
reading and mathematics relative to a standard year of academic 1386  
growth in those subjects for each of grades three through eight; 1387

(2) That the department shall maintain the confidentiality of 1388  
individual student test scores and individual student reports in 1389  
accordance with sections 3301.0711, 3301.0714, and 3319.321 of the 1390  
Revised Code and federal law. The department may require school 1391  
districts to use a unique identifier for each student for this 1392  
purpose. Individual student test scores and individual student 1393  
reports shall be made available only to a student's classroom 1394  
teacher and other appropriate educational personnel and to the 1395  
student's parent or guardian. 1396

(B) The department shall use a system designed for collecting 1397  
necessary data, calculating the value-added progress dimension, 1398  
analyzing data, and generating reports, which system has been used 1399  
previously by a ~~non-profit~~ nonprofit organization led by the Ohio 1400  
business community for at least one year in the operation of a 1401  
pilot program in cooperation with school districts to collect and 1402

report student achievement data via electronic means and to 1403  
provide information to the districts regarding the academic 1404  
performance of individual students, grade levels, school 1405  
buildings, and the districts as a whole. 1406

(C) The department shall not pay more than two dollars per 1407  
student for data analysis and reporting to implement the 1408  
value-added progress dimension in the same manner and with the 1409  
same services as under the pilot program described by division (B) 1410  
of this section. However, nothing in this section shall preclude 1411  
the department or any school district from entering into a 1412  
contract for the provision of more services at a higher fee per 1413  
student. Any data analysis conducted under this section by an 1414  
entity under contract with the department shall be completed in 1415  
accordance with timelines established by the superintendent of 1416  
public instruction. 1417

(D) The department shall share any aggregate student data and 1418  
any calculation, analysis, or report utilizing aggregate student 1419  
data that is generated under this section with the chancellor of 1420  
the Ohio board of regents. The department shall not share 1421  
individual student test scores and individual student reports with 1422  
the chancellor. 1423

(E)(1) There is hereby established the Ohio accountability 1424  
task force. The task force shall consist of the following thirteen 1425  
members: 1426

(a) The chairpersons and ranking minority members of the 1427  
house of representatives and senate standing committees primarily 1428  
responsible for education legislation, who shall be nonvoting 1429  
members; 1430

(b) One representative of the governor's office, appointed by 1431  
the governor; 1432

(c) The superintendent of public instruction, or the 1433

superintendent's designee; 1434

(d) One representative of teacher employee organizations 1435  
formed pursuant to Chapter 4117. of the Revised Code, appointed by 1436  
the speaker of the house of representatives; 1437

(e) One representative of school district boards of 1438  
education, appointed by the president of the senate; 1439

(f) One school district superintendent, appointed by the 1440  
speaker of the house of representatives; 1441

(g) One representative of business, appointed by the 1442  
president of the senate; 1443

(h) One representative of a ~~non-profit~~ nonprofit organization 1444  
led by the Ohio business community, appointed by the governor; 1445

(i) One school building principal, appointed by the president 1446  
of the senate; 1447

(j) A member of the state board of education, appointed by 1448  
the speaker of the house of representatives. 1449

Initial appointed members of the task force shall serve until 1450  
January 1, 2005. Thereafter, terms of office for appointed members 1451  
shall be for two years, each term ending on the same day of the 1452  
same month as did the term that it succeeds. Each appointed member 1453  
shall hold office from the date of appointment until the end of 1454  
the term for which the member was appointed. Members may be 1455  
reappointed. Vacancies shall be filled in the same manner as the 1456  
original appointment. Any member appointed to fill a vacancy 1457  
occurring prior to the expiration of the term for which the 1458  
member's predecessor was appointed shall hold office for the 1459  
remainder of that term. 1460

The task force shall select from among its members a 1461  
chairperson. The task force shall meet at least ~~six times~~ once 1462  
each calendar year and at other times upon the call of the 1463

chairperson to conduct its business. Members of the task force 1464  
shall serve without compensation. 1465

(2) The task force shall do all of the following: 1466

(a) Examine the implementation of the value-added progress 1467  
dimension by the department, including the system described in 1468  
division (B) of this section, the reporting of performance data to 1469  
school districts and buildings, and the provision of professional 1470  
development on the interpretation of the data to classroom 1471  
teachers and administrators; 1472

(b) Periodically review any fees for data analysis and 1473  
reporting paid by the department pursuant to division (C) of this 1474  
section and determine if the fees are appropriate based upon the 1475  
level of services provided; 1476

(c) Periodically report to the department and the state board 1477  
on all issues related to the school district and building 1478  
accountability system established under this chapter; 1479

(d) Not later than seven years after its initial meeting, 1480  
make recommendations to improve the school district and building 1481  
accountability system established under this chapter. The task 1482  
force shall adopt recommendations by a majority vote of its 1483  
members. Copies of the recommendations shall be provided to the 1484  
state board, the governor, the speaker of the house of 1485  
representatives, and the president of the senate. 1486

(e) Determine starting dates for the implementation of the 1487  
value-added progress dimension and its incorporation into school 1488  
district and building report cards and performance ratings. 1489

**Sec. 3311.71.** (A) As used in this section and in sections 1490  
3311.72 to ~~3311.77~~ 3311.76 of the Revised Code: 1491

(1) "Municipal school district" means a school district that 1492  
is or has ever been under a federal court order requiring 1493



supervision and operational, fiscal, and personnel management of 1494  
the district by the state superintendent of public instruction. 1495

(2) "Mayor" means the mayor of the municipal corporation 1496  
containing the greatest portion of a municipal school district's 1497  
territory. 1498

(B) Whenever any municipal school district is released by a 1499  
federal court from an order requiring supervision and operational, 1500  
fiscal, and personnel management of the district by the state 1501  
superintendent, the management and control of that district shall 1502  
be assumed, effective immediately, by a new nine-member board of 1503  
education. Members of the new board shall be appointed by the 1504  
mayor, who shall also designate one member as the chairperson of 1505  
the board. In addition to the rights, authority, and duties 1506  
conferred upon the chairperson by sections 3311.71 to 3311.76 of 1507  
the Revised Code, the chairperson shall have all the rights, 1508  
authority, and duties conferred upon the president of a board of 1509  
education by the Revised Code that are not inconsistent with 1510  
sections 3311.71 to 3311.76 of the Revised Code. 1511

(C) No school board member shall be appointed by the mayor 1512  
pursuant to division (B) of this section until the mayor has 1513  
received a slate of at least eighteen candidates nominated by a 1514  
municipal school district nominating panel, at least three of whom 1515  
reside in the municipal school district but not in the municipal 1516  
corporation containing the greatest portion of the district's 1517  
territory. The municipal school district nominating panel shall be 1518  
initially convened and chaired by the state superintendent of 1519  
public instruction, who shall serve as a nonvoting member for the 1520  
first two years of the panel's existence, and shall consist of 1521  
eleven persons selected as follows: 1522

(1) Three parents or guardians of children attending the 1523  
schools of the municipal school district appointed by the district 1524  
parent-teacher association, or similar organization selected by 1525

the state superintendent;	1526
(2) Three persons appointed by the mayor;	1527
(3) One person appointed by the president of the legislative body of the municipal corporation containing the greatest portion of the municipal school district's territory;	1528 1529 1530
(4) One teacher appointed by the collective bargaining representative of the school district's teachers;	1531 1532
(5) One principal appointed through a vote of the school district's principals, which vote shall be conducted by the state superintendent;	1533 1534 1535
(6) One representative of the business community appointed by an organized collective business entity selected by the mayor;	1536 1537
(7) One president of a public or private institution of higher education located within the municipal school district appointed by the state superintendent of public instruction.	1538 1539 1540
The municipal school district nominating panel shall select one of its members as its chairperson commencing two years after the date of the first meeting of the panel, at which time the state superintendent of public instruction shall no longer convene or chair the panel. Thereafter, the panel shall meet as necessary to make nominations at the call of the chairperson. All members of the panel shall serve at the pleasure of the appointing authority. Vacancies on the panel shall be filled in the same manner as the initial appointments.	1541 1542 1543 1544 1545 1546 1547 1548 1549
(D) No individual shall be appointed by the mayor pursuant to division (B) or (F) of this section unless the individual has been nominated by the nominating panel, resides in the school district, and holds no elected public office. At any given time, four of the nine members appointed by the mayor to serve on the board pursuant to either division (B) or (F) of this section shall have	1550 1551 1552 1553 1554 1555

displayed, prior to appointment, significant expertise in either 1556  
the education field, finance, or business management. At all times 1557  
at least one member of the board shall be an individual who 1558  
resides in the municipal school district but not in the municipal 1559  
corporation containing the greatest portion of the district's 1560  
territory. 1561

(E) The terms of office of all members appointed by the mayor 1562  
pursuant to division (B) of this section shall expire on the next 1563  
thirtieth day of June following the referendum election required 1564  
by section 3311.73 of the Revised Code. The mayor may, with the 1565  
advice and consent of the nominating panel, remove any member 1566  
appointed pursuant to that division or division (F) of this 1567  
section for cause. 1568

(F) If the voters of the district approve the continuation of 1569  
an appointed board at the referendum election required by section 1570  
3311.73 of the Revised Code, the mayor shall appoint the members 1571  
of a new board from a slate prepared by the nominating panel in 1572  
the same manner as the initial board was appointed pursuant to 1573  
divisions (B), (C), and (D) of this section. Five of the members 1574  
of the new board shall be appointed to four-year terms and the 1575  
other four shall be appointed to two-year terms, each term 1576  
beginning on the first day of July. Thereafter, the mayor shall 1577  
appoint members to four-year terms in the same manner as described 1578  
in divisions (B), (C), and (D) of this section. The minimum number 1579  
of individuals who shall be on the slate prepared by the 1580  
nominating panel for this purpose shall be at least twice the 1581  
number of members to be appointed, including at least two who 1582  
reside in the municipal school district but not in the municipal 1583  
corporation containing the greatest portion of the district's 1584  
territory. 1585

(G) In addition to the nine members appointed by the mayor, 1586  
the boards appointed pursuant to divisions (B) and (F) of this 1587

section shall include the following nonvoting ex officio members: 1588

(1) If the main campus of a state university specified in 1589  
section 3345.011 of the Revised Code is located within the 1590  
municipal school district, the president of the university or the 1591  
president's designee; 1592

(2) If any community college has its main branch located 1593  
within the district, the president of the community college that 1594  
has the largest main branch within the district, or the 1595  
president's designee. 1596

**Sec. 3312.01.** (A) The educational regional service system is 1597  
hereby established. The system shall support state and regional 1598  
education initiatives and efforts to improve school effectiveness 1599  
and student achievement. Services, including special education and 1600  
related services, shall be provided under the system to school 1601  
districts, community schools established under Chapter 3314. of 1602  
the Revised Code, and chartered nonpublic schools. 1603

It is the intent of the general assembly that the educational 1604  
regional service system reduce the unnecessary duplication of 1605  
programs and services and provide for a more streamlined and 1606  
efficient delivery of educational services without reducing the 1607  
availability of the services needed by school districts and 1608  
schools. 1609

(B) The educational regional service system shall consist of 1610  
the following: 1611

~~(1) The state regional alliance advisory board established 1612  
under section 3312.11 of the Revised Code;~~ 1613

~~(2)~~ The advisory councils and subcommittees established under 1614  
sections 3312.03 and 3312.05 of the Revised Code; 1615

~~(3)~~(2) A fiscal agent for each of the regions as configured 1616  
under section 3312.02 of the Revised Code; 1617

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

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

(1) Assistance in improving student performance;

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

(3) Professional development for teachers or administrators;

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

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

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

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

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

(E) No school district, community school, or chartered

nonpublic school shall be required to purchase services from an 1648  
educational service center or information technology center in the 1649  
region in which the district or school is located, except that a 1650  
local school district shall receive any services required by the 1651  
Revised Code to be provided by an educational service center to 1652  
the local school districts in its territory from the educational 1653  
service center in whose territory the district is located. 1654

**Sec. 3312.09.** (A) Each performance contract entered into by 1655  
the department of education and the fiscal agent of a region for 1656  
implementation of a state or regional education initiative or 1657  
school improvement effort shall include the following: 1658

(1) An explanation of how the regional needs and priorities 1659  
for educational services have been identified by the advisory 1660  
council of the region, the advisory council's subcommittees, and 1661  
the department; 1662

(2) A definition of the services to be provided to school 1663  
districts, community schools, and chartered nonpublic schools in 1664  
the region, including any services provided pursuant to division 1665  
(A) of section 3302.04 of the Revised Code; 1666

(3) Expected outcomes from the provision of the services 1667  
defined in the contract; 1668

(4) The method the department will use to evaluate whether 1669  
the expected outcomes have been achieved; 1670

(5) A requirement that the fiscal agent develop and implement 1671  
a corrective action plan if the results of the evaluation are 1672  
unsatisfactory; 1673

(6) Data reporting requirements; 1674

(7) The aggregate fees to be charged by the fiscal agent and 1675  
any entity with which it subcontracts to cover personnel and 1676  
program costs associated with administering the contract, which 1677

fees shall be subject to controlling board approval if in excess 1678  
of four per cent of the value of the contract+ 1679

~~(8) A requirement that a member of the advisory council in 1680  
the region be a member of the state regional alliance advisory 1681  
board established under section 3312.11 of the Revised Code. 1682~~

(B) Upon completion of each evaluation described in a 1683  
performance contract, the department shall post the results of 1684  
that evaluation on its web site. 1685

**Sec. 3313.202.** Any elected or appointed member of the board 1686  
of education of a school district and the dependent children and 1687  
spouse of the member may be covered, at the option of the member, 1688  
under any health care plan ~~containing best practices prescribed by 1689  
the school employees health care board~~ authorized under section 1690  
~~9.901~~ 9.90 of the Revised Code. The member shall pay all premiums 1691  
for that coverage. ~~Payments for such coverage shall be made, in 1692  
advance, in a manner prescribed by the school employees health 1693  
care board.~~ The member's exercise of an option to be covered under 1694  
this section shall be in writing, announced at a regular public 1695  
meeting of the board of education, and recorded as a public record 1696  
in the minutes of the board. 1697

**Sec. 3701.025.** ~~(A)~~ There is hereby created the medically 1698  
handicapped children's medical advisory council consisting of 1699  
twenty-one members to be appointed by the director of health for 1700  
terms set in accordance with rules adopted by the public health 1701  
council under division (A)(11) of section 3701.021 of the Revised 1702  
Code. The medically handicapped children's medical advisory 1703  
council shall advise the director regarding the administration of 1704  
the program for medically handicapped children, the suitable 1705  
quality of medical practice for providers, and the requirements 1706  
for medical eligibility for the program. 1707

All members of the council shall be licensed physicians, 1708  
surgeons, dentists, and other professionals in the field of 1709  
medicine, representative of the various disciplines involved in 1710  
the treatment of children with medically handicapping conditions, 1711  
and representative of the treatment facilities involved, such as 1712  
hospitals, private and public health clinics, and private 1713  
physicians' offices, and shall be eligible for the program. 1714

Members of the council shall receive no compensation, but 1715  
shall receive their actual and necessary travel expenses incurred 1716  
in the performance of their official duties in accordance with the 1717  
rules of the office of budget and management. 1718

~~(B) The director of health may appoint a maternal and child 1719  
health council to represent the views of service providers, other 1720  
interest groups, consumers, and various geographic areas of the 1721  
state. The maternal and child health council shall advise the 1722  
department of health on matters pertaining to maternal and child 1723  
health and, in particular, the "Maternal and Child Health Block 1724  
Grant," Title V of the "Social Security Act," 95 Stat. 818, (1981) 1725  
42 U.S.C.A. 701, as amended. Members of the council shall receive 1726  
no compensation, but shall receive their actual and necessary 1727  
travel expenses incurred in the performance of their official 1728  
duties in accordance with the rules of the office of budget and 1729  
management. 1730~~

**Sec. 3701.63.** (A) As used in this section and section 3701.64 1731  
of the Revised Code: 1732

(1) "Child day-care center," "type A family day-care home," 1733  
and "certified type B family day-care home" have the same meanings 1734  
as in section 5104.01 of the Revised Code. 1735

(2) "Child care facility" means a child day-care center, a 1736  
type A family day-care home, or a certified type B family day-care 1737  
home. 1738



(3) "Freestanding birthing center" has the same meaning as in section 3702.51 of the Revised Code. 1739  
1740

(4) "Hospital" means a hospital classified pursuant to rules adopted under section 3701.07 of the Revised Code as a general hospital or children's hospital. 1741  
1742  
1743

(5) "Maternity unit" means any unit or place in a hospital where women are regularly received and provided care during all or part of the maternity cycle, except that "maternity unit" does not include an emergency department or similar place dedicated to providing emergency health care. 1744  
1745  
1746  
1747  
1748

(6) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. "Parent" also means a prospective adoptive parent with whom a child is placed. 1749  
1750  
1751  
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1753

(7) "Shaken Baby Syndrome" means signs and symptoms, including, but not limited to, retinal hemorrhages in one or both eyes, subdural hematoma, or brain swelling, resulting from the violent shaking or the shaking and impacting of the head of an infant or small child. 1754  
1755  
1756  
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1758

(B) The director of health shall establish the shaken baby syndrome education program by doing all of the following: 1759  
1760

(1) By not later than one year after ~~the effective date of this section, with the advice of the work group appointed under division (D) of this section~~ February 29, 2008, developing educational materials that present readily comprehensible information on shaken baby syndrome; 1761  
1762  
1763  
1764  
1765

(2) Making available on the department of health web site in an easily accessible format the educational materials developed under division (B)(1) of this section; 1766  
1767  
1768

(3) Beginning in 2009, annually assessing the effectiveness 1769  
of the shaken baby syndrome education program by evaluating the 1770  
reports received pursuant to section 5101.135 of the Revised Code. 1771

(C) In meeting the requirements under division (B) of this 1772  
section, the director shall not develop educational materials that 1773  
will impose an administrative or financial burden on any of the 1774  
entities or persons listed in section 3701.64 of the Revised Code. 1775

~~(D) The director of health shall appoint and convene a work 1776  
group to advise the director on the shaken baby syndrome 1777  
educational materials the director is required to develop under 1778  
division (B) of this section. The work group shall include at 1779  
least one representative of each of the following: 1780~~

~~(1) Child abuse prevention advocates; 1781~~

~~(2) The staff of the "help me grow" program established 1782  
pursuant to section 3701.61 of the Revised Code; 1783~~

~~(3) Experts in the field of infant care, particularly in the 1784  
area of infant calming methods; 1785~~

~~(4) Maternity unit directors; 1786~~

~~(5) Parenting skills educators; 1787~~

~~(6) Child care facilities. 1788~~

~~The work group may also include, at the director's 1789  
discretion, representatives of other professions whose members 1790  
have practical experience regarding shaken baby syndrome and 1791  
representatives of citizens' organizations whose members are 1792  
knowledgeable about shaken baby syndrome. 1793~~

**Sec. 3727.312.** The hospital measures advisory council shall 1794  
do all of the following: 1795

(A) Study the issue of hospitals reporting information 1796  
regarding their performance in meeting measures for hospital 1797

inpatient and outpatient services, including how such reports are made in other states;	1798 1799
(B) Not later than one year after the date the last of the initial council members is appointed, issue a report to the director of health with recommendations for all of the following:	1800 1801 1802
(1) Collecting, pursuant to section 3727.33 of the Revised Code, information from hospitals that shows their performance in meeting measures for hospital inpatient and outpatient services;	1803 1804 1805
(2) The audits conducted pursuant to section 3727.331 of the Revised Code;	1806 1807
(3) Disseminating information about the performance of hospitals in meeting the measures, including effective methods of displaying information on any internet web site established under section 3727.39 of the Revised Code;	1808 1809 1810 1811
(4) Explaining to the public how to use the information about the performance of hospitals in meeting the measures, including explanations about the limitations of the information.	1812 1813 1814
(C) Provide the director of health ongoing advice on all of the following:	1815 1816
(1) The issue of hospitals reporting information regarding their performance in meeting measures for hospital inpatient and outpatient services;	1817 1818 1819
(2) Disseminating the information reported by hospitals;	1820
(3) Making improvements to the reports and dissemination of information;	1821 1822
(4) Making changes to the information collection requirements and dissemination methods;	1823 1824
<u>(5) Recommendations regarding measurers for children's hospital inpatient and outpatient services.</u>	1825 1826

(D) Convene a group of health care consumers, nurses, and 1827  
experts in infection control, the members of which shall be 1828  
appointed by the council according to a method selected by the 1829  
council, to provide information about infection issues to the 1830  
council as needed for the council to perform its duties. 1831

**Sec. 3737.03.** The state fire ~~commission~~ council may do all of 1832  
the following: 1833

(A) Conduct research, make and publish reports on fire 1834  
safety, and recommend to the governor, the general assembly, the 1835  
board of building standards, and other state agencies, any needed 1836  
changes in the laws, rules, or administrative policies relating to 1837  
fire safety; 1838

(B) Recommend revisions in the rules included in the state 1839  
fire code adopted by the fire marshal. The recommendations may 1840  
propose the adoption of new rules or the amendment or repeal of 1841  
existing rules. The ~~commission~~ council shall file its 1842  
recommendations in the office of the fire marshal, and, within 1843  
sixty days after the recommendations are filed, the fire marshal 1844  
shall file with the chairperson of the ~~commission~~ council the fire 1845  
marshal's comments on, and proposed action in response to, the 1846  
recommendations. 1847

(C) Maintain the Ohio fire service hall of fame. In 1848  
maintaining the hall of fame, the ~~commission~~ council shall keep 1849  
official commendations that recognize and commemorate exemplary 1850  
accomplishments and acts of heroism by firefighters and other 1851  
persons at fire-related incidents or similar events occurring in 1852  
the state. The ~~commission~~ council may adopt criteria and 1853  
guidelines for selecting individuals for that recognition and 1854  
commemoration. The recognition and commemoration of individuals 1855  
may occur annually and include an annual awards ceremony. The 1856  
expenses associated with the recognition and commemoration of 1857

individuals shall be paid in accordance with division (F) of 1858  
section 3737.81 of the Revised Code. 1859

**Sec. 3737.21.** (A) The director of the department of commerce 1860  
shall appoint, from names submitted to the director by the state 1861  
fire ~~commission~~ council, a fire marshal, who shall serve at the 1862  
pleasure of the director and shall possess the following 1863  
qualifications: 1864

(1) A degree from an accredited college or university with 1865  
specialized study in either the field of fire protection or fire 1866  
protection engineering, or the equivalent qualifications 1867  
determined from training, experience, and duties in a fire 1868  
service; 1869

(2) Five years of recent, progressively more responsible 1870  
experience in fire inspection, fire code enforcement, fire 1871  
investigation, fire protection engineering, teaching of fire 1872  
safety engineering, or fire fighting. 1873

(B) When a vacancy occurs in the position of fire marshal, 1874  
the director shall notify the state fire ~~commission~~ council. The 1875  
~~commission~~ council shall communicate the fact of the vacancy by 1876  
regular mail to all fire chiefs and fire protection engineers 1877  
known to the ~~commission~~ council, or whose identity may be 1878  
ascertained by the ~~commission~~ council by the exercise of due 1879  
diligence. The ~~commission~~ council, no earlier than thirty days 1880  
after mailing the notification, shall compile a list of all 1881  
applicants for the position of fire marshal who are qualified 1882  
under this section. The ~~commission~~ council shall submit the names 1883  
of at least three persons on the list to the director. The 1884  
director shall appoint the fire marshal from the list of at least 1885  
three names or may request the ~~commission~~ council to submit 1886  
additional names. 1887

**Sec. 3737.81.** (A) There is hereby created the state fire 1888  
~~commission~~ council consisting of ten members to be appointed by 1889  
the governor with the advice and consent of the senate. The fire 1890  
marshal or chief deputy fire marshal, a representative designated 1891  
by the department of public safety who has tenure in fire 1892  
suppression, and a representative designated by the board of 1893  
building standards shall be ex officio members. Of the initial 1894  
appointments made to the ~~commission~~ council, two shall be for a 1895  
term ending one year after November 1, 1978, two shall be for a 1896  
term ending two years after that date, two shall be for a term 1897  
ending three years after that date, two shall be for a term ending 1898  
four years after that date, and two shall be for a term ending 1899  
five years after that date. Thereafter, terms of office shall be 1900  
for five years, each term ending on the same day of the same month 1901  
of the year as did the term which it succeeds. Each member shall 1902  
hold office from the date of appointment until the end of the term 1903  
for which the member was appointed. Any member appointed to fill a 1904  
vacancy occurring prior to the expiration of the term for which 1905  
the member's predecessor was appointed shall hold office for the 1906  
remainder of that term. Any member shall continue in office 1907  
subsequent to the expiration date of the member's term until a 1908  
successor takes office, or until a period of sixty days has 1909  
elapsed, whichever occurs first. Members shall be qualified by 1910  
experience and training to deal with the matters that are the 1911  
responsibility of the ~~commission~~ council. Two members shall be 1912  
members of paid fire services, one shall be a member of volunteer 1913  
fire services, two shall be mayors, managers, or members of 1914  
legislative authorities of municipal corporations, one shall 1915  
represent commerce and industry, one shall be a representative of 1916  
a fire insurance company domiciled in this state, one shall 1917  
represent the flammable liquids industry, one shall represent the 1918  
construction industry, and one shall represent the public. At no 1919

time shall more than six members be members of or associated with 1920  
the same political party. Membership on the ~~commission~~ council 1921  
shall not constitute holding a public office, and no person shall 1922  
forfeit or otherwise vacate the person's office or position of 1923  
employment because of membership on the ~~commission~~ council. 1924

(B) The ex officio members may not vote, except that the fire 1925  
marshal or chief deputy fire marshal may vote in case of a tie. 1926

(C) Each member of the ~~commission~~ council, other than ex 1927  
officio members, shall be paid an amount fixed pursuant to 1928  
division (J) of section 124.15 of the Revised Code, and the 1929  
member's actual and necessary expenses. 1930

(D) The ~~commission~~ council shall select a chairperson and a 1931  
vice-chairperson from among its members. No business may be 1932  
transacted in the absence of a quorum. A quorum shall be at least 1933  
six members, excluding ex officio members, and shall include 1934  
either the chairperson or vice-chairperson. The ~~commission~~ council 1935  
shall hold regular meetings at least once every two months and may 1936  
meet at any other time at the call of the chairperson. 1937

(E) The fire marshal shall provide the ~~commission~~ council 1938  
with office space, meeting rooms, staff, and clerical assistance 1939  
necessary for the ~~commission~~ council to perform its duties. If the 1940  
~~commission~~ council maintains the Ohio fire service hall of fame 1941  
under division (C) of section 3737.03 of the Revised Code, the 1942  
fire marshal shall preserve, in an appropriate manner, in the 1943  
office space or meeting rooms provided to the ~~commission~~ council 1944  
under this division or in another location, copies of all official 1945  
commendations awarded to individuals recognized and commemorated 1946  
for their exemplary accomplishments and acts of heroism at 1947  
fire-related incidents or similar events that occurred in this 1948  
state. 1949

(F) If the ~~commission~~ council maintains the Ohio fire service 1950

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

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

(B) The fire marshal shall adopt rules in accordance with Chapter 119. of the Revised Code. In adopting rules, the fire marshal shall consider and make appropriate findings with respect to the degree and nature of the risk of injury that the rule is designed to prevent or reduce, the approximate number of products 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 1982  
rule until the ~~commission~~ council has filed in the office of the 1983  
fire marshal recommendations for revisions in the proposed rule or 1984  
until a period of sixty days has elapsed since the proposed rule 1985  
was filed with the ~~chairman~~ chairperson of the ~~commission~~ council, 1986  
whichever occurs first. The fire marshal shall consider any 1987  
recommendations made by the ~~commission~~ council before adopting the 1988  
proposed rule, but may accept, reject, or modify the 1989  
recommendations. 1990

**Sec. 3737.88.** (A)(1) The fire marshal shall have 1991  
responsibility for implementation of the underground storage tank 1992  
program and corrective action program for releases from 1993  
underground petroleum storage tanks established by the "Resource 1994  
Conservation and Recovery Act of 1976," 90 Stat. 2795, 42 U.S.C.A. 1995  
6901, as amended. To implement the program, the fire marshal may 1996  
adopt, amend, and rescind such rules, conduct such inspections, 1997  
require annual registration of underground storage tanks, issue 1998  
such citations and orders to enforce those rules, enter into 1999  
environmental covenants in accordance with sections 5301.80 to 2000  
5301.92 of the Revised Code, and perform such other duties, as are 2001  
consistent with those programs. The fire marshal, by rule, may 2002  
delegate the authority to conduct inspections of underground 2003  
storage tanks to certified fire safety inspectors. 2004

(2) In the place of any rules regarding release containment 2005  
and release detection for underground storage tanks adopted under 2006  
division (A)(1) of this section, the fire marshal, by rule, shall 2007  
designate areas as being sensitive for the protection of human 2008  
health and the environment and adopt alternative rules regarding 2009  
release containment and release detection methods for new and 2010  
upgraded underground storage tank systems located in those areas. 2011  
In designating such areas, the fire marshal shall take into 2012  
consideration such factors as soil conditions, hydrogeology, water 2013

use, and the location of public and private water supplies. Not 2014  
later than July 11, 1990, the fire marshal shall file the rules 2015  
required under this division with the secretary of state, director 2016  
of the legislative service commission, and joint committee on 2017  
agency rule review in accordance with divisions (B) and (H) of 2018  
section 119.03 of the Revised Code. 2019

(B) Before adopting any rule under this section or section 2020  
3737.881 or 3737.882 of the Revised Code, the fire marshal shall 2021  
file written notice of the proposed rule with the chairperson of 2022  
the state fire ~~commission~~ council, and, within sixty days after 2023  
notice is filed, the ~~commission~~ council may file responses to or 2024  
comments on and may recommend alternative or supplementary rules 2025  
to the fire marshal. At the end of the sixty-day period or upon 2026  
the filing of responses, comments, or recommendations by the 2027  
~~commission~~ council, the fire marshal may adopt the rule filed with 2028  
the ~~commission~~ council or any alternative or supplementary rule 2029  
recommended by the ~~commission~~ council. 2030

(C) The state fire ~~commission~~ council may recommend courses 2031  
of action to be taken by the fire marshal in carrying out the fire 2032  
marshal's duties under this section. The ~~commission~~ council shall 2033  
file its recommendations in the office of the fire marshal, and, 2034  
within sixty days after the recommendations are filed, the fire 2035  
marshal shall file with the chairperson of the ~~commission~~ council 2036  
comments on, and proposed action in response to, the 2037  
recommendations. 2038

(D) For the purpose of sections 3737.87 to 3737.89 of the 2039  
Revised Code, the fire marshal shall adopt, and may amend and 2040  
rescind, rules identifying or listing hazardous substances. The 2041  
rules shall be consistent with and equivalent in scope, coverage, 2042  
and content to regulations identifying or listing hazardous 2043  
substances adopted under the "Comprehensive Environmental 2044  
Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 2045

42 U.S.C.A. 9602, as amended, except that the fire marshal shall 2046  
not identify or list as a hazardous substance any hazardous waste 2047  
identified or listed in rules adopted under division (A) of 2048  
section 3734.12 of the Revised Code. 2049

(E) Notwithstanding any provision of the laws of this state 2050  
to the contrary, the fire marshal has exclusive jurisdiction to 2051  
regulate the storage, treatment, and disposal of petroleum 2052  
contaminated soil generated from corrective actions undertaken in 2053  
response to releases of petroleum. The fire marshal may adopt, 2054  
amend, or rescind such rules as the fire marshal considers to be 2055  
necessary or appropriate to regulate the storage, treatment, or 2056  
disposal of petroleum contaminated soil so generated. 2057

(F) The fire marshal shall adopt, amend, and rescind rules 2058  
under sections 3737.88 to 3737.882 of the Revised Code in 2059  
accordance with Chapter 119. of the Revised Code. 2060

**Sec. 3743.54.** (A) A licensed exhibitor of fireworks may 2061  
acquire fireworks for use at a public fireworks exhibition only 2062  
from a licensed manufacturer of fireworks or licensed wholesaler 2063  
of fireworks, and only in accordance with the procedures specified 2064  
in this section and section 3743.55 of the Revised Code. 2065

(B)(1) A licensed exhibitor of fireworks who wishes to 2066  
conduct a public fireworks exhibition shall apply for approval to 2067  
conduct the exhibition to whichever of the following persons is 2068  
appropriate under the circumstances: 2069

(a) Unless division (B)(1)(c) or (d) of this section applies, 2070  
if the exhibition will take place in a municipal corporation, the 2071  
approval shall be obtained from the fire chief, and from the 2072  
police chief or other similar chief law enforcement officer, or 2073  
the designee of the police chief or similar chief law enforcement 2074  
officer, of the particular municipal corporation. 2075

(b) Unless division (B)(1)(c) or (d) of this section applies, 2076  
if the exhibition will take place in an unincorporated area, the 2077  
approval shall be obtained from the fire chief of the particular 2078  
township or township fire district, and from the police chief or 2079  
other similar chief law enforcement officer, or the designee of 2080  
the police chief or similar chief law enforcement officer, of the 2081  
particular township or township police district. 2082

(c) If fire protection services for the premises on which the 2083  
exhibition will take place are provided in accordance with a 2084  
contract between political subdivisions, the approval shall be 2085  
obtained from the fire chief of the political subdivision 2086  
providing the fire protection services and from the police chief 2087  
or other similar chief law enforcement officer, or the designee of 2088  
the police chief or similar chief law enforcement officer, of the 2089  
political subdivision in which the premises on which the 2090  
exhibition will take place are located. If police services for the 2091  
premises on which the exhibition will take place are provided in 2092  
accordance with a contract between political subdivisions, the 2093  
approval shall be obtained from the police chief or other similar 2094  
chief law enforcement officer, or the designee of the police chief 2095  
or similar chief law enforcement officer, of the political 2096  
subdivision providing the police services and from the fire chief 2097  
of the political subdivision in which the premises on which the 2098  
exhibition will take place are located. If both fire and police 2099  
protection services for the premises on which the exhibition will 2100  
take place are provided in accordance with a contract between 2101  
political subdivisions, the approval shall be obtained from the 2102  
fire chief, and from the police chief or other similar chief law 2103  
enforcement officer, or the designee of the police chief or 2104  
similar chief law enforcement officer, of the political 2105  
subdivisions providing the police and fire protection services. 2106

(d) If there is no municipal corporation, township, or 2107

township fire district fire department, no municipal corporation, 2108  
township, or township police district police department, and no 2109  
contract for police or fire protection services between political 2110  
subdivisions covering the premises on which the exhibition will 2111  
take place, the approval shall be obtained from the fire 2112  
prevention officer, and from the police chief or other similar 2113  
chief law enforcement officer, or the designee of the police chief 2114  
or other similar chief law enforcement officer, having 2115  
jurisdiction over the premises. 2116

(2) The approval required by division (B)(1) of this section 2117  
shall be evidenced by the fire chief or fire prevention officer 2118  
and by the police chief or other similar chief law enforcement 2119  
officer, or the designee of the police chief or other similar 2120  
chief law enforcement officer, signing a permit for the 2121  
exhibition. The fire marshal shall prescribe the form of 2122  
exhibition permits and distribute copies of the form to fire 2123  
chiefs, to fire prevention officers, and to police chiefs or other 2124  
similar chief law enforcement officers of municipal corporations, 2125  
townships, or township police districts, or their designees, in 2126  
this state. Any exhibitor of fireworks who wishes to conduct a 2127  
public fireworks exhibition may obtain a copy of the form from the 2128  
fire marshal or, if it is available, from a fire chief, a fire 2129  
prevention officer, a police chief or other similar chief law 2130  
enforcement officer of a municipal corporation, township, or 2131  
township police district, or a designee of such a police chief or 2132  
other similar chief law enforcement officer. 2133

(C) Before a permit is signed and issued to a licensed 2134  
exhibitor of fireworks, the fire chief or fire prevention officer, 2135  
in consultation with the police chief or other similar chief law 2136  
enforcement officer or with the designee of the police chief or 2137  
other similar chief law enforcement officer, shall inspect the 2138  
premises on which the exhibition will take place and shall 2139

determine that, in fact, the applicant for the permit is a 2140  
licensed exhibitor of fireworks. Each applicant shall show the 2141  
applicant's license as an exhibitor of fireworks to the fire chief 2142  
or fire prevention officer. 2143

The fire chief or fire prevention officer, and the police 2144  
chief or other similar chief law enforcement officer, or the 2145  
designee of the police chief or other similar chief law 2146  
enforcement officer, shall give approval to conduct a public 2147  
fireworks exhibition only if satisfied, based on the inspection, 2148  
that the premises on which the exhibition will be conducted allow 2149  
the exhibitor to comply with the rules adopted by the fire marshal 2150  
pursuant to divisions (B) and (E) of section 3743.53 of the 2151  
Revised Code and that the applicant is, in fact, a licensed 2152  
exhibitor of fireworks. The fire chief or fire prevention officer, 2153  
in consultation with the police chief or other similar chief law 2154  
enforcement officer or with the designee of the police chief or 2155  
other similar chief law enforcement officer, may inspect the 2156  
premises immediately prior to the exhibition to determine if the 2157  
exhibitor has complied with the rules, and may revoke a permit for 2158  
noncompliance with the rules. 2159

(D) If the legislative authorities of their political 2160  
subdivisions have prescribed a fee for the issuance of a permit 2161  
for a public fireworks exhibition, fire chiefs or fire prevention 2162  
officers, and police chiefs, other similar chief law enforcement 2163  
officers, or their designee, shall not issue a permit until the 2164  
exhibitor pays the requisite fee. 2165

Each exhibitor shall provide an indemnity bond in the amount 2166  
of at least one million dollars, with surety satisfactory to the 2167  
fire chief or fire prevention officer and to the police chief or 2168  
other similar chief law enforcement officer, or the designee of 2169  
the police chief or other similar chief law enforcement officer, 2170  
conditioned for the payment of all final judgments that may be 2171

rendered against the exhibitor on account of injury, death, or 2172  
loss to persons or property emanating from the fireworks 2173  
exhibition, or proof of insurance coverage of at least one million 2174  
dollars for liability arising from injury, death, or loss to 2175  
persons or property emanating from the fireworks exhibition. The 2176  
legislative authority of a political subdivision in which a public 2177  
fireworks exhibition will take place may require the exhibitor to 2178  
provide an indemnity bond or proof of insurance coverage in 2179  
amounts greater than those required by this division. Fire chiefs 2180  
or fire prevention officers, and police chiefs, other similar 2181  
chief law enforcement officers, or their designee, shall not issue 2182  
a permit until the exhibitor provides the bond or proof of the 2183  
insurance coverage required by this division or by the political 2184  
subdivision in which the fireworks exhibition will take place. 2185

(E)(1) Each permit for a fireworks exhibition issued by a 2186  
fire chief or fire prevention officer, and by the police chief or 2187  
other similar chief law enforcement officer, or the designee of 2188  
the police chief or other similar chief law enforcement officer, 2189  
shall contain a distinct number, designate the municipal 2190  
corporation, township, or township fire or police district of the 2191  
fire chief, fire prevention officer, police chief or other similar 2192  
chief law enforcement officer, or designee of the police chief or 2193  
other similar chief law enforcement officer, and identify the 2194  
certified fire safety inspector, fire chief, or fire prevention 2195  
officer who will be present before, during, and after the 2196  
exhibition, where appropriate. A copy of each permit issued shall 2197  
be forwarded by the fire chief or fire prevention officer, and by 2198  
the police chief or other similar chief law enforcement officer, 2199  
or the designee of the police chief or other similar chief law 2200  
enforcement officer, issuing it to the fire marshal, who shall 2201  
keep a record of the permits received. A permit is not 2202  
transferable or assignable. 2203

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

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

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



requirements of this chapter. 2236

~~Prior to the state fire marshal's adoption of the rules 2237  
described in this division, the director of commerce shall appoint 2238  
a committee consisting of the state fire marshal or the marshal's 2239  
designee, three representatives of the fireworks industry, and 2240  
three representatives of the fire service to assist the state fire 2241  
marshal in adopting these rules. Unless an extension is granted by 2242  
the director of commerce, the state fire marshal shall adopt 2243  
initial rules under this section not later than July 1, 2010. 2244~~

**Sec. 3746.04.** Within one year after September 28, 1994, the 2245  
director of environmental protection, in accordance with Chapter 2246  
119. of the Revised Code ~~and with the advice of the 2247  
multidisciplinary council appointed under section 3746.03 of the 2248  
Revised Code,~~ shall adopt, and subsequently may amend, suspend, or 2249  
rescind, rules that do both of the following: 2250

(A) Revise the rules adopted under Chapters 3704., 3714., 2251  
3734., 6109., and 6111. of the Revised Code to incorporate the 2252  
provisions necessary to conform those rules to the requirements of 2253  
this chapter. The amended rules adopted under this division also 2254  
shall establish response times for all submittals to the 2255  
environmental protection agency required under this chapter or 2256  
rules adopted under it. 2257

(B) Establish requirements and procedures that are reasonably 2258  
necessary for the implementation and administration of this 2259  
chapter, including, without limitation, all of the following: 2260

(1) Appropriate generic numerical clean-up standards for the 2261  
treatment or removal of soils, sediments, and water media for 2262  
hazardous substances and petroleum. The rules shall establish 2263  
separate generic numerical clean-up standards based upon the 2264  
intended use of properties after the completion of voluntary 2265  
actions, including industrial, commercial, and residential uses 2266

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

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

(b) Climatic factors;

(c) Human activity patterns;

(d) Current statistical techniques;

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

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

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

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

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

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

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

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

cap systems, cover systems, and landscaping.	2329
(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:	2330 2331 2332
(i) Scientific information, including, without limitation, toxicological information and actual or proposed human and environmental exposure;	2333 2334 2335
(ii) Locational and climatic factors;	2336
(iii) Surrounding land use and human activities;	2337
(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.	2338 2339 2340
(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.	2341 2342 2343 2344 2345 2346
(3) Minimum standards for phase I property assessments. The standards shall specify the information needed to demonstrate that there is no reason to believe that contamination exists on a property. The rules adopted under division (B)(3) of this section, at a minimum, shall require that a phase I property assessment include all of the following:	2347 2348 2349 2350 2351 2352
(a) A review and analysis of deeds, mortgages, easements of record, and similar documents relating to the chain of title to the property that are publicly available or that are known to and reasonably available to the owner or operator;	2353 2354 2355 2356
(b) A review and analysis of any previous environmental assessments, property assessments, environmental studies, or	2357 2358

geologic studies of the property and any land within two thousand 2359  
feet of the boundaries of the property that are publicly available 2360  
or that are known to and reasonably available to the owner or 2361  
operator; 2362

(c) A review of current and past environmental compliance 2363  
histories of persons who owned or operated the property; 2364

(d) A review of aerial photographs of the property that 2365  
indicate prior uses of the property; 2366

(e) Interviews with managers of activities conducted at the 2367  
property who have knowledge of environmental conditions at the 2368  
property; 2369

(f) Conducting an inspection of the property consisting of a 2370  
walkover; 2371

(g) Identifying the current and past uses of the property, 2372  
adjoining tracts of land, and the area surrounding the property, 2373  
including, without limitation, interviews with persons who reside 2374  
or have resided, or who are or were employed, within the area 2375  
surrounding the property regarding the current and past uses of 2376  
the property and adjacent tracts of land. 2377

The rules adopted under division (B)(3) of this section shall 2378  
establish criteria to determine when a phase II property 2379  
assessment shall be conducted when a phase I property assessment 2380  
reveals facts that establish a reason to believe that hazardous 2381  
substances or petroleum have been treated, stored, managed, or 2382  
disposed of on the property if the person undertaking the phase I 2383  
property assessment wishes to obtain a covenant not to sue under 2384  
section 3746.12 of the Revised Code. 2385

(4) Minimum standards for phase II property assessments. The 2386  
standards shall specify the information needed to demonstrate that 2387  
any contamination present at the property does not exceed 2388  
applicable standards or that the remedial activities conducted at 2389

the property have achieved compliance with applicable standards. 2390  
The rules adopted under division (B)(4) of this section, at a 2391  
minimum, shall require that a phase II property assessment include 2392  
all of the following: 2393

(a) A review and analysis of all documentation prepared in 2394  
connection with a phase I property assessment conducted within the 2395  
one hundred eighty days before the phase II property assessment 2396  
begins. The rules adopted under division (B)(4)(a) of this section 2397  
shall require that if a period of more than one hundred eighty 2398  
days has passed between the time that the phase I assessment of 2399  
the property was completed and the phase II assessment begins, the 2400  
phase II assessment shall include a reasonable inquiry into the 2401  
change in the environmental condition of the property during the 2402  
intervening period. 2403

(b) Quality assurance objectives for measurements taken in 2404  
connection with a phase II assessment; 2405

(c) Sampling procedures to ensure the representative sampling 2406  
of potentially contaminated environmental media; 2407

(d) Quality assurance and quality control requirements for 2408  
samples collected in connection with phase II assessments; 2409

(e) Analytical and data assessment procedures; 2410

(f) Data objectives to ensure that samples collected in 2411  
connection with phase II assessments are biased toward areas where 2412  
information indicates that contamination by hazardous substances 2413  
or petroleum is likely to exist. 2414

(5) Standards governing the conduct of certified 2415  
professionals, criteria and procedures for the certification of 2416  
professionals to issue no further action letters under section 2417  
3746.11 of the Revised Code, and criteria for the suspension and 2418  
revocation of those certifications. The director shall take an 2419  
action regarding a certification as a final action. The issuance, 2420

denial, renewal, suspension, and revocation of those 2421  
certifications are subject to Chapter 3745. of the Revised Code, 2422  
except that, in lieu of publishing an action regarding a 2423  
certification in a newspaper of general circulation as required in 2424  
section 3745.07 of the Revised Code, such an action shall be 2425  
published on the environmental protection agency's web site and in 2426  
the agency's weekly review not later than fifteen days after the 2427  
date of the issuance, denial, renewal, suspension, or revocation 2428  
of the certification and not later than thirty days before a 2429  
hearing or public meeting concerning the action. 2430

The rules adopted under division (B)(5) of this section shall 2431  
do all of the following: 2432

(a) Provide for the certification of environmental 2433  
professionals to issue no further action letters pertaining to 2434  
investigations and remedies in accordance with the criteria and 2435  
procedures set forth in the rules. The rules adopted under 2436  
division (B)(5)(a) of this section shall do at least all of the 2437  
following: 2438

(i) Authorize the director to consider such factors as an 2439  
environmental professional's previous performance record regarding 2440  
such investigations and remedies and the environmental 2441  
professional's environmental compliance history when determining 2442  
whether to certify the environmental professional; 2443

(ii) Ensure that an application for certification is reviewed 2444  
in a timely manner; 2445

(iii) Require the director to certify any environmental 2446  
professional who the director determines complies with those 2447  
criteria; 2448

(iv) Require the director to deny certification for any 2449  
environmental professional who does not comply with those 2450  
criteria. 2451

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

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

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

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

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

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

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

(d) Require that any information submitted to the director



for the purposes of the rules adopted under division (B)(5)(a) or 2483  
(c) of this section comply with division (A) of section 3746.20 of 2484  
the Revised Code; 2485

(e) Authorize the director to suspend or revoke the 2486  
certification of an environmental professional if the director 2487  
finds that the environmental professional's performance has 2488  
resulted in the issuance of no further action letters under 2489  
section 3746.11 of the Revised Code that are not consistent with 2490  
applicable standards or finds that the certified environmental 2491  
professional has not substantially complied with section 3746.31 2492  
of the Revised Code; 2493

(f) Authorize the director to suspend for a period of not 2494  
more than five years or to permanently revoke a certified 2495  
environmental professional's certification for any violation of or 2496  
failure to comply with an ethical standard established in rules 2497  
adopted under division (B)(5) of this section; 2498

(g) Require the director to revoke the certification of an 2499  
environmental professional if the director finds that the 2500  
environmental professional falsified any information on the 2501  
environmental professional's application for certification 2502  
regarding the environmental professional's credentials or 2503  
qualifications or any other information generated for the purposes 2504  
of or use under this chapter or rules adopted under it; 2505

(h) Require the director permanently to revoke the 2506  
certification of an environmental professional who has violated or 2507  
is violating division (A) of section 3746.18 of the Revised Code; 2508

(i) Preclude the director from revoking the certification of 2509  
an environmental professional who only conducts investigations and 2510  
remedies at property contaminated solely with petroleum unless the 2511  
director first consults with the director of commerce. 2512

(6) Criteria and procedures for the certification of 2513

laboratories to perform analyses under this chapter and rules 2514  
adopted under it. The issuance, denial, suspension, and revocation 2515  
of those certifications are subject to Chapter 3745. of the 2516  
Revised Code, and the director of environmental protection shall 2517  
take any such action regarding a certification as a final action. 2518

The rules adopted under division (B)(6) of this section shall 2519  
do all of the following: 2520

(a) Provide for the certification to perform analyses of 2521  
laboratories in accordance with the criteria and procedures 2522  
established in the rules adopted under division (B)(6)(a) of this 2523  
section and establish an annual fee to be paid by those 2524  
laboratories. The fee shall be established at an amount calculated 2525  
to defray the costs to the agency for the review of the 2526  
qualifications of those laboratories for certification and for the 2527  
issuance of the certifications. The rules adopted under division 2528  
(B)(6)(a) of this section may provide for the certification of 2529  
those laboratories to perform only particular types or categories 2530  
of analyses, specific test parameters or group of test parameters, 2531  
or a specific matrix or matrices under this chapter. 2532

(b) Develop a schedule for and establish requirements 2533  
governing the review by the director of the operations of 2534  
laboratories that were deemed to be certified laboratories under 2535  
division (E) of section 3746.07 of the Revised Code in order to 2536  
determine if they comply with the criteria established in rules 2537  
adopted under division (B)(6) of this section. The rules adopted 2538  
under division (B)(6)(b) of this section shall do at least all of 2539  
the following: 2540

(i) Ensure that the review is conducted in a timely fashion; 2541

(ii) Require the director to certify any such laboratory that 2542  
the director determines complies with those criteria; 2543

(iii) Require any such laboratory initially to pay the fee 2544

established in the rules adopted under division (B)(6)(a) of this 2545  
section at the time that the laboratory is so certified by the 2546  
director; 2547

(iv) Establish a time period within which any such laboratory 2548  
that does not comply with those criteria may make changes in its 2549  
operations necessary for the performance of analyses under this 2550  
chapter and rules adopted under it in order to be certified by the 2551  
director; 2552

(v) Require the director to deny certification for any such 2553  
laboratory that does not comply with those criteria and that fails 2554  
to make the necessary changes in its operations within the 2555  
established time period. 2556

(c) Require that any information submitted to the director 2557  
for the purposes of the rules adopted under division (B)(6)(a) or 2558  
(b) of this section comply with division (A) of section 3746.20 of 2559  
the Revised Code; 2560

(d) Authorize the director to suspend or revoke the 2561  
certification of a laboratory if the director finds that the 2562  
laboratory's performance has resulted in the issuance of no 2563  
further action letters under section 3746.11 of the Revised Code 2564  
that are not consistent with applicable standards; 2565

(e) Authorize the director to suspend or revoke the 2566  
certification of a laboratory if the director finds that the 2567  
laboratory falsified any information on its application for 2568  
certification regarding its credentials or qualifications; 2569

(f) Require the director permanently to revoke the 2570  
certification of a laboratory that has violated or is violating 2571  
division (A) of section 3746.18 of the Revised Code. 2572

(7) Information to be included in a no further action letter 2573  
prepared under section 3746.11 of the Revised Code, including, 2574  
without limitation, all of the following: 2575

(a) A summary of the information required to be submitted to the certified environmental professional preparing the no further action letter under division (C) of section 3746.10 of the Revised Code;	2576 2577 2578 2579
(b) Notification that a risk assessment was performed in accordance with rules adopted under division (B)(2) of this section if such an assessment was used in lieu of generic numerical clean-up standards established in rules adopted under division (B)(1) of this section;	2580 2581 2582 2583 2584
(c) The contaminants addressed at the property, if any, their source, if known, and their levels prior to remediation;	2585 2586
(d) The identity of any other person who performed work to support the request for the no further action letter as provided in division (B)(2) of section 3746.10 of the Revised Code and the nature and scope of the work performed by that person;	2587 2588 2589 2590
(e) A list of the data, information, records, and documents relied upon by the certified environmental professional in preparing the no further action letter.	2591 2592 2593
(8) Methods for determining fees to be paid for the following services provided by the agency under this chapter and rules adopted under it:	2594 2595 2596
(a) Site- or property-specific technical assistance in developing or implementing plans in connection with a voluntary action;	2597 2598 2599
(b) Reviewing applications for and issuing consolidated standards permits under section 3746.15 of the Revised Code and monitoring compliance with those permits;	2600 2601 2602
(c) Negotiating, preparing, and entering into agreements necessary for the implementation and administration of this chapter and rules adopted under it;	2603 2604 2605

(d) Reviewing no further action letters, issuing covenants 2606  
not to sue, and monitoring compliance with any terms and 2607  
conditions of those covenants and with operation and maintenance 2608  
agreements entered into pursuant to those covenants, including, 2609  
without limitation, conducting audits of properties where 2610  
voluntary actions are being or were conducted under this chapter 2611  
and rules adopted under it. 2612

The fees established pursuant to the rules adopted under 2613  
division (B)(8) of this section shall be at a level sufficient to 2614  
defray the direct and indirect costs incurred by the agency for 2615  
the administration and enforcement of this chapter and rules 2616  
adopted under it other than the provisions regarding the 2617  
certification of professionals and laboratories. 2618

(9) Criteria for selecting the no further action letters 2619  
issued under section 3746.11 of the Revised Code that will be 2620  
audited under section 3746.17 of the Revised Code, and the scope 2621  
and procedures for conducting those audits. The rules adopted 2622  
under division (B)(9) of this section, at a minimum, shall require 2623  
the director to establish priorities for auditing no further 2624  
action letters to which any of the following applies: 2625

(a) The letter was prepared by an environmental professional 2626  
who was deemed to be a certified professional under division (D) 2627  
of section 3746.07 of the Revised Code, but who does not comply 2628  
with the criteria established in rules adopted under division 2629  
(B)(5) of this section as determined pursuant to rules adopted 2630  
under division (B)(5)(d) of this section; 2631

(b) The letter was submitted fraudulently; 2632

(c) The letter was prepared by a certified environmental 2633  
professional whose certification subsequently was revoked in 2634  
accordance with rules adopted under division (B)(5) of this 2635  
section, or analyses were performed for the purposes of the no 2636

further action letter by a certified laboratory whose 2637  
certification subsequently was revoked in accordance with rules 2638  
adopted under division (B)(6) of this section; 2639

(d) A covenant not to sue that was issued pursuant to the 2640  
letter was revoked under this chapter; 2641

(e) The letter was for a voluntary action that was conducted 2642  
pursuant to a risk assessment in accordance with rules adopted 2643  
under division (B)(2) of this section; 2644

(f) The letter was for a voluntary action that included as 2645  
remedial activities engineering controls or institutional controls 2646  
or activity and use limitations authorized under section 3746.05 2647  
of the Revised Code. 2648

The rules adopted under division (B)(9) of this section shall 2649  
provide for random audits of no further action letters to which 2650  
the rules adopted under divisions (B)(9)(a) to (f) of this section 2651  
do not apply. 2652

(10) A classification system to characterize ground water 2653  
according to its capability to be used for human use and its 2654  
impact on the environment and a methodology that shall be used to 2655  
determine when ground water that has become contaminated from 2656  
sources on a property for which a covenant not to sue is requested 2657  
under section 3746.11 of the Revised Code shall be remediated to 2658  
the standards established in the rules adopted under division 2659  
(B)(1) or (2) of this section. 2660

(a) In adopting rules under division (B)(10) of this section 2661  
to characterize ground water according to its capability for human 2662  
use, the director shall consider all of the following: 2663

(i) The presence of legally enforceable, reliable 2664  
restrictions on the use of ground water, including, without 2665  
limitation, local rules or ordinances; 2666

(ii) The presence of regional commingled contamination from multiple sources that diminishes the quality of ground water;	2667 2668
(iii) The natural quality of ground water;	2669
(iv) Regional availability of ground water and reasonable alternative sources of drinking water;	2670 2671
(v) The productivity of the aquifer;	2672
(vi) The presence of restrictions on the use of ground water implemented under this chapter and rules adopted under it;	2673 2674
(vii) The existing use of ground water.	2675
(b) In adopting rules under division (B)(10) of this section to characterize ground water according to its impacts on the environment, the director shall consider both of the following:	2676 2677 2678
(i) The risks posed to humans, fauna, surface water, sediments, soil, air, and other resources by the continuing presence of contaminated ground water;	2679 2680 2681
(ii) The availability and feasibility of technology to remedy ground water contamination.	2682 2683
(11) Governing the application for and issuance of variances under section 3746.09 of the Revised Code;	2684 2685
(12)(a) In the case of voluntary actions involving contaminated ground water, specifying the circumstances under which the generic numerical clean-up standards established in rules adopted under division (B)(1) of this section and standards established through a risk assessment conducted pursuant to rules adopted under division (B)(2) of this section shall be inapplicable to the remediation of contaminated ground water and under which the standards for remediating contaminated ground water shall be established on a case-by-case basis prior to the commencement of the voluntary action pursuant to rules adopted under division (B)(12)(b) of this section;	2686 2687 2688 2689 2690 2691 2692 2693 2694 2695 2696

(b) Criteria and procedures for the case-by-case 2697  
establishment of standards for the remediation of contaminated 2698  
ground water under circumstances in which the use of the generic 2699  
numerical clean-up standards and standards established through a 2700  
risk assessment are precluded by the rules adopted under division 2701  
(B)(12)(a) of this section. The rules governing the procedures for 2702  
the case-by-case development of standards for the remediation of 2703  
contaminated ground water shall establish application, public 2704  
participation, adjudication, and appeals requirements and 2705  
procedures that are equivalent to the requirements and procedures 2706  
established in section 3746.09 of the Revised Code and rules 2707  
adopted under division (B)(11) of this section, except that the 2708  
procedural rules shall not require an applicant to make the 2709  
demonstrations set forth in divisions (A)(1) to (3) of section 2710  
3746.09 of the Revised Code. 2711

(13) A definition of the evidence that constitutes sufficient 2712  
evidence for the purpose of division (A)(5) of section 3746.02 of 2713  
the Revised Code. 2714

At least thirty days before filing the proposed rules 2715  
required to be adopted under this section with the secretary of 2716  
state, director of the legislative service commission, and joint 2717  
committee on agency rule review in accordance with divisions (B) 2718  
and (H) of section 119.03 of the Revised Code, the director of 2719  
environmental protection shall hold at least one public meeting on 2720  
the proposed rules in each of the five districts into which the 2721  
agency has divided the state for administrative purposes. 2722

**Sec. 4117.03.** (A) Public employees have the right to: 2723

(1) Form, join, assist, or participate in, or refrain from 2724  
forming, joining, assisting, or participating in, except as 2725  
otherwise provided in Chapter 4117. of the Revised Code, any 2726  
employee organization of their own choosing; 2727



(2) Engage in other concerted activities for the purpose of collective bargaining or other mutual aid and protection;	2728
	2729
(3) Representation by an employee organization;	2730
(4) Bargain collectively with their public employers to determine wages, hours, terms and other conditions of employment and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement, and enter into collective bargaining agreements;	2731
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(5) Present grievances and have them adjusted, without the intervention of the bargaining representative, as long as the adjustment is not inconsistent with the terms of the collective bargaining agreement then in effect and as long as the bargaining representatives have the opportunity to be present at the adjustment.	2736
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(B) Persons on active duty or acting in any capacity as members of the organized militia do not have collective bargaining rights.	2742
	2743
	2744
(C) Except as provided in division (D) of this section, nothing in Chapter 4117. of the Revised Code prohibits public employers from electing to engage in collective bargaining, to meet and confer, to hold discussions, or to engage in any other form of collective negotiations with public employees who are not subject to Chapter 4117. of the Revised Code pursuant to division (C) of section 4117.01 of the Revised Code.	2745
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	2751
(D) A public employer shall not engage in collective bargaining or other forms of collective negotiations with the employees of county boards of elections referred to in division (C)(12) of section 4117.01 of the Revised Code.	2752
	2753
	2754
	2755
(E) Employees of public schools may bargain collectively for health care benefits; <del>however, all health care benefits shall include best practices prescribed by the school employees health</del>	2756
	2757
	2758

~~care board, in accordance with section 9.901 of the Revised Code.~~ 2759

**Sec. 4121.03.** (A) The governor shall appoint from among the 2760  
members of the industrial commission the chairperson of the 2761  
industrial commission. The chairperson shall serve as chairperson 2762  
at the pleasure of the governor. The chairperson is the head of 2763  
the commission and its chief executive officer. 2764

(B) The chairperson shall appoint, after consultation with 2765  
other commission members and obtaining the approval of at least 2766  
one other commission member, an executive director of the 2767  
commission. The executive director shall serve at the pleasure of 2768  
the chairperson. The executive director, under the direction of 2769  
the chairperson, shall perform all of the following duties: 2770

(1) Act as chief administrative officer for the commission; 2771

(2) Ensure that all commission personnel follow the rules of 2772  
the commission; 2773

(3) Ensure that all orders, awards, and determinations are 2774  
properly heard and signed, prior to attesting to the documents; 2775

(4) Coordinate, to the fullest extent possible, commission 2776  
activities with the bureau of workers' compensation activities; 2777

(5) Do all things necessary for the efficient and effective 2778  
implementation of the duties of the commission. 2779

The responsibilities assigned to the executive director of 2780  
the commission do not relieve the chairperson from final 2781  
responsibility for the proper performance of the acts specified in 2782  
this division. 2783

(C) The chairperson shall do all of the following: 2784

(1) Except as otherwise provided in this division, employ, 2785  
promote, supervise, remove, and establish the compensation of all 2786  
employees as needed in connection with the performance of the 2787

commission's duties under this chapter and Chapters 4123., 4127., 2788  
and 4131. of the Revised Code and may assign to them their duties 2789  
to the extent necessary to achieve the most efficient performance 2790  
of its functions, and to that end may establish, change, or 2791  
abolish positions, and assign and reassign duties and 2792  
responsibilities of every employee of the commission. The civil 2793  
service status of any person employed by the commission prior to 2794  
November 3, 1989, is not affected by this section. Personnel 2795  
employed by the bureau or the commission who are subject to 2796  
Chapter 4117. of the Revised Code shall retain all of their rights 2797  
and benefits conferred pursuant to that chapter as it presently 2798  
exists or is hereafter amended and nothing in this chapter or 2799  
Chapter 4123. of the Revised Code shall be construed as 2800  
eliminating or interfering with Chapter 4117. of the Revised Code 2801  
or the rights and benefits conferred under that chapter to public 2802  
employees or to any bargaining unit. 2803

(2) Hire district and staff hearing officers after 2804  
consultation with other commission members and obtaining the 2805  
approval of at least one other commission member; 2806

(3) Fire staff and district hearing officers when the 2807  
chairperson finds appropriate after obtaining the approval of at 2808  
least one other commission member; 2809

(4) Maintain the office for the commission in Columbus; 2810

(5) To the maximum extent possible, use electronic data 2811  
processing equipment for the issuance of orders immediately 2812  
following a hearing, scheduling of hearings and medical 2813  
examinations, tracking of claims, retrieval of information, and 2814  
any other matter within the commission's jurisdiction, and shall 2815  
provide and input information into the electronic data processing 2816  
equipment as necessary to effect the success of the claims 2817  
tracking system established pursuant to division (B)(15) of 2818  
section 4121.121 of the Revised Code; 2819

(6) Exercise all administrative and nonadjudicatory powers	2820
and duties conferred upon the commission by Chapters 4121., 4123.,	2821
4127., and 4131. of the Revised Code;	2822
(7) Approve all contracts for special services.	2823
(D) The chairperson is responsible for all administrative	2824
matters and may secure for the commission facilities, equipment,	2825
and supplies necessary to house the commission, any employees, and	2826
files and records under the commission's control and to discharge	2827
any duty imposed upon the commission by law, the expense thereof	2828
to be audited and paid in the same manner as other state expenses.	2829
For that purpose, the chairperson, separately from the budget	2830
prepared by the administrator of workers' compensation <del>and the</del>	2831
<del>budget prepared by the director of the workers' compensation</del>	2832
<del>council</del> , shall prepare and submit to the office of budget and	2833
management a budget for each biennium according to sections	2834
101.532 and 107.03 of the Revised Code. The budget submitted shall	2835
cover the costs of the commission and staff and district hearing	2836
officers in the discharge of any duty imposed upon the	2837
chairperson, the commission, and hearing officers by law.	2838
(E) A majority of the commission constitutes a quorum to	2839
transact business. No vacancy impairs the rights of the remaining	2840
members to exercise all of the powers of the commission, so long	2841
as a majority remains. Any investigation, inquiry, or hearing that	2842
the commission may hold or undertake may be held or undertaken by	2843
or before any one member of the commission, or before one of the	2844
deputies of the commission, except as otherwise provided in this	2845
chapter and Chapters 4123., 4127., and 4131. of the Revised Code.	2846
Every order made by a member, or by a deputy, when approved and	2847
confirmed by a majority of the members, and so shown on its record	2848
of proceedings, is the order of the commission. The commission may	2849
hold sessions at any place within the state. The commission is	2850
responsible for all of the following:	2851

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

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

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

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

who shall be a certified public accountant; one member who shall 2883  
be an actuary who is a member in good standing with the American 2884  
academy of actuaries or who is an associate or fellow with the 2885  
society of actuaries; and one member shall represent the public 2886  
and also be an individual who, on account of the individual's 2887  
previous vocation, employment, or affiliations, cannot be classed 2888  
as either predominantly representative of employees or of 2889  
employers. The governor shall select the chairperson of the board 2890  
who shall serve as chairperson at the pleasure of the governor. 2891

None of the members of the board, within one year immediately 2892  
preceding the member's appointment, shall have been employed by 2893  
the bureau of workers' compensation or by any person, partnership, 2894  
or corporation that has provided to the bureau services of a 2895  
financial or investment nature, including the management, 2896  
analysis, supervision, or investment of assets. 2897

(B) Of the initial appointments made to the board, the 2898  
governor shall appoint the member who represents employees, one 2899  
member who represents employers, and the member who represents the 2900  
public to a term ending one year after June 11, 2007; one member 2901  
who represents employers, one member who represents employee 2902  
organizations, one member who is an investment and securities 2903  
expert, and the member who is a certified public accountant to a 2904  
term ending two years after June 11, 2007; and one member who 2905  
represents employers, one member who represents employee 2906  
organizations, one member who is an investment and securities 2907  
expert, and the member who is an actuary to a term ending three 2908  
years after June 11, 2007. Thereafter, terms of office shall be 2909  
for three years, with each term ending on the same day of the same 2910  
month as did the term that it succeeds. Each member shall hold 2911  
office from the date of the member's appointment until the end of 2912  
the term for which the member was appointed. 2913

Members may be reappointed. Any member appointed to fill a 2914

vacancy occurring prior to the expiration date of the term for 2915  
which the member's predecessor was appointed shall hold office as 2916  
a member for the remainder of that term. A member shall continue 2917  
in office subsequent to the expiration date of the member's term 2918  
until a successor takes office or until a period of sixty days has 2919  
elapsed, whichever occurs first. 2920

(C) In making appointments to the board, the governor shall 2921  
select the members from the list of names submitted by the 2922  
workers' compensation board of directors nominating committee 2923  
pursuant to this division. The nominating committee shall submit 2924  
to the governor a list containing four separate names for each of 2925  
the members on the board. Within fourteen days after the 2926  
submission of the list, the governor shall appoint individuals 2927  
from the list. 2928

At least thirty days prior to a vacancy occurring as a result 2929  
of the expiration of a term and within thirty days after other 2930  
vacancies occurring on the board, the nominating committee shall 2931  
submit an initial list containing four names for each vacancy. 2932  
Within fourteen days after the submission of the initial list, the 2933  
governor either shall appoint individuals from that list or 2934  
request the nominating committee to submit another list of four 2935  
names for each member the governor has not appointed from the 2936  
initial list, which list the nominating committee shall submit to 2937  
the governor within fourteen days after the governor's request. 2938  
The governor then shall appoint, within seven days after the 2939  
submission of the second list, one of the individuals from either 2940  
list to fill the vacancy for which the governor has not made an 2941  
appointment from the initial list. If the governor appoints an 2942  
individual to fill a vacancy occurring as a result of the 2943  
expiration of a term, the individual appointed shall begin serving 2944  
as a member of the board when the term for which the individual's 2945  
predecessor was appointed expires or immediately upon appointment 2946

by the governor, whichever occurs later. With respect to the 2947  
filling of vacancies, the nominating committee shall provide the 2948  
governor with a list of four individuals who are, in the judgment 2949  
of the nominating committee, the most fully qualified to accede to 2950  
membership on the board. 2951

In order for the name of an individual to be submitted to the 2952  
governor under this division, the nominating committee shall 2953  
approve the individual by an affirmative vote of a majority of its 2954  
members. 2955

(D) All members of the board shall receive their reasonable 2956  
and necessary expenses pursuant to section 126.31 of the Revised 2957  
Code while engaged in the performance of their duties as members 2958  
and also shall receive an annual salary not to exceed sixty 2959  
thousand dollars in total, payable on the following basis: 2960

(1) Except as provided in division (D)(2) of this section, a 2961  
member shall receive two thousand five hundred dollars during a 2962  
month in which the member attends one or more meetings of the 2963  
board and shall receive no payment during a month in which the 2964  
member attends no meeting of the board. 2965

(2) A member may receive no more than thirty thousand dollars 2966  
per year to compensate the member for attending meetings of the 2967  
board, regardless of the number of meetings held by the board 2968  
during a year or the number of meetings in excess of twelve within 2969  
a year that the member attends. 2970

(3) Except as provided in division (D)(4) of this section, if 2971  
a member serves on the workers' compensation audit committee, 2972  
workers' compensation actuarial committee, or the workers' 2973  
compensation investment committee, the member shall receive two 2974  
thousand five hundred dollars during a month in which the member 2975  
attends one or more meetings of the committee on which the member 2976  
serves and shall receive no payment during any month in which the 2977



member attends no meeting of that committee. 2978

(4) A member may receive no more than thirty thousand dollars 2979  
per year to compensate the member for attending meetings of any of 2980  
the committees specified in division (D)(3) of this section, 2981  
regardless of the number of meetings held by a committee during a 2982  
year or the number of committees on which a member serves. 2983

The chairperson of the board shall set the meeting dates of 2984  
the board as necessary to perform the duties of the board under 2985  
this chapter and Chapters 4123., 4125., 4127., 4131., and 4167. of 2986  
the Revised Code. The board shall meet at least twelve times a 2987  
year. The administrator of workers' compensation shall provide 2988  
professional and clerical assistance to the board, as the board 2989  
considers appropriate. 2990

(E) Before entering upon the duties of office, each appointed 2991  
member of the board shall take an oath of office as required by 2992  
sections 3.22 and 3.23 of the Revised Code and file in the office 2993  
of the secretary of state the bond required under section 4121.127 2994  
of the Revised Code. 2995

(F) The board shall: 2996

(1) Establish the overall administrative policy for the 2997  
bureau for the purposes of this chapter and Chapters 4123., 4125., 2998  
4127., 4131., and 4167. of the Revised Code; 2999

(2) Review progress of the bureau in meeting its cost and 3000  
quality objectives and in complying with this chapter and Chapters 3001  
4123., 4125., 4127., 4131., and 4167. of the Revised Code; 3002

(3) Submit an annual report to the president of the senate, 3003  
the speaker of the house of representatives, and the governor, ~~and~~ 3004  
~~the workers' compensation council~~ and include all of the following 3005  
in that report: 3006

(a) An evaluation of the cost and quality objectives of the 3007

bureau;	3008
(b) A statement of the net assets available for the provision of compensation and benefits under this chapter and Chapters 4123., 4127., and 4131. of the Revised Code as of the last day of the fiscal year;	3009 3010 3011 3012
(c) A statement of any changes that occurred in the net assets available, including employer premiums and net investment income, for the provision of compensation and benefits and payment of administrative expenses, between the first and last day of the fiscal year immediately preceding the date of the report;	3013 3014 3015 3016 3017
(d) The following information for each of the six consecutive fiscal years occurring previous to the report:	3018 3019
(i) A schedule of the net assets available for compensation and benefits;	3020 3021
(ii) The annual cost of the payment of compensation and benefits;	3022 3023
(iii) Annual administrative expenses incurred;	3024
(iv) Annual employer premiums allocated for the provision of compensation and benefits.	3025 3026
(e) A description of any significant changes that occurred during the six years for which the board provided the information required under division (F)(3)(d) of this section that affect the ability of the board to compare that information from year to year.	3027 3028 3029 3030 3031
(4) Review all independent financial audits of the bureau. The administrator shall provide access to records of the bureau to facilitate the review required under this division.	3032 3033 3034
(5) Study issues as requested by the administrator or the governor;	3035 3036
(6) Contract with all of the following:	3037

- (a) An independent actuarial firm to assist the board in making recommendations to the administrator regarding premium rates; 3038  
3039  
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- (b) An outside investment counsel to assist the workers' compensation investment committee in fulfilling its duties; 3041  
3042
- (c) An independent fiduciary counsel to assist the board in the performance of its duties. 3043  
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- (7) Approve the investment policy developed by the workers' compensation investment committee pursuant to section 4121.129 of the Revised Code if the policy satisfies the requirements specified in section 4123.442 of the Revised Code. 3045  
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- (8) Review and publish the investment policy no less than annually and make copies available to interested parties. 3049  
3050
- (9) Prohibit, on a prospective basis, any specific investment it finds to be contrary to the investment policy approved by the board. 3051  
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3053
- (10) Vote to open each investment class and allow the administrator to invest in an investment class only if the board, by a majority vote, opens that class; 3054  
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- (11) After opening a class but prior to the administrator investing in that class, adopt rules establishing due diligence standards for employees of the bureau to follow when investing in that class and establish policies and procedures to review and monitor the performance and value of each investment class; 3057  
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- (12) Submit a report annually on the performance and value of each investment class to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives, ~~and the workers' compensation council.~~ 3062  
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- (13) Advise and consent on all of the following: 3066
- (a) Administrative rules the administrator submits to it 3067

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

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

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

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

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

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

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

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

(a) An orientation component for newly appointed members;

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

(c) A curriculum that includes education about each of the following topics:	3098 3099
(i) Board member duties and responsibilities;	3100
(ii) Compensation and benefits paid pursuant to this chapter and Chapters 4123., 4127., and 4131. of the Revised Code;	3101 3102
(iii) Ethics;	3103
(iv) Governance processes and procedures;	3104
(v) Actuarial soundness;	3105
(vi) Investments;	3106
(vii) Any other subject matter the board believes is reasonably related to the duties of a board member.	3107 3108
<del>(17) Submit the program developed pursuant to division (F)(16) of this section to the workers' compensation council for approval;</del>	3109 3110 3111
<del>(18) Hold all sessions, classes, and other events for the program developed pursuant to division (F)(16) of this section in this state.</del>	3112 3113 3114
(G) The board may do both of the following:	3115
(1) Vote to close any investment class;	3116
(2) Create any committees in addition to the workers' compensation audit committee, the workers' compensation actuarial committee, and the workers' compensation investment committee that the board determines are necessary to assist the board in performing its duties.	3117 3118 3119 3120 3121
(H) The office of a member of the board who is convicted of or pleads guilty to a felony, a theft offense as defined in section 2913.01 of the Revised Code, or a violation of section 102.02, 102.03, 102.04, 2921.02, 2921.11, 2921.13, 2921.31, 2921.41, 2921.42, 2921.43, or 2921.44 of the Revised Code shall be	3122 3123 3124 3125 3126

deemed vacant. The vacancy shall be filled in the same manner as 3127  
the original appointment. A person who has pleaded guilty to or 3128  
been convicted of an offense of that nature is ineligible to be a 3129  
member of the board. A member who receives a bill of indictment 3130  
for any of the offenses specified in this section shall be 3131  
automatically suspended from the board pending resolution of the 3132  
criminal matter. 3133

(I) For the purposes of division (G)(1) of section 121.22 of 3134  
the Revised Code, the meeting between the governor and the board 3135  
to review the administrator's performance as required under 3136  
division (F)(15) of this section shall be considered a meeting 3137  
regarding the employment of the administrator. 3138

**Sec. 4121.121.** (A) There is hereby created the bureau of 3139  
workers' compensation, which shall be administered by the 3140  
administrator of workers' compensation. A person appointed to the 3141  
position of administrator shall possess significant management 3142  
experience in effectively managing an organization or 3143  
organizations of substantial size and complexity. A person 3144  
appointed to the position of administrator also shall possess a 3145  
minimum of five years of experience in the field of workers' 3146  
compensation insurance or in another insurance industry, except as 3147  
otherwise provided when the conditions specified in division (C) 3148  
of this section are satisfied. The governor shall appoint the 3149  
administrator as provided in section 121.03 of the Revised Code, 3150  
and the administrator shall serve at the pleasure of the governor. 3151  
The governor shall fix the administrator's salary on the basis of 3152  
the administrator's experience and the administrator's 3153  
responsibilities and duties under this chapter and Chapters 4123., 3154  
4125., 4127., 4131., and 4167. of the Revised Code. The governor 3155  
shall not appoint to the position of administrator any person who 3156  
has, or whose spouse has, given a contribution to the campaign 3157  
committee of the governor in an amount greater than one thousand 3158

dollars during the two-year period immediately preceding the date 3159  
of the appointment of the administrator. 3160

The administrator shall hold no other public office and shall 3161  
devote full time to the duties of administrator. Before entering 3162  
upon the duties of the office, the administrator shall take an 3163  
oath of office as required by sections 3.22 and 3.23 of the 3164  
Revised Code, and shall file in the office of the secretary of 3165  
state, a bond signed by the administrator and by surety approved 3166  
by the governor, for the sum of fifty thousand dollars payable to 3167  
the state, conditioned upon the faithful performance of the 3168  
administrator's duties. 3169

(B) The administrator is responsible for the management of 3170  
the bureau and for the discharge of all administrative duties 3171  
imposed upon the administrator in this chapter and Chapters 4123., 3172  
4125., 4127., 4131., and 4167. of the Revised Code, and in the 3173  
discharge thereof shall do all of the following: 3174

(1) Perform all acts and exercise all authorities and powers, 3175  
discretionary and otherwise that are required of or vested in the 3176  
bureau or any of its employees in this chapter and Chapters 4123., 3177  
4125., 4127., 4131., and 4167. of the Revised Code, except the 3178  
acts and the exercise of authority and power that is required of 3179  
and vested in the bureau of workers' compensation board of 3180  
directors or the industrial commission pursuant to those chapters. 3181  
The treasurer of state shall honor all warrants signed by the 3182  
administrator, or by one or more of the administrator's employees, 3183  
authorized by the administrator in writing, or bearing the 3184  
facsimile signature of the administrator or such employee under 3185  
sections 4123.42 and 4123.44 of the Revised Code. 3186

(2) Employ, direct, and supervise all employees required in 3187  
connection with the performance of the duties assigned to the 3188  
bureau by this chapter and Chapters 4123., 4125., 4127., 4131., 3189  
and 4167. of the Revised Code, including an actuary, and may 3190

establish job classification plans and compensation for all 3191  
employees of the bureau provided that this grant of authority 3192  
shall not be construed as affecting any employee for whom the 3193  
state employment relations board has established an appropriate 3194  
bargaining unit under section 4117.06 of the Revised Code. All 3195  
positions of employment in the bureau are in the classified civil 3196  
service except those employees the administrator may appoint to 3197  
serve at the administrator's pleasure in the unclassified civil 3198  
service pursuant to section 124.11 of the Revised Code. The 3199  
administrator shall fix the salaries of employees the 3200  
administrator appoints to serve at the administrator's pleasure, 3201  
including the chief operating officer, staff physicians, and other 3202  
senior management personnel of the bureau and shall establish the 3203  
compensation of staff attorneys of the bureau's legal section and 3204  
their immediate supervisors, and take whatever steps are necessary 3205  
to provide adequate compensation for other staff attorneys. 3206

The administrator may appoint a person who holds a certified 3207  
position in the classified service within the bureau to a position 3208  
in the unclassified service within the bureau. A person appointed 3209  
pursuant to this division to a position in the unclassified 3210  
service shall retain the right to resume the position and status 3211  
held by the person in the classified service immediately prior to 3212  
the person's appointment in the unclassified service, regardless 3213  
of the number of positions the person held in the unclassified 3214  
service. An employee's right to resume a position in the 3215  
classified service may only be exercised when the administrator 3216  
demotes the employee to a pay range lower than the employee's 3217  
current pay range or revokes the employee's appointment to the 3218  
unclassified service. An employee forfeits the right to resume a 3219  
position in the classified service when the employee is removed 3220  
from the position in the unclassified service due to incompetence, 3221  
inefficiency, dishonesty, drunkenness, immoral conduct, 3222  
insubordination, discourteous treatment of the public, neglect of 3223



duty, violation of this chapter or Chapter 124., 4123., 4125., 3224  
4127., 4131., or 4167. of the Revised Code, violation of the rules 3225  
of the director of administrative services or the administrator, 3226  
any other failure of good behavior, any other acts of misfeasance, 3227  
malfeasance, or nonfeasance in office, or conviction of a felony. 3228  
An employee also forfeits the right to resume a position in the 3229  
classified service upon transfer to a different agency. 3230

Reinstatement to a position in the classified service shall 3231  
be to a position substantially equal to that position in the 3232  
classified service held previously, as certified by the department 3233  
of administrative services. If the position the person previously 3234  
held in the classified service has been placed in the unclassified 3235  
service or is otherwise unavailable, the person shall be appointed 3236  
to a position in the classified service within the bureau that the 3237  
director of administrative services certifies is comparable in 3238  
compensation to the position the person previously held in the 3239  
classified service. Service in the position in the unclassified 3240  
service shall be counted as service in the position in the 3241  
classified service held by the person immediately prior to the 3242  
person's appointment in the unclassified service. When a person is 3243  
reinstated to a position in the classified service as provided in 3244  
this division, the person is entitled to all rights, status, and 3245  
benefits accruing to the position during the person's time of 3246  
service in the position in the unclassified service. 3247

(3) Reorganize the work of the bureau, its sections, 3248  
departments, and offices to the extent necessary to achieve the 3249  
most efficient performance of its functions and to that end may 3250  
establish, change, or abolish positions and assign and reassign 3251  
duties and responsibilities of every employee of the bureau. All 3252  
persons employed by the commission in positions that, after 3253  
November 3, 1989, are supervised and directed by the administrator 3254  
under this section are transferred to the bureau in their 3255

respective classifications but subject to reassignment and 3256  
reclassification of position and compensation as the administrator 3257  
determines to be in the interest of efficient administration. The 3258  
civil service status of any person employed by the commission is 3259  
not affected by this section. Personnel employed by the bureau or 3260  
the commission who are subject to Chapter 4117. of the Revised 3261  
Code shall retain all of their rights and benefits conferred 3262  
pursuant to that chapter as it presently exists or is hereafter 3263  
amended and nothing in this chapter or Chapter 4123. of the 3264  
Revised Code shall be construed as eliminating or interfering with 3265  
Chapter 4117. of the Revised Code or the rights and benefits 3266  
conferred under that chapter to public employees or to any 3267  
bargaining unit. 3268

(4) Provide offices, equipment, supplies, and other 3269  
facilities for the bureau. 3270

(5) Prepare and submit to the board information the 3271  
administrator considers pertinent or the board requires, together 3272  
with the administrator's recommendations, in the form of 3273  
administrative rules, for the advice and consent of the board, for 3274  
classifications of occupations or industries, for premium rates 3275  
and contributions, for the amount to be credited to the surplus 3276  
fund, for rules and systems of rating, rate revisions, and merit 3277  
rating. The administrator shall obtain, prepare, and submit any 3278  
other information the board requires for the prompt and efficient 3279  
discharge of its duties. 3280

(6) Keep the accounts required by division (A) of section 3281  
4123.34 of the Revised Code and all other accounts and records 3282  
necessary to the collection, administration, and distribution of 3283  
the workers' compensation funds and shall obtain the statistical 3284  
and other information required by section 4123.19 of the Revised 3285  
Code. 3286

(7) Exercise the investment powers vested in the 3287

administrator by section 4123.44 of the Revised Code in accordance 3288  
with the investment policy approved by the board pursuant to 3289  
section 4121.12 of the Revised Code and in consultation with the 3290  
chief investment officer of the bureau of workers' compensation. 3291  
The administrator shall not engage in any prohibited investment 3292  
activity specified by the board pursuant to division (F)(9) of 3293  
section 4121.12 of the Revised Code and shall not invest in any 3294  
type of investment specified in divisions (B)(1) to (10) of 3295  
section 4123.442 of the Revised Code. All business shall be 3296  
transacted, all funds invested, all warrants for money drawn and 3297  
payments made, and all cash and securities and other property 3298  
held, in the name of the bureau, or in the name of its nominee, 3299  
provided that nominees are authorized by the administrator solely 3300  
for the purpose of facilitating the transfer of securities, and 3301  
restricted to the administrator and designated employees. 3302

(8) Make contracts for and supervise the construction of any 3303  
project or improvement or the construction or repair of buildings 3304  
under the control of the bureau. 3305

(9) Purchase supplies, materials, equipment, and services; 3306  
make contracts for, operate, and superintend the telephone, other 3307  
telecommunication, and computer services for the use of the 3308  
bureau; and make contracts in connection with office reproduction, 3309  
forms management, printing, and other services. Notwithstanding 3310  
sections 125.12 to 125.14 of the Revised Code, the administrator 3311  
may transfer surplus computers and computer equipment directly to 3312  
an accredited public school within the state. The computers and 3313  
computer equipment may be repaired or refurbished prior to the 3314  
transfer. 3315

(10) Prepare and submit to the board an annual budget for 3316  
internal operating purposes for the board's approval. The 3317  
administrator also shall, separately from the budget the 3318  
industrial commission submits ~~and from the budget the director of~~ 3319

~~the workers' compensation council submits~~, prepare and submit to 3320  
the director of budget and management a budget for each biennium. 3321  
The budgets submitted to the board and the director shall include 3322  
estimates of the costs and necessary expenditures of the bureau in 3323  
the discharge of any duty imposed by law. 3324

(11) As promptly as possible in the course of efficient 3325  
administration, decentralize and relocate such of the personnel 3326  
and activities of the bureau as is appropriate to the end that the 3327  
receipt, investigation, determination, and payment of claims may 3328  
be undertaken at or near the place of injury or the residence of 3329  
the claimant and for that purpose establish regional offices, in 3330  
such places as the administrator considers proper, capable of 3331  
discharging as many of the functions of the bureau as is 3332  
practicable so as to promote prompt and efficient administration 3333  
in the processing of claims. All active and inactive lost-time 3334  
claims files shall be held at the service office responsible for 3335  
the claim. A claimant, at the claimant's request, shall be 3336  
provided with information by telephone as to the location of the 3337  
file pertaining to the claimant's claim. The administrator shall 3338  
ensure that all service office employees report directly to the 3339  
director for their service office. 3340

(12) Provide a written binder on new coverage where the 3341  
administrator considers it to be in the best interest of the risk. 3342  
The administrator, or any other person authorized by the 3343  
administrator, shall grant the binder upon submission of a request 3344  
for coverage by the employer. A binder is effective for a period 3345  
of thirty days from date of issuance and is nonrenewable. Payroll 3346  
reports and premium charges shall coincide with the effective date 3347  
of the binder. 3348

(13) Set standards for the reasonable and maximum handling 3349  
time of claims payment functions, ensure, by rules, the impartial 3350  
and prompt treatment of all claims and employer risk accounts, and 3351

establish a secure, accurate method of time stamping all incoming 3352  
mail and documents hand delivered to bureau employees. 3353

(14) Ensure that all employees of the bureau follow the 3354  
orders and rules of the commission as such orders and rules relate 3355  
to the commission's overall adjudicatory policy-making and 3356  
management duties under this chapter and Chapters 4123., 4127., 3357  
and 4131. of the Revised Code. 3358

(15) Manage and operate a data processing system with a 3359  
common data base for the use of both the bureau and the commission 3360  
and, in consultation with the commission, using electronic data 3361  
processing equipment, shall develop a claims tracking system that 3362  
is sufficient to monitor the status of a claim at any time and 3363  
that lists appeals that have been filed and orders or 3364  
determinations that have been issued pursuant to section 4123.511 3365  
or 4123.512 of the Revised Code, including the dates of such 3366  
filings and issuances. 3367

(16) Establish and maintain a medical section within the 3368  
bureau. The medical section shall do all of the following: 3369

(a) Assist the administrator in establishing standard medical 3370  
fees, approving medical procedures, and determining eligibility 3371  
and reasonableness of the compensation payments for medical, 3372  
hospital, and nursing services, and in establishing guidelines for 3373  
payment policies which recognize usual, customary, and reasonable 3374  
methods of payment for covered services; 3375

(b) Provide a resource to respond to questions from claims 3376  
examiners for employees of the bureau; 3377

(c) Audit fee bill payments; 3378

(d) Implement a program to utilize, to the maximum extent 3379  
possible, electronic data processing equipment for storage of 3380  
information to facilitate authorizations of compensation payments 3381  
for medical, hospital, drug, and nursing services; 3382

(e) Perform other duties assigned to it by the administrator.	3383
(17) Appoint, as the administrator determines necessary,	3384
panels to review and advise the administrator on disputes arising	3385
over a determination that a health care service or supply provided	3386
to a claimant is not covered under this chapter or Chapter 4123.,	3387
4127., or 4131. of the Revised Code or is medically unnecessary.	3388
If an individual health care provider is involved in the dispute,	3389
the panel shall consist of individuals licensed pursuant to the	3390
same section of the Revised Code as such health care provider.	3391
(18) Pursuant to section 4123.65 of the Revised Code, approve	3392
applications for the final settlement of claims for compensation	3393
or benefits under this chapter and Chapters 4123., 4127., and	3394
4131. of the Revised Code as the administrator determines	3395
appropriate, except in regard to the applications of self-insuring	3396
employers and their employees.	3397
(19) Comply with section 3517.13 of the Revised Code, and	3398
except in regard to contracts entered into pursuant to the	3399
authority contained in section 4121.44 of the Revised Code, comply	3400
with the competitive bidding procedures set forth in the Revised	3401
Code for all contracts into which the administrator enters	3402
provided that those contracts fall within the type of contracts	3403
and dollar amounts specified in the Revised Code for competitive	3404
bidding and further provided that those contracts are not	3405
otherwise specifically exempt from the competitive bidding	3406
procedures contained in the Revised Code.	3407
(20) Adopt, with the advice and consent of the board, rules	3408
for the operation of the bureau.	3409
(21) Prepare and submit to the board information the	3410
administrator considers pertinent or the board requires, together	3411
with the administrator's recommendations, in the form of	3412
administrative rules, for the advice and consent of the board, for	3413

the health partnership program and the qualified health plan 3414  
system, as provided in sections 4121.44, 4121.441, and 4121.442 of 3415  
the Revised Code. 3416

(C) The administrator, with the advice and consent of the 3417  
senate, shall appoint a chief operating officer who has a minimum 3418  
of five years of experience in the field of workers' compensation 3419  
insurance or in another similar insurance industry if the 3420  
administrator does not possess such experience. The chief 3421  
operating officer shall not commence the chief operating officer's 3422  
duties until after the senate consents to the chief operating 3423  
officer's appointment. The chief operating officer shall serve in 3424  
the unclassified civil service of the state. 3425

**Sec. 4121.125.** (A) The bureau of workers' compensation board 3426  
of directors, based upon recommendations of the workers' 3427  
compensation actuarial committee, may contract with one or more 3428  
outside actuarial firms and other professional persons, as the 3429  
board determines necessary, to assist the board in measuring the 3430  
performance of Ohio's workers' compensation system and in 3431  
comparing Ohio's workers' compensation system to other state and 3432  
private workers' compensation systems. The board, actuarial firm 3433  
or firms, and professional persons shall make such measurements 3434  
and comparisons using accepted insurance industry standards, 3435  
including, but not limited to, standards promulgated by the 3436  
National Council on Compensation Insurance. 3437

(B) The board may contract with one or more outside firms to 3438  
conduct management and financial audits of the workers' 3439  
compensation system, including audits of the reserve fund 3440  
belonging to the state insurance fund, and to establish objective 3441  
quality management principles and methods by which to review the 3442  
performance of the workers' compensation system. 3443

(C) The board shall do all of the following: 3444

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

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

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

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

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



workers' compensation legislation not later than the first day of 3477  
November following the fifth year of the period that the report 3478  
covers; 3479

(6) Have prepared by or under the supervision of an actuary 3480  
an actuarial analysis of any introduced legislation expected to 3481  
have a measurable financial impact on the workers' compensation 3482  
system; 3483

(7) Submit the report required under division (G) of this 3484  
section to the legislative service commission, and the standing 3485  
committees of the house of representatives and the senate with 3486  
primary responsibility for workers' compensation legislation, ~~and~~ 3487  
~~the council~~ not later than sixty days after the date of 3488  
introduction of the legislation. 3489

(D) The administrator of workers' compensation and the 3490  
industrial commission shall compile information and provide access 3491  
to records of the bureau and the industrial commission to the 3492  
board to the extent necessary for fulfillment of both of the 3493  
following requirements: 3494

(1) Conduct of the measurements and comparisons described in 3495  
division (A) of this section; 3496

(2) Conduct of the management and financial audits and 3497  
establishment of the principles and methods described in division 3498  
(B) of this section. 3499

(E) The firm or person with whom the board contracts pursuant 3500  
to division (C)(1) of this section shall prepare a report of the 3501  
valuation and submit the report to the board. The firm or person 3502  
shall include all of the following information in the report that 3503  
is required under division (C)(1) of this section: 3504

(1) A summary of the compensation and benefit provisions 3505  
evaluated; 3506

(2) A summary of the census data and financial information used in the valuation;	3507 3508
(3) A description of the actuarial assumptions, actuarial cost method, and asset valuation method used in the valuation;	3509 3510
(4) A summary of findings that includes a statement of the actuarial accrued compensation and benefit liabilities and unfunded actuarial accrued compensation and benefit liabilities;	3511 3512 3513
(5) A schedule showing the effect of any changes in the compensation and benefit provisions, actuarial assumptions, or cost methods since the previous annual actuarial valuation report was submitted to the board.	3514 3515 3516 3517
(F) The actuary or person whom the board designates to conduct an actuarial investigation under division (C)(4) of this section shall prepare a report of the actuarial investigation and shall submit the report to the board. The actuary or person shall prepare the report and make any recommended changes in actuarial assumptions in accordance with the actuarial standards of practice promulgated by the actuarial standards board of the American academy of actuaries. The actuary or person shall include all of the following information in the report:	3518 3519 3520 3521 3522 3523 3524 3525 3526
(1) A summary of relevant decrement and economic assumption experience;	3527 3528
(2) Recommended changes in actuarial assumptions to be used in subsequent actuarial valuations required by division (C)(1) of this section;	3529 3530 3531
(3) A measurement of the financial effect of the recommended changes in actuarial assumptions.	3532 3533
(G) The actuary or person whom the board designates to conduct the actuarial analysis under division (C)(6) of this section shall prepare a report of the actuarial analysis and shall	3534 3535 3536

submit that report to the board. The actuary or person shall 3537  
complete the analysis in accordance with the actuarial standards 3538  
of practice promulgated by the actuarial standards board of the 3539  
American academy of actuaries. The actuary or person shall include 3540  
all of the following information in the report: 3541

(1) A summary of the statutory changes being evaluated; 3542

(2) A description of or reference to the actuarial 3543  
assumptions and actuarial cost method used in the report; 3544

(3) A description of the participant group or groups included 3545  
in the report; 3546

(4) A statement of the financial impact of the legislation, 3547  
including the resulting increase, if any, in employer premiums, in 3548  
actuarial accrued liabilities, and, if an increase in actuarial 3549  
accrued liabilities is predicted, the per cent of premium increase 3550  
that would be required to amortize the increase in those 3551  
liabilities as a level per cent of employer premiums over a period 3552  
not to exceed thirty years. 3553

(5) A statement of whether the employer premiums paid to the 3554  
bureau of workers' compensation after the proposed change is 3555  
enacted are expected to be sufficient to satisfy the funding 3556  
objectives established by the board. 3557

(H) The board may, at any time, request an actuary to make 3558  
any studies or actuarial valuations to determine the adequacy of 3559  
the premium rates established by the administrator in accordance 3560  
with sections 4123.29 and 4123.34 of the Revised Code, and may 3561  
adjust those rates as recommended by the actuary. 3562

(I) The board shall have an independent auditor, at least 3563  
once every ten years, conduct a fiduciary performance audit of the 3564  
investment program of the bureau of workers' compensation. That 3565  
audit shall include an audit of the investment policies approved 3566  
by the board and investment procedures of the bureau. The board 3567

shall submit a copy of that audit to the auditor of state. 3568

(J) The administrator, with the advice and consent of the 3569  
board, shall employ an internal auditor who shall report findings 3570  
directly to the board, workers' compensation audit committee, and 3571  
administrator, except that the internal auditor shall not report 3572  
findings directly to the administrator when those findings involve 3573  
malfeasance, misfeasance, or nonfeasance on the part of the 3574  
administrator. The board and the workers' compensation audit 3575  
committee may request and review internal audits conducted by the 3576  
internal auditor. 3577

(K) The administrator shall pay the expenses incurred by the 3578  
board to effectively fulfill its duties and exercise its powers 3579  
under this section as the administrator pays other operating 3580  
expenses of the bureau. 3581

**Sec. 4121.128.** The attorney general shall be the legal 3582  
adviser of the bureau of workers' compensation board of directors 3583  
~~and the workers' compensation council.~~ 3584

**Sec. 4123.341.** The administrative costs of the industrial 3585  
commission, ~~the workers' compensation council,~~ the bureau of 3586  
workers' compensation board of directors, and the bureau of 3587  
workers' compensation shall be those costs and expenses that are 3588  
incident to the discharge of the duties and performance of the 3589  
activities of the industrial commission, ~~the council,~~ the board, 3590  
and the bureau under this chapter and Chapters 4121., 4125., 3591  
4127., 4131., and 4167. of the Revised Code, and all such costs 3592  
shall be borne by the state and by other employers amenable to 3593  
this chapter as follows: 3594

(A) In addition to the contribution required of the state 3595  
under sections 4123.39 and 4123.40 of the Revised Code, the state 3596  
shall contribute the sum determined to be necessary under section 3597

4123.342 of the Revised Code. 3598

(B) The director of budget and management may allocate the 3599  
state's share of contributions in the manner the director finds 3600  
most equitably apportions the costs. 3601

(C) The counties and taxing districts therein shall 3602  
contribute such sum as may be required under section 4123.342 of 3603  
the Revised Code. 3604

(D) The private employers shall contribute the sum required 3605  
under section 4123.342 of the Revised Code. 3606

**Sec. 4123.342.** (A) The administrator of workers' compensation 3607  
shall allocate among counties and taxing districts therein as a 3608  
class, the state and its instrumentalities as a class, private 3609  
employers who are insured under the private fund as a class, and 3610  
self-insuring employers as a class their fair shares of the 3611  
administrative costs which are to be borne by such employers under 3612  
division (D) of section 4123.341 of the Revised Code, separately 3613  
allocating to each class those costs solely attributable to the 3614  
activities of the industrial commission, ~~those costs solely~~ 3615  
~~attributable to the activities of the workers' compensation~~ 3616  
~~council,~~ and those costs solely attributable to the activities of 3617  
the bureau of workers' compensation board of directors, and the 3618  
bureau of workers' compensation in respect of the class, 3619  
allocating to any combination of classes those costs attributable 3620  
to the activities of the industrial commission, ~~council,~~ board, or 3621  
bureau in respect of the classes, and allocating to all four 3622  
classes those costs attributable to the activities of the 3623  
industrial commission, ~~council,~~ board, and bureau in respect of 3624  
all classes. The administrator shall separately calculate each 3625  
employer's assessment in the class, except self-insuring 3626  
employers, on the basis of the following three factors: payroll, 3627  
paid compensation, and paid medical costs of the employer for 3628

those costs solely attributable to the activities of the board and 3629  
the bureau. The administrator shall separately calculate each 3630  
employer's assessment in the class, except self-insuring 3631  
employers, on the basis of the following three factors: payroll, 3632  
paid compensation, and paid medical costs of the employer for 3633  
those costs solely attributable to the activities of the 3634  
industrial commission. ~~The administrator shall separately 3635  
calculate each employer's assessment in the class, except 3636  
self-insuring employers, on the basis of the following three 3637  
factors: payroll, paid compensation, and paid medical costs of the 3638  
employer for those costs solely attributable to the activities of 3639  
the council.~~ The administrator shall separately calculate each 3640  
self-insuring employer's assessment in accordance with section 3641  
4123.35 of the Revised Code for those costs solely attributable to 3642  
the activities of the board and the bureau. The administrator 3643  
shall separately calculate each self-insuring employer's 3644  
assessment in accordance with section 4123.35 of the Revised Code 3645  
for those costs solely attributable to the activities of the 3646  
industrial commission. ~~The administrator shall separately 3647  
calculate each self-insuring employer's assessment in accordance 3648  
with section 4123.35 of the Revised Code for those costs solely 3649  
attributable to the activities of the council.~~ In a timely manner, 3650  
the industrial commission shall provide to the administrator, the 3651  
information necessary for the administrator to allocate and 3652  
calculate, with the approval of the chairperson of the industrial 3653  
commission, for each class of employer as described in this 3654  
division, the costs solely attributable to the activities of the 3655  
industrial commission. ~~In a timely manner, the director of the 3656  
workers' compensation council shall submit to the administrator 3657  
the information necessary for the administrator to allocate and 3658  
calculate, with the approval of the director, for each class of 3659  
employer as described in this division, the costs solely 3660  
attributable to the activities of the council.~~ 3661

(B) The administrator shall divide the administrative cost 3662  
assessments collected by the administrator into ~~three~~ two 3663  
administrative assessment accounts within the state insurance 3664  
fund. One of the administrative assessment accounts shall consist 3665  
of the administrative cost assessment collected by the 3666  
administrator for the industrial commission. ~~One of the~~ 3667  
~~administrative assessment accounts shall consist of the~~ 3668  
~~administrative cost assessment collected by the administrator for~~ 3669  
~~the council.~~ One of the administrative assessment accounts shall 3670  
consist of the administrative cost assessments collected by the 3671  
administrator for the bureau and the board. The administrator may 3672  
invest the administrative cost assessments in these accounts on 3673  
behalf of the bureau, ~~the council,~~ and the industrial commission 3674  
as authorized in section 4123.44 of the Revised Code. In a timely 3675  
manner, the administrator shall provide to the industrial 3676  
commission ~~and the council~~ the information and reports the 3677  
commission ~~or council, as applicable,~~ deems necessary for the 3678  
commission ~~or the council, as applicable,~~ to monitor the receipts 3679  
and the disbursements from the administrative assessment account 3680  
for the industrial commission ~~or the administrative assessment~~ 3681  
~~account for the council, as applicable.~~ 3682

(C) The administrator or the administrator's designee shall 3683  
transfer moneys as necessary from the administrative assessment 3684  
account identified for the bureau and the board to the workers' 3685  
compensation fund for the use of the bureau and the board. As 3686  
necessary and upon the authorization of the industrial commission, 3687  
the administrator or the administrator's designee shall transfer 3688  
moneys from the administrative assessment account identified for 3689  
the industrial commission to the industrial commission operating 3690  
fund created under section 4121.021 of the Revised Code. To the 3691  
extent that the moneys collected by the administrator in any 3692  
fiscal biennium of the state equal the sum appropriated by the 3693  
general assembly for administrative costs of the industrial 3694

commission, board, and bureau for the biennium and the 3695  
~~administrative costs approved by the workers' compensation~~ 3696  
~~council~~, the moneys shall be paid into the workers' compensation 3697  
fund, or the industrial commission operating fund of the state, 3698  
~~the workers' compensation council fund, and the workers'~~ 3699  
~~compensation council remuneration fund,~~ as appropriate, and any 3700  
remainder shall be retained in those funds and applied to reduce 3701  
the amount collected during the next biennium. 3702

~~(D) As necessary and upon authorization of the director of~~ 3703  
~~the council, the administrator or the administrator's designee~~ 3704  
~~shall transfer moneys from the administrative assessment account~~ 3705  
~~identified for the council to the workers' compensation council~~ 3706  
~~fund created in division (C) of section 4121.79 of the Revised~~ 3707  
~~Code.~~ 3708

~~(E)~~ Sections 4123.41, 4123.35, and 4123.37 of the Revised 3709  
Code apply to the collection of assessments from public and 3710  
private employers respectively, except that for boards of county 3711  
hospital trustees that are self-insuring employers, only those 3712  
provisions applicable to the collection of assessments for private 3713  
employers apply. 3714

**Sec. 4123.35.** (A) Except as provided in this section, every 3715  
employer mentioned in division (B)(2) of section 4123.01 of the 3716  
Revised Code, and every publicly owned utility shall pay 3717  
semiannually in the months of January and July into the state 3718  
insurance fund the amount of annual premium the administrator of 3719  
workers' compensation fixes for the employment or occupation of 3720  
the employer, the amount of which premium to be paid by each 3721  
employer to be determined by the classifications, rules, and rates 3722  
made and published by the administrator. The employer shall pay 3723  
semiannually a further sum of money into the state insurance fund 3724  
as may be ascertained to be due from the employer by applying the 3725



rules of the administrator, and a receipt or certificate 3726  
certifying that payment has been made, along with a written notice 3727  
as is required in section 4123.54 of the Revised Code, shall be 3728  
mailed immediately to the employer by the bureau of workers' 3729  
compensation. The receipt or certificate is prima-facie evidence 3730  
of the payment of the premium, and the proper posting of the 3731  
notice constitutes the employer's compliance with the notice 3732  
requirement mandated in section 4123.54 of the Revised Code. 3733

The bureau of workers' compensation shall verify with the 3734  
secretary of state the existence of all corporations and 3735  
organizations making application for workers' compensation 3736  
coverage and shall require every such application to include the 3737  
employer's federal identification number. 3738

An employer as defined in division (B)(2) of section 4123.01 3739  
of the Revised Code who has contracted with a subcontractor is 3740  
liable for the unpaid premium due from any subcontractor with 3741  
respect to that part of the payroll of the subcontractor that is 3742  
for work performed pursuant to the contract with the employer. 3743

Division (A) of this section providing for the payment of 3744  
premiums semiannually does not apply to any employer who was a 3745  
subscriber to the state insurance fund prior to January 1, 1914, 3746  
or who may first become a subscriber to the fund in any month 3747  
other than January or July. Instead, the semiannual premiums shall 3748  
be paid by those employers from time to time upon the expiration 3749  
of the respective periods for which payments into the fund have 3750  
been made by them. 3751

The administrator shall adopt rules to permit employers to 3752  
make periodic payments of the semiannual premium due under this 3753  
division. The rules shall include provisions for the assessment of 3754  
interest charges, where appropriate, and for the assessment of 3755  
penalties when an employer fails to make timely premium payments. 3756  
An employer who timely pays the amounts due under this division is 3757

entitled to all of the benefits and protections of this chapter. 3758  
Upon receipt of payment, the bureau immediately shall mail a 3759  
receipt or certificate to the employer certifying that payment has 3760  
been made, which receipt is prima-facie evidence of payment. 3761  
Workers' compensation coverage under this chapter continues 3762  
uninterrupted upon timely receipt of payment under this division. 3763

Every public employer, except public employers that are 3764  
self-insuring employers under this section, shall comply with 3765  
sections 4123.38 to 4123.41, and 4123.48 of the Revised Code in 3766  
regard to the contribution of moneys to the public insurance fund. 3767

(B) Employers who will abide by the rules of the 3768  
administrator and who may be of sufficient financial ability to 3769  
render certain the payment of compensation to injured employees or 3770  
the dependents of killed employees, and the furnishing of medical, 3771  
surgical, nursing, and hospital attention and services and 3772  
medicines, and funeral expenses, equal to or greater than is 3773  
provided for in sections 4123.52, 4123.55 to 4123.62, and 4123.64 3774  
to 4123.67 of the Revised Code, and who do not desire to insure 3775  
the payment thereof or indemnify themselves against loss sustained 3776  
by the direct payment thereof, upon a finding of such facts by the 3777  
administrator, may be granted the privilege to pay individually 3778  
compensation, and furnish medical, surgical, nursing, and hospital 3779  
services and attention and funeral expenses directly to injured 3780  
employees or the dependents of killed employees, thereby being 3781  
granted status as a self-insuring employer. The administrator may 3782  
charge employers who apply for the status as a self-insuring 3783  
employer a reasonable application fee to cover the bureau's costs 3784  
in connection with processing and making a determination with 3785  
respect to an application. 3786

All employers granted status as self-insuring employers shall 3787  
demonstrate sufficient financial and administrative ability to 3788  
assure that all obligations under this section are promptly met. 3789

The administrator shall deny the privilege where the employer is 3790  
unable to demonstrate the employer's ability to promptly meet all 3791  
the obligations imposed on the employer by this section. 3792

(1) The administrator shall consider, but is not limited to, 3793  
the following factors, where applicable, in determining the 3794  
employer's ability to meet all of the obligations imposed on the 3795  
employer by this section: 3796

(a) The employer employs a minimum of five hundred employees 3797  
in this state; 3798

(b) The employer has operated in this state for a minimum of 3799  
two years, provided that an employer who has purchased, acquired, 3800  
or otherwise succeeded to the operation of a business, or any part 3801  
thereof, situated in this state that has operated for at least two 3802  
years in this state, also shall qualify; 3803

(c) Where the employer previously contributed to the state 3804  
insurance fund or is a successor employer as defined by bureau 3805  
rules, the amount of the buyout, as defined by bureau rules; 3806

(d) The sufficiency of the employer's assets located in this 3807  
state to insure the employer's solvency in paying compensation 3808  
directly; 3809

(e) The financial records, documents, and data, certified by 3810  
a certified public accountant, necessary to provide the employer's 3811  
full financial disclosure. The records, documents, and data 3812  
include, but are not limited to, balance sheets and profit and 3813  
loss history for the current year and previous four years. 3814

(f) The employer's organizational plan for the administration 3815  
of the workers' compensation law; 3816

(g) The employer's proposed plan to inform employees of the 3817  
change from a state fund insurer to a self-insuring employer, the 3818  
procedures the employer will follow as a self-insuring employer, 3819

and the employees' rights to compensation and benefits; and 3820

(h) The employer has either an account in a financial 3821  
institution in this state, or if the employer maintains an account 3822  
with a financial institution outside this state, ensures that 3823  
workers' compensation checks are drawn from the same account as 3824  
payroll checks or the employer clearly indicates that payment will 3825  
be honored by a financial institution in this state. 3826

The administrator may waive the requirements of divisions 3827  
(B)(1)(a) and (b) of this section and the requirement of division 3828  
(B)(1)(e) of this section that the financial records, documents, 3829  
and data be certified by a certified public accountant. The 3830  
administrator shall adopt rules establishing the criteria that an 3831  
employer shall meet in order for the administrator to waive the 3832  
requirement of division (B)(1)(e) of this section. Such rules may 3833  
require additional security of that employer pursuant to division 3834  
(E) of section 4123.351 of the Revised Code. 3835

The administrator shall not grant the status of self-insuring 3836  
employer to the state, except that the administrator may grant the 3837  
status of self-insuring employer to a state institution of higher 3838  
education, excluding its hospitals, that meets the requirements of 3839  
division (B)(2) of this section. 3840

(2) When considering the application of a public employer, 3841  
except for a board of county commissioners described in division 3842  
(G) of section 4123.01 of the Revised Code, a board of a county 3843  
hospital, or a publicly owned utility, the administrator shall 3844  
verify that the public employer satisfies all of the following 3845  
requirements as the requirements apply to that public employer: 3846

(a) For the two-year period preceding application under this 3847  
section, the public employer has maintained an unvoted debt 3848  
capacity equal to at least two times the amount of the current 3849  
annual premium established by the administrator under this chapter 3850

for that public employer for the year immediately preceding the 3851  
year in which the public employer makes application under this 3852  
section. 3853

(b) For each of the two fiscal years preceding application 3854  
under this section, the unreserved and undesignated year-end fund 3855  
balance in the public employer's general fund is equal to at least 3856  
five per cent of the public employer's general fund revenues for 3857  
the fiscal year computed in accordance with generally accepted 3858  
accounting principles. 3859

(c) For the five-year period preceding application under this 3860  
section, the public employer, to the extent applicable, has 3861  
complied fully with the continuing disclosure requirements 3862  
established in rules adopted by the United States securities and 3863  
exchange commission under 17 C.F.R. 240.15c 2-12. 3864

(d) For the five-year period preceding application under this 3865  
section, the public employer has not had its local government fund 3866  
distribution withheld on account of the public employer being 3867  
indebted or otherwise obligated to the state. 3868

(e) For the five-year period preceding application under this 3869  
section, the public employer has not been under a fiscal watch or 3870  
fiscal emergency pursuant to section 118.023, 118.04, or 3316.03 3871  
of the Revised Code. 3872

(f) For the public employer's fiscal year preceding 3873  
application under this section, the public employer has obtained 3874  
an annual financial audit as required under section 117.10 of the 3875  
Revised Code, which has been released by the auditor of state 3876  
within seven months after the end of the public employer's fiscal 3877  
year. 3878

(g) On the date of application, the public employer holds a 3879  
debt rating of Aa3 or higher according to Moody's investors 3880  
service, inc., or a comparable rating by an independent rating 3881

agency similar to Moody's investors service, inc. 3882

(h) The public employer agrees to generate an annual 3883  
accumulating book reserve in its financial statements reflecting 3884  
an actuarially generated reserve adequate to pay projected claims 3885  
under this chapter for the applicable period of time, as 3886  
determined by the administrator. 3887

(i) For a public employer that is a hospital, the public 3888  
employer shall submit audited financial statements showing the 3889  
hospital's overall liquidity characteristics, and the 3890  
administrator shall determine, on an individual basis, whether the 3891  
public employer satisfies liquidity standards equivalent to the 3892  
liquidity standards of other public employers. 3893

(j) Any additional criteria that the administrator adopts by 3894  
rule pursuant to division (E) of this section. 3895

The administrator shall not approve the application of a 3896  
public employer, except for a board of county commissioners 3897  
described in division (G) of section 4123.01 of the Revised Code, 3898  
a board of a county hospital, or publicly owned utility, who does 3899  
not satisfy all of the requirements listed in division (B)(2) of 3900  
this section. 3901

(C) A board of county commissioners described in division (G) 3902  
of section 4123.01 of the Revised Code, as an employer, that will 3903  
abide by the rules of the administrator and that may be of 3904  
sufficient financial ability to render certain the payment of 3905  
compensation to injured employees or the dependents of killed 3906  
employees, and the furnishing of medical, surgical, nursing, and 3907  
hospital attention and services and medicines, and funeral 3908  
expenses, equal to or greater than is provided for in sections 3909  
4123.52, 4123.55 to 4123.62, and 4123.64 to 4123.67 of the Revised 3910  
Code, and that does not desire to insure the payment thereof or 3911  
indemnify itself against loss sustained by the direct payment 3912

thereof, upon a finding of such facts by the administrator, may be 3913  
granted the privilege to pay individually compensation, and 3914  
furnish medical, surgical, nursing, and hospital services and 3915  
attention and funeral expenses directly to injured employees or 3916  
the dependents of killed employees, thereby being granted status 3917  
as a self-insuring employer. The administrator may charge a board 3918  
of county commissioners described in division (G) of section 3919  
4123.01 of the Revised Code that applies for the status as a 3920  
self-insuring employer a reasonable application fee to cover the 3921  
bureau's costs in connection with processing and making a 3922  
determination with respect to an application. All employers 3923  
granted such status shall demonstrate sufficient financial and 3924  
administrative ability to assure that all obligations under this 3925  
section are promptly met. The administrator shall deny the 3926  
privilege where the employer is unable to demonstrate the 3927  
employer's ability to promptly meet all the obligations imposed on 3928  
the employer by this section. The administrator shall consider, 3929  
but is not limited to, the following factors, where applicable, in 3930  
determining the employer's ability to meet all of the obligations 3931  
imposed on the board as an employer by this section: 3932

(1) The board as an employer employs a minimum of five 3933  
hundred employees in this state; 3934

(2) The board has operated in this state for a minimum of two 3935  
years; 3936

(3) Where the board previously contributed to the state 3937  
insurance fund or is a successor employer as defined by bureau 3938  
rules, the amount of the buyout, as defined by bureau rules; 3939

(4) The sufficiency of the board's assets located in this 3940  
state to insure the board's solvency in paying compensation 3941  
directly; 3942

(5) The financial records, documents, and data, certified by 3943

a certified public accountant, necessary to provide the board's 3944  
full financial disclosure. The records, documents, and data 3945  
include, but are not limited to, balance sheets and profit and 3946  
loss history for the current year and previous four years. 3947

(6) The board's organizational plan for the administration of 3948  
the workers' compensation law; 3949

(7) The board's proposed plan to inform employees of the 3950  
proposed self-insurance, the procedures the board will follow as a 3951  
self-insuring employer, and the employees' rights to compensation 3952  
and benefits; 3953

(8) The board has either an account in a financial 3954  
institution in this state, or if the board maintains an account 3955  
with a financial institution outside this state, ensures that 3956  
workers' compensation checks are drawn from the same account as 3957  
payroll checks or the board clearly indicates that payment will be 3958  
honored by a financial institution in this state; 3959

(9) The board shall provide the administrator a surety bond 3960  
in an amount equal to one hundred twenty-five per cent of the 3961  
projected losses as determined by the administrator. 3962

(D) The administrator shall require a surety bond from all 3963  
self-insuring employers, issued pursuant to section 4123.351 of 3964  
the Revised Code, that is sufficient to compel, or secure to 3965  
injured employees, or to the dependents of employees killed, the 3966  
payment of compensation and expenses, which shall in no event be 3967  
less than that paid or furnished out of the state insurance fund 3968  
in similar cases to injured employees or to dependents of killed 3969  
employees whose employers contribute to the fund, except when an 3970  
employee of the employer, who has suffered the loss of a hand, 3971  
arm, foot, leg, or eye prior to the injury for which compensation 3972  
is to be paid, and thereafter suffers the loss of any other of the 3973  
members as the result of any injury sustained in the course of and 3974



arising out of the employee's employment, the compensation to be 3975  
paid by the self-insuring employer is limited to the disability 3976  
suffered in the subsequent injury, additional compensation, if 3977  
any, to be paid by the bureau out of the surplus created by 3978  
section 4123.34 of the Revised Code. 3979

(E) In addition to the requirements of this section, the 3980  
administrator shall make and publish rules governing the manner of 3981  
making application and the nature and extent of the proof required 3982  
to justify a finding of fact by the administrator as to granting 3983  
the status of a self-insuring employer, which rules shall be 3984  
general in their application, one of which rules shall provide 3985  
that all self-insuring employers shall pay into the state 3986  
insurance fund such amounts as are required to be credited to the 3987  
surplus fund in division (B) of section 4123.34 of the Revised 3988  
Code. The administrator may adopt rules establishing requirements 3989  
in addition to the requirements described in division (B)(2) of 3990  
this section that a public employer shall meet in order to qualify 3991  
for self-insuring status. 3992

Employers shall secure directly from the bureau central 3993  
offices application forms upon which the bureau shall stamp a 3994  
designating number. Prior to submission of an application, an 3995  
employer shall make available to the bureau, and the bureau shall 3996  
review, the information described in division (B)(1) of this 3997  
section, and public employers shall make available, and the bureau 3998  
shall review, the information necessary to verify whether the 3999  
public employer meets the requirements listed in division (B)(2) 4000  
of this section. An employer shall file the completed application 4001  
forms with an application fee, which shall cover the costs of 4002  
processing the application, as established by the administrator, 4003  
by rule, with the bureau at least ninety days prior to the 4004  
effective date of the employer's new status as a self-insuring 4005  
employer. The application form is not deemed complete until all 4006

the required information is attached thereto. The bureau shall 4007  
only accept applications that contain the required information. 4008

(F) The bureau shall review completed applications within a 4009  
reasonable time. If the bureau determines to grant an employer the 4010  
status as a self-insuring employer, the bureau shall issue a 4011  
statement, containing its findings of fact, that is prepared by 4012  
the bureau and signed by the administrator. If the bureau 4013  
determines not to grant the status as a self-insuring employer, 4014  
the bureau shall notify the employer of the determination and 4015  
require the employer to continue to pay its full premium into the 4016  
state insurance fund. The administrator also shall adopt rules 4017  
establishing a minimum level of performance as a criterion for 4018  
granting and maintaining the status as a self-insuring employer 4019  
and fixing time limits beyond which failure of the self-insuring 4020  
employer to provide for the necessary medical examinations and 4021  
evaluations may not delay a decision on a claim. 4022

(G) The administrator shall adopt rules setting forth 4023  
procedures for auditing the program of self-insuring employers. 4024  
The bureau shall conduct the audit upon a random basis or whenever 4025  
the bureau has grounds for believing that a self-insuring employer 4026  
is not in full compliance with bureau rules or this chapter. 4027

The administrator shall monitor the programs conducted by 4028  
self-insuring employers, to ensure compliance with bureau 4029  
requirements and for that purpose, shall develop and issue to 4030  
self-insuring employers standardized forms for use by the 4031  
self-insuring employer in all aspects of the self-insuring 4032  
employers' direct compensation program and for reporting of 4033  
information to the bureau. 4034

The bureau shall receive and transmit to the self-insuring 4035  
employer all complaints concerning any self-insuring employer. In 4036  
the case of a complaint against a self-insuring employer, the 4037  
administrator shall handle the complaint through the 4038

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

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

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

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

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

(1) The total assessment against all self-insuring employers 4071  
as a class for each fund and for the administrative costs for the 4072  
year that the assessment is being made, as determined by the 4073  
administrator, divided by the total amount of paid compensation 4074  
for the previous calendar year attributable to all amenable 4075  
self-insuring employers; 4076

(2) Multiply the quotient in division (J)(1) of this section 4077  
by the total amount of paid compensation for the previous calendar 4078  
year that is attributable to the individual self-insuring employer 4079  
for whom the assessment is being determined. Each self-insuring 4080  
employer shall pay the assessment that results from this 4081  
calculation, unless the assessment resulting from this calculation 4082  
falls below a minimum assessment, which minimum assessment the 4083  
administrator shall determine on the first day of July of each 4084  
year with the advice and consent of the bureau of workers' 4085  
compensation board of directors, in which event, the self-insuring 4086  
employer shall pay the minimum assessment. 4087

In determining the total amount due for the total assessment 4088  
against all self-insuring employers as a class for each fund and 4089  
the administrative assessment, the administrator shall reduce 4090  
proportionately the total for each fund and assessment by the 4091  
amount of money in the self-insurance assessment fund as of the 4092  
date of the computation of the assessment. 4093

The administrator shall calculate the assessment for the 4094  
portion of the surplus fund under division (B) of section 4123.34 4095  
of the Revised Code that is used for handicapped reimbursement in 4096  
the same manner as set forth in divisions (J)(1) and (2) of this 4097  
section except that the administrator shall calculate the total 4098  
assessment for this portion of the surplus fund only on the basis 4099  
of those self-insuring employers that retain participation in the 4100  
handicapped reimbursement program and the individual self-insuring 4101  
employer's proportion of paid compensation shall be calculated 4102

only for those self-insuring employers who retain participation in 4103  
the handicapped reimbursement program. The administrator, as the 4104  
administrator determines appropriate, may determine the total 4105  
assessment for the handicapped portion of the surplus fund in 4106  
accordance with sound actuarial principles. 4107

The administrator shall calculate the assessment for the 4108  
portion of the surplus fund under division (B) of section 4123.34 4109  
of the Revised Code that under division (D) of section 4121.66 of 4110  
the Revised Code is used for rehabilitation costs in the same 4111  
manner as set forth in divisions (J)(1) and (2) of this section, 4112  
except that the administrator shall calculate the total assessment 4113  
for this portion of the surplus fund only on the basis of those 4114  
self-insuring employers who have not made the election to make 4115  
payments directly under division (D) of section 4121.66 of the 4116  
Revised Code and an individual self-insuring employer's proportion 4117  
of paid compensation only for those self-insuring employers who 4118  
have not made that election. 4119

The administrator shall calculate the assessment for the 4120  
portion of the surplus fund under division (B) of section 4123.34 4121  
of the Revised Code that is used for reimbursement to a 4122  
self-insuring employer under division (H) of section 4123.512 of 4123  
the Revised Code in the same manner as set forth in divisions 4124  
(J)(1) and (2) of this section except that the administrator shall 4125  
calculate the total assessment for this portion of the surplus 4126  
fund only on the basis of those self-insuring employers that 4127  
retain participation in reimbursement to the self-insuring 4128  
employer under division (H) of section 4123.512 of the Revised 4129  
Code and the individual self-insuring employer's proportion of 4130  
paid compensation shall be calculated only for those self-insuring 4131  
employers who retain participation in reimbursement to the 4132  
self-insuring employer under division (H) of section 4123.512 of 4133  
the Revised Code. 4134

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

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

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

self-insuring employer shall exclude such amounts from the paid 4167  
compensation reported in the reporting period subsequent to the 4168  
date the determination is made. The administrator shall adopt 4169  
rules, in accordance with Chapter 119. of the Revised Code, that 4170  
provide for all of the following: 4171

(1) Establishing the date by which self-insuring employers 4172  
must submit such information and the amount of the assessments 4173  
provided for in division (J) of this section for employers who 4174  
have been granted self-insuring status within the last calendar 4175  
year; 4176

(2) If an employer fails to pay the assessment when due, the 4177  
administrator may add a late fee penalty of not more than five 4178  
hundred dollars to the assessment plus an additional penalty 4179  
amount as follows: 4180

(a) For an assessment from sixty-one to ninety days past due, 4181  
the prime interest rate, multiplied by the assessment due; 4182

(b) For an assessment from ninety-one to one hundred twenty 4183  
days past due, the prime interest rate plus two per cent, 4184  
multiplied by the assessment due; 4185

(c) For an assessment from one hundred twenty-one to one 4186  
hundred fifty days past due, the prime interest rate plus four per 4187  
cent, multiplied by the assessment due; 4188

(d) For an assessment from one hundred fifty-one to one 4189  
hundred eighty days past due, the prime interest rate plus six per 4190  
cent, multiplied by the assessment due; 4191

(e) For an assessment from one hundred eighty-one to two 4192  
hundred ten days past due, the prime interest rate plus eight per 4193  
cent, multiplied by the assessment due; 4194

(f) For each additional thirty-day period or portion thereof 4195  
that an assessment remains past due after it has remained past due 4196

for more than two hundred ten days, the prime interest rate plus 4197  
eight per cent, multiplied by the assessment due. 4198

(3) An employer may appeal a late fee penalty and penalty 4199  
assessment to the administrator. 4200

For purposes of division (L)(2) of this section, "prime 4201  
interest rate" means the average bank prime rate, and the 4202  
administrator shall determine the prime interest rate in the same 4203  
manner as a county auditor determines the average bank prime rate 4204  
under section 929.02 of the Revised Code. 4205

The administrator shall include any assessment and penalties 4206  
that remain unpaid for previous assessment periods in the 4207  
calculation and collection of any assessments due under this 4208  
division or division (J) of this section. 4209

(M) As used in this section, "paid compensation" means all 4210  
amounts paid by a self-insuring employer for living maintenance 4211  
benefits, all amounts for compensation paid pursuant to sections 4212  
4121.63, 4121.67, 4123.56, 4123.57, 4123.58, 4123.59, 4123.60, and 4213  
4123.64 of the Revised Code, all amounts paid as wages in lieu of 4214  
such compensation, all amounts paid in lieu of such compensation 4215  
under a nonoccupational accident and sickness program fully funded 4216  
by the self-insuring employer, and all amounts paid by a 4217  
self-insuring employer for a violation of a specific safety 4218  
standard pursuant to Section 35 of Article II, Ohio Constitution 4219  
and section 4121.47 of the Revised Code. 4220

(N) Should any section of this chapter or Chapter 4121. of 4221  
the Revised Code providing for self-insuring employers' 4222  
assessments based upon compensation paid be declared 4223  
unconstitutional by a final decision of any court, then that 4224  
section of the Revised Code declared unconstitutional shall revert 4225  
back to the section in existence prior to November 3, 1989, 4226  
providing for assessments based upon payroll. 4227



(O) The administrator may grant a self-insuring employer the 4228  
privilege to self-insure a construction project entered into by 4229  
the self-insuring employer that is scheduled for completion within 4230  
six years after the date the project begins, and the total cost of 4231  
which is estimated to exceed one hundred million dollars or, for 4232  
employers described in division (R) of this section, if the 4233  
construction project is estimated to exceed twenty-five million 4234  
dollars. The administrator may waive such cost and time criteria 4235  
and grant a self-insuring employer the privilege to self-insure a 4236  
construction project regardless of the time needed to complete the 4237  
construction project and provided that the cost of the 4238  
construction project is estimated to exceed fifty million dollars. 4239  
A self-insuring employer who desires to self-insure a construction 4240  
project shall submit to the administrator an application listing 4241  
the dates the construction project is scheduled to begin and end, 4242  
the estimated cost of the construction project, the contractors 4243  
and subcontractors whose employees are to be self-insured by the 4244  
self-insuring employer, the provisions of a safety program that is 4245  
specifically designed for the construction project, and a 4246  
statement as to whether a collective bargaining agreement 4247  
governing the rights, duties, and obligations of each of the 4248  
parties to the agreement with respect to the construction project 4249  
exists between the self-insuring employer and a labor 4250  
organization. 4251

A self-insuring employer may apply to self-insure the 4252  
employees of either of the following: 4253

(1) All contractors and subcontractors who perform labor or 4254  
work or provide materials for the construction project; 4255

(2) All contractors and, at the administrator's discretion, a 4256  
substantial number of all the subcontractors who perform labor or 4257  
work or provide materials for the construction project. 4258

Upon approval of the application, the administrator shall 4259

mail a certificate granting the privilege to self-insure the 4260  
construction project to the self-insuring employer. The 4261  
certificate shall contain the name of the self-insuring employer 4262  
and the name, address, and telephone number of the self-insuring 4263  
employer's representatives who are responsible for administering 4264  
workers' compensation claims for the construction project. The 4265  
self-insuring employer shall post the certificate in a conspicuous 4266  
place at the site of the construction project. 4267

The administrator shall maintain a record of the contractors 4268  
and subcontractors whose employees are covered under the 4269  
certificate issued to the self-insured employer. A self-insuring 4270  
employer immediately shall notify the administrator when any 4271  
contractor or subcontractor is added or eliminated from inclusion 4272  
under the certificate. 4273

Upon approval of the application, the self-insuring employer 4274  
is responsible for the administration and payment of all claims 4275  
under this chapter and Chapter 4121. of the Revised Code for the 4276  
employees of the contractor and subcontractors covered under the 4277  
certificate who receive injuries or are killed in the course of 4278  
and arising out of employment on the construction project, or who 4279  
contract an occupational disease in the course of employment on 4280  
the construction project. For purposes of this chapter and Chapter 4281  
4121. of the Revised Code, a claim that is administered and paid 4282  
in accordance with this division is considered a claim against the 4283  
self-insuring employer listed in the certificate. A contractor or 4284  
subcontractor included under the certificate shall report to the 4285  
self-insuring employer listed in the certificate, all claims that 4286  
arise under this chapter and Chapter 4121. of the Revised Code in 4287  
connection with the construction project for which the certificate 4288  
is issued. 4289

A self-insuring employer who complies with this division is 4290  
entitled to the protections provided under this chapter and 4291

Chapter 4121. of the Revised Code with respect to the employees of 4292  
the contractors and subcontractors covered under a certificate 4293  
issued under this division for death or injuries that arise out 4294  
of, or death, injuries, or occupational diseases that arise in the 4295  
course of, those employees' employment on that construction 4296  
project, as if the employees were employees of the self-insuring 4297  
employer, provided that the self-insuring employer also complies 4298  
with this section. No employee of the contractors and 4299  
subcontractors covered under a certificate issued under this 4300  
division shall be considered the employee of the self-insuring 4301  
employer listed in that certificate for any purposes other than 4302  
this chapter and Chapter 4121. of the Revised Code. Nothing in 4303  
this division gives a self-insuring employer authority to control 4304  
the means, manner, or method of employment of the employees of the 4305  
contractors and subcontractors covered under a certificate issued 4306  
under this division. 4307

The contractors and subcontractors included under a 4308  
certificate issued under this division are entitled to the 4309  
protections provided under this chapter and Chapter 4121. of the 4310  
Revised Code with respect to the contractor's or subcontractor's 4311  
employees who are employed on the construction project which is 4312  
the subject of the certificate, for death or injuries that arise 4313  
out of, or death, injuries, or occupational diseases that arise in 4314  
the course of, those employees' employment on that construction 4315  
project. 4316

The contractors and subcontractors included under a 4317  
certificate issued under this division shall identify in their 4318  
payroll records the employees who are considered the employees of 4319  
the self-insuring employer listed in that certificate for purposes 4320  
of this chapter and Chapter 4121. of the Revised Code, and the 4321  
amount that those employees earned for employment on the 4322  
construction project that is the subject of that certificate. 4323

Notwithstanding any provision to the contrary under this chapter 4324  
and Chapter 4121. of the Revised Code, the administrator shall 4325  
exclude the payroll that is reported for employees who are 4326  
considered the employees of the self-insuring employer listed in 4327  
that certificate, and that the employees earned for employment on 4328  
the construction project that is the subject of that certificate, 4329  
when determining those contractors' or subcontractors' premiums or 4330  
assessments required under this chapter and Chapter 4121. of the 4331  
Revised Code. A self-insuring employer issued a certificate under 4332  
this division shall include in the amount of paid compensation it 4333  
reports pursuant to division (L) of this section, the amount of 4334  
paid compensation the self-insuring employer paid pursuant to this 4335  
division for the previous calendar year. 4336

Nothing in this division shall be construed as altering the 4337  
rights of employees under this chapter and Chapter 4121. of the 4338  
Revised Code as those rights existed prior to September 17, 1996. 4339  
Nothing in this division shall be construed as altering the rights 4340  
devolved under sections 2305.31 and 4123.82 of the Revised Code as 4341  
those rights existed prior to September 17, 1996. 4342

As used in this division, "privilege to self-insure a 4343  
construction project" means privilege to pay individually 4344  
compensation, and to furnish medical, surgical, nursing, and 4345  
hospital services and attention and funeral expenses directly to 4346  
injured employees or the dependents of killed employees. 4347

(P) A self-insuring employer whose application is granted 4348  
under division (O) of this section shall designate a safety 4349  
professional to be responsible for the administration and 4350  
enforcement of the safety program that is specifically designed 4351  
for the construction project that is the subject of the 4352  
application. 4353

A self-insuring employer whose application is granted under 4354  
division (O) of this section shall employ an ombudsperson for the 4355

construction project that is the subject of the application. The 4356  
ombudsperson shall have experience in workers' compensation or the 4357  
construction industry, or both. The ombudsperson shall perform all 4358  
of the following duties: 4359

(1) Communicate with and provide information to employees who 4360  
are injured in the course of, or whose injury arises out of 4361  
employment on the construction project, or who contract an 4362  
occupational disease in the course of employment on the 4363  
construction project; 4364

(2) Investigate the status of a claim upon the request of an 4365  
employee to do so; 4366

(3) Provide information to claimants, third party 4367  
administrators, employers, and other persons to assist those 4368  
persons in protecting their rights under this chapter and Chapter 4369  
4121. of the Revised Code. 4370

A self-insuring employer whose application is granted under 4371  
division (O) of this section shall post the name of the safety 4372  
professional and the ombudsperson and instructions for contacting 4373  
the safety professional and the ombudsperson in a conspicuous 4374  
place at the site of the construction project. 4375

(Q) The administrator may consider all of the following when 4376  
deciding whether to grant a self-insuring employer the privilege 4377  
to self-insure a construction project as provided under division 4378  
(O) of this section: 4379

(1) Whether the self-insuring employer has an organizational 4380  
plan for the administration of the workers' compensation law; 4381

(2) Whether the safety program that is specifically designed 4382  
for the construction project provides for the safety of employees 4383  
employed on the construction project, is applicable to all 4384  
contractors and subcontractors who perform labor or work or 4385  
provide materials for the construction project, and has as a 4386

component, a safety training program that complies with standards 4387  
adopted pursuant to the "Occupational Safety and Health Act of 4388  
1970," 84 Stat. 1590, 29 U.S.C.A. 651, and provides for continuing 4389  
management and employee involvement; 4390

(3) Whether granting the privilege to self-insure the 4391  
construction project will reduce the costs of the construction 4392  
project; 4393

(4) Whether the self-insuring employer has employed an 4394  
ombudsperson as required under division (P) of this section; 4395

(5) Whether the self-insuring employer has sufficient surety 4396  
to secure the payment of claims for which the self-insuring 4397  
employer would be responsible pursuant to the granting of the 4398  
privilege to self-insure a construction project under division (O) 4399  
of this section. 4400

(R) As used in divisions (O), (P), and (Q), "self-insuring 4401  
employer" includes the following employers, whether or not they 4402  
have been granted the status of being a self-insuring employer 4403  
under division (B) of this section: 4404

(1) A state institution of higher education; 4405

(2) A school district; 4406

(3) A county school financing district; 4407

(4) An educational service center; 4408

(5) A community school established under Chapter 3314. of the 4409  
Revised Code; 4410

(6) A municipal power agency as defined in section 3734.058 4411  
of the Revised Code. 4412

(S) As used in this section: 4413

(1) "Unvoted debt capacity" means the amount of money that a 4414  
public employer may borrow without voter approval of a tax levy; 4415

(2) "State institution of higher education" means the state 4416  
universities listed in section 3345.011 of the Revised Code, 4417  
community colleges created pursuant to Chapter 3354. of the 4418  
Revised Code, university branches created pursuant to Chapter 4419  
3355. of the Revised Code, technical colleges created pursuant to 4420  
Chapter 3357. of the Revised Code, and state community colleges 4421  
created pursuant to Chapter 3358. of the Revised Code. 4422

**Sec. 5111.708.** (A) The director of job and family services, 4423  
~~after consulting with the medicaid buy in advisory council,~~ shall 4424  
adopt rules in accordance with Chapter 119. of the Revised Code as 4425  
necessary to implement the medicaid buy-in for workers with 4426  
disabilities program. The rules shall do all of the following: 4427

(1) Specify assets, asset values, and amounts to be 4428  
disregarded in determining asset and income eligibility limits for 4429  
the program; 4430

(2) Establish meanings for the terms "earned income," "health 4431  
insurance," "resources," "spouse," and "unearned income"; 4432

(3) Establish additional eligibility requirements for the 4433  
program that must be established for the United States secretary 4434  
of health and human services to approve the program; 4435

(4) For the purpose of division (B) of section 5111.704 of 4436  
the Revised Code, specify an amount to be subtracted from the 4437  
difference determined under division (A) of that section. 4438

(B) The director, ~~after consulting with the medicaid buy in 4439  
advisory council,~~ may adopt rules in accordance with Chapter 119. 4440  
of the Revised Code to specify amounts to be disregarded from an 4441  
individual's earned income, unearned income, or both under 4442  
division (C) of section 5111.703 of the Revised Code for the 4443  
purpose of determining whether the individual is within the income 4444  
eligibility limit for the medicaid buy-in for workers with 4445

disabilities program. 4446

**Sec. 5123.032.** (A) As used in this section, "developmental 4447  
center" means any institution or facility of the department of 4448  
developmental disabilities that, on or after January 30, 2004, is 4449  
named, designated, or referred to as a developmental center. 4450

(B) Notwithstanding any other provision of law, ~~on and after~~ 4451  
~~January 30, 2004,~~ any closure of a developmental center shall be 4452  
subject to, and in accordance with, this section. ~~Notwithstanding~~ 4453  
~~any other provision of law, if the governor announced on or after~~ 4454  
~~January 1, 2003, and prior to January 30, 2004, the intended~~ 4455  
~~closure of a developmental center and if the closure identified in~~ 4456  
~~the announcement has not occurred prior to January 30, 2004, the~~ 4457  
~~closure identified in the announcement shall be subject to the~~ 4458  
~~criteria set forth in this section as if the announcement had been~~ 4459  
~~made on or after January 30, 2004, except for the time at which~~ 4460  
~~the notice to the general assembly must be provided as identified~~ 4461  
~~in division (C) of this section.~~ 4462

(C) Notwithstanding any other provision of law, ~~on and after~~ 4463  
~~January 30, 2004,~~ at least ten days prior to making any official, 4464  
public announcement that the governor intends to close one or more 4465  
developmental centers, the governor shall notify the general 4466  
assembly in writing that the governor intends to close one or more 4467  
developmental centers. ~~Notwithstanding any other provision of law,~~ 4468  
~~if the governor announced on or after January 1, 2003, and prior~~ 4469  
~~to January 30, 2004, the intended closure of a developmental~~ 4470  
~~center and if the closure identified in the announcement has not~~ 4471  
~~occurred prior to January 30, 2004, not later than ten days after~~ 4472  
~~January 30, 2004, the~~ The governor shall notify the general 4473  
assembly in writing of the prior announcement and that the 4474  
governor intends to close the center identified in the prior 4475  
announcement, and the notification to the general assembly shall 4476



constitute, for purposes of this section, the governor's official, 4477  
public announcement that the governor intends to close that 4478  
center. 4479

The notice required by this division shall identify by name 4480  
each developmental center that the governor intends to close or, 4481  
if the governor has not determined any specific developmental 4482  
center to close, shall state the governor's general intent to 4483  
close one or more developmental centers. When the governor 4484  
notifies the general assembly as required by this division, the 4485  
legislative service commission promptly shall conduct an 4486  
independent study of the developmental centers of the department 4487  
of developmental disabilities and of the department's operation of 4488  
the centers, and the study shall address relevant criteria and 4489  
factors, including, but not limited to, all of the following: 4490

(1) The manner in which the closure of developmental centers 4491  
in general would affect the safety, health, well-being, and 4492  
lifestyle of the centers' residents and their family members and 4493  
would affect public safety and, if the governor's notice 4494  
identifies by name one or more developmental centers that the 4495  
governor intends to close, the manner in which the closure of each 4496  
center so identified would affect the safety, health, well-being, 4497  
and lifestyle of the center's residents and their family members 4498  
and would affect public safety; 4499

(2) The availability of alternate facilities; 4500

(3) The cost effectiveness of the facilities identified for 4501  
closure; 4502

(4) A comparison of the cost of residing at a facility 4503  
identified for closure and the cost of new living arrangements; 4504

(5) The geographic factors associated with each facility and 4505  
its proximity to other similar facilities; 4506

(6) The impact of collective bargaining on facility 4507

operations;	4508
(7) The utilization and maximization of resources;	4509
(8) Continuity of the staff and ability to serve the facility population;	4510 4511
(9) Continuing costs following closure of a facility;	4512
(10) The impact of the closure on the local economy;	4513
(11) Alternatives and opportunities for consolidation with other facilities;	4514 4515
(12) How the closing of a facility identified for closure relates to the department's plans for the future of developmental centers in this state;	4516 4517 4518
(13) The effect of the closure of developmental centers in general upon the state's fiscal resources and fiscal status and, if the governor's notice identifies by name one or more developmental centers that the governor intends to close, the effect of the closure of each center so identified upon the state's fiscal resources and fiscal status.	4519 4520 4521 4522 4523 4524
(D) The legislative service commission shall complete the study required by division (C) of this section, and prepare a report that contains its findings, not later than sixty days after the governor makes the official, public announcement that the governor intends to close one or more developmental centers as described in division (C) of this section. The commission shall provide a copy of the report to each member of the general assembly who requests a copy of the report.	4525 4526 4527 4528 4529 4530 4531 4532
<del>    Not later than the date on which the legislative service commission is required to complete the report under this division, the developmental disabilities developmental center closure commission is hereby created as described in division (E) of this section. The officials with the duties to appoint members of the</del>	<del>4533 4534 4535 4536 4537</del>

~~closure commission, as described in division (E) of this section, 4538  
shall appoint the specified members of the closure commission, 4539  
and, as soon as possible after the appointments, the closure 4540  
commission shall meet for the purposes described in that division. 4541  
Upon completion of the report and the creation of the closure 4542  
commission under this division, the legislative service commission 4543  
promptly shall provide a copy of the report to the closure 4544  
commission and shall present the report as described in division 4545  
(E) of this section. 4546~~

~~(E)(1) A developmental disabilities developmental center 4547  
closure commission shall be created at the time and in the manner 4548  
specified in division (D) of this section. The closure commission 4549  
consists of six members. One member shall be the director of 4550  
developmental disabilities. One member shall be the director of 4551  
health. One member shall be a private executive with expertise in 4552  
facility utilization, in economics, or in both facility 4553  
utilization and economics, jointly appointed by the speaker of the 4554  
house of representatives and the president of the senate. The 4555  
member appointed for expertise in facility utilization, economics, 4556  
or both may not be a member of the general assembly and may not 4557  
have a developmental center identified for closure by the governor 4558  
in the county in which the member resides. One member shall be a 4559  
member of the board of the Ohio civil service employees' 4560  
association, jointly appointed by the speaker of the house of 4561  
representatives and the president of the senate. One member shall 4562  
be either a family member of a resident of a developmental center 4563  
or a representative of a mental retardation and developmental 4564  
disabilities advocacy group, jointly appointed by the speaker of 4565  
the house of representatives and the president of the senate. The 4566  
member appointed who is a family member of a developmental center 4567  
resident or a representative of an advocacy group may not be a 4568  
member of the general assembly. One member shall be a member of 4569  
the law enforcement community, appointed by the governor. The 4570~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~developmental disabilities and the director of developmental~~ 4632  
~~disabilities regarding matters affecting the institution~~ 4633  
including, but not limited to, allegations of dehumanizing 4634  
practices and violations of individual or legal rights; 4635

(E) Review institutional budgets, programs, services, and 4636  
planning; 4637

(F) Develop and maintain relationships within the community 4638  
with community mental retardation and developmental disabilities 4639  
organizations; 4640

(G) Participate in the formulation of the institution's 4641  
objectives, administrative procedures, program philosophy, and 4642  
long range goals; 4643

(H) Bring any matter that an advisory council considers 4644  
important to the attention of the joint council on developmental 4645  
disabilities and the director of developmental disabilities; 4646

(I) Recommend to the director of developmental disabilities 4647  
persons for appointment to citizen's advisory councils; 4648

(J) Adopt any rules or procedures necessary to carry out this 4649  
section. 4650

The chairperson of the advisory council or the chairperson's 4651  
designee shall be notified within twenty-four hours of any alleged 4652  
incident of abuse to a resident or staff member by anyone. 4653  
Incidents of resident or staff abuse shall include, but not be 4654  
limited to, sudden deaths, accidents, suicides, attempted 4655  
suicides, injury caused by other persons, alleged criminal acts, 4656  
errors in prescribing or administering medication, theft from 4657  
clients, fires, epidemic disease, administering unprescribed 4658  
drugs, unauthorized use of restraint, withholding of information 4659  
concerning alleged abuse, neglect, or any deprivation of rights as 4660  
defined in Chapter 5122. or 5123. of the Revised Code. 4661

**Section 2.** That existing sections 9.90, 101.532, 101.83, 4662  
101.84, 101.85, 101.86, 102.02, 109.91, 121.32, 127.14, 173.03, 4663  
173.04, 2953.08, 3302.021, 3311.71, 3312.01, 3312.09, 3313.202, 4664  
3701.025, 3701.63, 3727.312, 3737.03, 3737.21, 3737.81, 3737.86, 4665  
3737.88, 3743.54, 3746.04, 4117.03, 4121.03, 4121.12, 4121.121, 4666  
4121.125, 4121.128, 4123.341, 4123.342, 4123.35, 5111.708, 4667  
5123.032, and 5123.093 and sections 9.901, 101.37, 121.374, 4668  
122.97, 122.971, 122.98, 122.981, 125.833, 181.21, 181.22, 181.23, 4669  
181.24, 181.25, 181.26, 184.23, 184.231, 1349.71, 1349.72, 4670  
1501.25, 2151.282, 3306.29, 3306.291, 3306.292, 3306.50, 3306.51, 4671  
3306.52, 3306.53, 3306.54, 3306.55, 3306.56, 3306.57, 3306.58, 4672  
3306.59, 3311.77, 3312.11, 3312.12, 3319.70, 3319.71, 3701.92, 4673  
3727.322, 3746.03, 4121.75, 4121.76, 4121.77, 4121.78, 4121.79, 4674  
4501.025, 5111.709, 5111.7010, and 5902.15 of the Revised Code are 4675  
hereby repealed. 4676

**Section 2.01.** That section 5123.60 is hereby repealed 4677  
effective October 1, 2012. 4678

**Section 3.** That Section 20 of Am. Sub. H.B. 554 of the 127th 4679  
General Assembly be amended to read as follows: 4680

**Sec. 20.** The amendments to section 184.02 that add the cross 4681  
references to sections 184.25 and 184.26 and enactments of 4682  
sections ~~184.23, 184.231~~, 184.24, 184.25, and 184.26 of the 4683  
Revised Code are hereby repealed, effective June 30, 2011. 4684

**Section 3.02.** That existing Section 20 of Am. Sub. H.B. 554 4685  
of the 127th General Assembly is hereby repealed. 4686

**Section 3.03.** The intent of the repeal of sections 184.23 and 4687  
184.231 of the Revised Code and the amendment of Section 20 of Am. 4688  
Sub. H.B. 554 of the 127th General Assembly is to extinguish 4689

sections 184.23 and 184.231 of the Revised Code on the effective 4690  
date of this act. 4691

**Section 4.** The following agencies are retained under division 4692  
(D) of section 101.83 of the Revised Code and expire on December 4693  
31, 2016: 4694

AGENCY NAME	REVISED CODE OR UNCODIFIED SECTION	
Academic Distress Commission	3302.10	4696
Advisory Board of Governor's Office of Faith-Based and Community Initiatives	107.12	4697
Advisory Board to Assist and Advise in the Operation of the Ohio Center for Autism and Low Incidence	3323.33, 3323.34	4698
Advisory Council on Amusement Ride Safety	1711.51, 1711.52	4699
Advisory Council of Directors for Prison Labor	5145.162	4700
Advisory Council for Wild, Scenic, or Recreational River Area(s)	1547.84	4701
Advisory Committee on Livestock Exhibitions	901.71	4702
Agricultural Commodity Marketing Programs Operating Committees	924.07	4703
Agricultural Commodity Marketing Programs Coordinating Committee	924.14	4704
Alternative Energy Advisory Committee	4928.64(D)	4705
AMBER Alert Advisory Committee	5502.521	4706
Apprenticeship Council	Chapter 4139.	4707
Armory Board of Control	5911.09, 5911.12	4708
Automated Title Processing Board	4505.09(C)(1)	4709
Backflow Advisory Board	3703.21	4710
Banking Commission	1123.01	4711
Board of Directors of the Great Lakes Protection Fund	1506.22 (6161.04)	4712



Board of Directors of the Medical Liability Underwriting Association Stabilization Fund	3929.631	4713
Board of Directors of the Ohio Appalachian Center for Higher Education	3333.58	4714
Board of Directors of the Ohio Health Reinsurance Program	3924.08 - 3924.11	4715
Board of Governors of the Commercial Insurance Joint Underwriting Association	3930.03	4716
Board of Governors of the Medical Liability Underwriting Association	3929.64	4717
Board of Voting Machines Examiners	3506.05	4718
Budget Planning and Management Commission	Section 509.10, H.B. 1, 128th G.A.	4719
Brain Injury Advisory Committee	3304.231	4720
Bureau of Workers' Compensation Board of Directors	4121.12	4721
Capitol Square Review and Advisory Board	105.41	4722
Child Care Advisory Council	5104.08	4723
Child Support Guideline Advisory Council	3119.024	4724
Children's Trust Fund Board	3109.15 - 3109.17	4725
Citizen's Advisory Council	5123.092, 5123.093	4726
Clean Ohio Trail Advisory Board	1519.06	4727
Coastal Resources Advisory Council	1506.12	4728
Commission on African-American Males	4112.12, 4112.13	4729
Commission on Hispanic-Latino Affairs	121.31	4730
Commission on Minority Health	3701.78	4731
Committee on Prescriptive Governance	4723.49 - 4723.492	4732
Commodity Advisory Commission	926.32	4733
Consumer Advisory Committee to the Rehabilitation	3304.24	4734

Services Commission		
Continuing Education Committee	109.80(B)	4735
Council on Alcohol and Drug Addiction Services	3793.09	4736
Council on Unreclaimed Strip Mined Lands	1513.29	4737
County Sheriff's Standard Car Marking and Uniform Commission	311.25 - 311.27	4738
Credential Review Board	3319.65	4739
Credit Union Council	1733.329	4740
Criminal Sentencing Advisory Committee	181.22	4741
Data Collection and Analysis Group	3727.32	4742
Dentist Loan Repayment Advisory Board	3702.92	4743
Department Advisory Council(s)	107.18, 121.13	4744
Development Financing Advisory Council	122.40, 122.41	4745
Early Childhood Advisory Council	3301.90	4746
Education Commission of the States (Interstate Compact for Education)	3301.48, 3301.49	4747
Education Management Information System Advisory Board	3301.0713	4748
Educator Standards Board	3319.60	4749
Electrical Safety Inspector Advisory Committee	3783.08	4750
Emergency Response Commission	3750.02	4751
Engineering Experiment Station Advisory Committee	3335.27	4752
Environmental Education Council	3745.21	4753
Environmental Protection Agency Advisory Board(s)	121.13, 3704.03, 3745.01	4754
eTech Ohio Commission	3353.02 - 3353.04	4755
Ex-Offender Reentry Coalition	5120.07	4756
Farmland Preservation Advisory Board	901.23	4757
Financial Planning and Supervision Commission(s) for Municipal Corporation, County, or Township	118.05	4758
Financial Planning and Supervision Commission for a school district	3316.05	4759

Forestry Advisory Council	1503.40	4760
Governance Authority for a State University or College	3345.75	4761
Governor's Council on People with Disabilities	3303.41	4762
Governor's Policy Information Working Group	Section 313, H.B. 420, 127th G.A.	4763
Governor's Residence Advisory Commission	107.40	4764
Grain Marketing Program Operating Committee	924.20 - 924.30	4765
Great Lakes Commission (Great Lakes Basin Compact)	6161.01	4766
Gubernatorial Transition Committee	107.29, 126.26	4767
Help Me Grow Advisory Council	3701.611	4768
Hemophilia Advisory Subcommittee of the Medically Handicapped Children's Medical Advisory Council	3701.0210	4769
Homeland Security Advisory Council	5502.011(E)	4770
Hospital Measures Advisory Council	3727.31	4771
Housing Trust Fund Advisory Committee	174.06	4772
Industrial Commission Nominating Council	4121.04	4773
Industrial Technology and Enterprise Advisory Council	122.29, 122.30	4774
Infant Hearing Screening Subcommittee	3701.507	4775
Infection Control Group	3727.312(D)	4776
Insurance Agent Education Advisory Council	3905.483	4777
Interstate Rail Passenger Advisory Council	4981.35	4778
Joint Select Committee on Volume Cap	133.021	4779
Labor-Management Government Advisory Council	4121.70	4780
Legislative Programming Committee of the Ohio Government Telecommunications Service	3353.07	4781
Legislative Task Force on Redistricting, Reapportionment, and Demographic Research	103.51	4782
Maternity and Newborn Advisory Council	3711.20, 3711.21	4783
Medically Handicapped Children's Medical Advisory	3701.025	4784

Council		
Midwest Interstate Passenger Rail Compact Commission	4981.361	4785
Milk Sanitation Board	917.03 - 917.032	4786
Mine Subsidence Insurance Governing Board	3929.51	4787
Minority Development Financing Advisory Board	122.72, 122.73	4788
Multi-Agency Radio Communications System (MARCS) Steering Committee	Section 15.02, H.B. 640, 123rd G.A.	4789
National Museum of Afro-American History and Culture Planning Committee	149.303	4790
New African Immigrants Commission	4112.31, 4112.32	4791
Ohio Accountability Task Force	3302.021(E)	4792
Ohio Advisory Council for the Aging	173.03	4793
Ohio Agriculture License Plate Scholarship Fund Board	901.90	4794
Ohio Arts Council	Chapter 3379.	4795
Ohio Business Gateway Steering Committee	5703.57	4796
Ohio Cemetery Dispute Resolution Commission	4767.05, 4767.06	4797
Ohio Civil Rights Commission Advisory Agencies and Conciliation Councils	4112.04(B)(4)	4798
Ohio Commercial Market Assistance Plan Executive Committee	3930.02	4799
Ohio Commission on Dispute Resolution and Conflict Management	179.02 - 179.04	4800
Ohio Community Service Council	121.40 - 121.404	4801
Ohio Council for Interstate Adult Offender Supervision	5149.22	4802
Ohio Cultural Facilities Commission	Chapter 3383.	4803
Ohio Cystic Fibrosis Legislative Task Force	101.38	4804
Ohio Developmental Disabilities Council	5123.35	4805
Ohio Expositions Commission	991.02	4806
Ohio Family and Children First Cabinet Council	121.37	4807

Ohio Geographically Referenced Information Program Council	125.901, 125.902	4808
Ohio Geology Advisory Council	1501.11	4809
Ohio Grape Industries Committee	924.51 - 924.55	4810
Ohio Historic Site Preservation Advisory Board	149.301	4811
Ohio Historical Society Board of Trustees	149.30	4812
Ohio Judicial Conference	105.91 - 105.97	4813
Ohio Lake Erie Commission	1506.21	4814
Ohio Legislative Commission on the Education and Preservation of State History	Section 701.05, H.B. 1, 128th G.A.	4815
Ohio Medical Quality Foundation	3701.89	4816
Ohio Parks and Recreation Council	1541.40	4817
Ohio Peace Officer Training Commission	109.71, 109.72	4818
Ohio Private Investigation and Security Services Commission	4749.021, 4743.01	4819
Ohio Public Defender Commission	120.01 - 120.03	4820
Ohio Public Library Information Network Board of Trustees	3375.65, 3375.66	4821
Ohio Quarter Horse Development Commission	3769.086	4822
Ohio Small Government Capital Improvements Commission	164.02(C)(D)	4823
Ohio Soil and Water Conservation Commission	1515.02	4824
Ohio Standardbred Development Commission	3769.085	4825
Ohio Subrogation Rights Commission	2323.44	4826
Ohio Thoroughbred Racing Advisory Committee	3769.084	4827
Ohio Transportation Finance Commission	5531.12(B) to (D)	4828
Ohio Tuition Trust Authority	3334.03, 3334.08	4829
Ohio University College of Osteopathic Medicine Advisory Committee	3337.10, 3337.11	4830
Ohio Vendors Representative Committee	3304.34, 20 USC	4831

Ohio War Orphans Scholarship Board	5910.02 - 5910.06	4832
Ohio Water Advisory Council	1521.031	4833
Ohio Water Resources Council Advisory Group	1521.19	4834
Ohio Water Resources Council	1521.19	4835
Oil and Gas Commission	1509.35	4836
Operating Committee of the Oil and Gas Marketing Program	1510.06, 1510.11	4837
Organized Crime Investigations Commission	177.01	4838
Pharmacy and Therapeutics Committee of the Department of Job and Family Services	5111.084	4839
Physician Assistant Policy Committee of the State Medical Board	4730.05, 4730.06	4840
Physician Loan Repayment Advisory Board	3702.81	4841
Power Siting Board	4906.02	4842
Prequalification Review Board	5525.07	4843
Private Water Systems Advisory Council	3701.346	4844
Public Health Council	3701.33, 3701.34	4845
Public Utilities Commission Nominating Council	4901.021	4846
Public Utility Property Tax Study Committee	5727.85(K)	4847
Radiation Advisory Council	3748.20	4848
Reclamation Commission	1513.05	4849
Reclamation Forfeiture Fund Advisory Board	1513.182	4850
Recreation and Resources Commission	1501.04	4851
Recycling and Litter Prevention Advisory Council	1502.04	4852
School and Ministerial Lands Divestiture Committee	501.041	4853
Savings and Loan Associations and Savings Banks Board	1181.16	4854
Second Chance Trust Fund Advisory Committee	2108.35	4855
Service Coordination Workgroup	Section 751.20, H.B. 1, 128th G.A.	4856

Ski Tramway Board	4169.02	4857
Small Business Stationary Source Technical and Environmental Compliance Assistance Council	3704.19	4858
Solid Waste Management Advisory Council	3734.51	4859
Special Commission to Consider the Suspension of Local Government Officials	3.16	4860
Speed to Scale Task Force	Section 375.60.80, H.B. 119, 128th G.A.	4861
State Agency Coordinating Group	1521.19	4862
State Audit Committee	126.46	4863
State Council of Uniform State Laws	105.21 - 105.27	4864
State Fire Council	3737.81	4865
State Library Board	3375.01	4866
State Victims Assistance Advisory Council	109.91(B) and (C)	4867
Statewide Consortium of County Law Library Resource Boards	3375.481	4868
STEM Committee	3326.02	4869
Student Tuition Recovery Authority	3332.081	4870
Sunset Review Committee	101.84 - 101.87	4871
Tax Credit Authority	122.17(M)	4872
Technical Advisory Committee to Assist Director of the Ohio Coal Development Office	1551.35	4873
Technical Advisory Council on Oil and Gas	1509.38	4874
Transportation Review Advisory Council	5512.07 - 5512.09	4875
Unemployment Compensation Advisory Council	4141.08	4876
Unemployment Compensation Review Commission	4141.06	4877
Veterans Advisory Committee	5902.02(K)	4878
Volunteer Fire Fighters' Dependents Fund Boards (private volunteer)	146.02 - 146.06	4879
Volunteer Fire Fighters' Dependents Fund Boards	146.02 - 146.06	4880

(public)

Water and Sewer Commission	1525.11(C)	4881
Waterways Safety Council	1547.73	4882
Wildlife Council	1531.03 - 1531.05	4883
Workers' Compensation Board of Directors	4121.123	4884
Nominating Committee		

**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  
Environmental Protection or a board of health as defined in  
section 3714.01 of the Revised Code shall not issue a license to  
open a new construction and demolition debris facility under  
Chapter 3714. of the Revised Code and rules adopted under it.  
Except as otherwise provided in this division, the moratorium  
established by this division applies both with respect to an  
application for a license to open a new construction and  
demolition debris facility that is submitted on or after the  
effective date of this section and to an application for such a  
license that has been submitted to the Director or a board of  
health prior to the effective date of this section, but concerning  
which a license for a facility has not been issued as of that  
effective date.



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

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

(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. 4939

(4) The application submitted by the applicant would have 4940  
been determined to be complete if the moratorium had not been in 4941  
effect. 4942

The director shall determine whether this division applies to 4943  
an applicant within forty-five days after receiving an applicant's 4944  
request for a determination under this division. 4945

~~(C)(1) There is hereby created the Construction and 4946  
Demolition Debris Facility Study Committee composed of the 4947  
following thirteen members:~~ 4948

~~(a) Three members of the House of Representatives appointed 4949  
by the Speaker of the House of Representatives;~~ 4950

~~(b) Three members of the Senate appointed by the President of 4951  
the Senate;~~ 4952

~~(c) The Director of Environmental Protection or the 4953  
Director's designee;~~ 4954

~~(d) One member representing health districts in the state 4955  
appointed by the Governor;~~ 4956

~~(e) Three members representing the construction and 4957  
demolition debris industry in the state appointed by the Governor, 4958  
one of whom shall be the owner of both a construction and 4959  
demolition debris facility and a solid waste disposal facility;~~ 4960

~~(f) Two members representing environmental consulting 4961  
organizations or firms in the state appointed by the Governor.~~ 4962

~~Appointments shall be made to the Committee not later than 4963  
fifteen days after the effective date of this section. Members of 4964  
the Committee shall not receive compensation for their service on 4965  
the Committee and shall not receive reimbursement for expenses 4966  
incurred related to that service.~~ 4967

~~(2) The Committee shall study the laws of this state 4968~~

~~governing construction and demolition debris facilities and the~~ 4969  
~~rules adopted under those laws and shall make recommendations to~~ 4970  
~~the General Assembly regarding changes to those laws including,~~ 4971  
~~but not limited to, recommendations concerning the following~~ 4972  
~~topics:~~ 4973

~~(a) The establishment of a code of ethics for owners and~~ 4974  
~~operators of construction and demolition debris facilities;~~ 4975

~~(b) The establishment of best management practices;~~ 4976

~~(c) Licensing requirements;~~ 4977

~~(d) Testing and monitoring requirements and protocols;~~ 4978

~~(e) Siting and setback criteria for construction and~~ 4979  
~~demolition debris facilities;~~ 4980

~~(f) State and local oversight and regulatory authority;~~ 4981

~~(g) Fees;~~ 4982

~~(h) The regulation of construction and demolition debris from~~ 4983  
~~sources inside and outside the state;~~ 4984

~~(i) The closure process for construction and demolition~~ 4985  
~~debris facilities.~~ 4986

~~(3) The Committee shall submit a report of its study and any~~ 4987  
~~recommendations that it has developed to the General Assembly not~~ 4988  
~~later than September 30, 2005. The Committee shall cease to exist~~ 4989  
~~on the date on which it submits its report.~~ 4990

~~The General Assembly shall enact legislation based on the~~ 4991  
~~recommendations of the Committee as soon as is practicable.~~ 4992

**Section 6.02.** That existing Section 513.03 of Am. Sub. H.B. 4993  
66 of the 126th General Assembly, as amended by Am. Sub. H.B. 100 4994  
of the 126th General Assembly is hereby repealed. 4995

**Section 6.03.** That Section 5 of Sub. H.B. 125 of the 127th 4996

General Assembly, as most recently amended by Sub. H.B. 198 of the 128th General Assembly, be amended to read as follows:

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

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

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

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

(c) Requires, or grants a contracting entity an option to require, termination or renegotiation of the existing health care contract in the event the participating provider agrees to provide health care services to any other contracting entity at a lower price;

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

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

(B) With respect to a contracting entity and a provider other than a hospital, no health care contract that includes a most favored nation clause shall be entered into, and no health care

contract at the instance of a contracting entity shall be amended 5026  
or renewed to include a most favored nation clause, for a period 5027  
of three years after the effective date of Sub. H.B. 125 of the 5028  
127th General Assembly. 5029

(C) With respect to a contracting entity and a hospital, no 5030  
health care contract that includes a most favored nation clause 5031  
shall be entered into, and no health care contract at the instance 5032  
of a contracting entity shall be amended or renewed to include a 5033  
most favored nation clause, for a period of three years after the 5034  
effective date of Sub. H.B. 125 of the 127th General Assembly, ~~7~~ 5035  
~~subject to extension as provided in Section 6 of Sub. H.B. 125 of~~ 5036  
~~the 127th General Assembly.~~ 5037

(D) This section does not apply to and does not prohibit the 5038  
continued use of a most favored nation clause in a health care 5039  
contract that is between a contracting entity and a hospital and 5040  
that is in existence on the effective date of Sub. H.B. 125 of the 5041  
127th General Assembly even if the health care contract is 5042  
materially amended with respect to any provision of the health 5043  
care contract other than the most favored nation clause during the 5044  
two-year period specified in this section or during any extended 5045  
period of time as provided in Section 6 of Sub. H.B. 125 of the 5046  
127th General Assembly. 5047

**Section 6.04.** That existing Section 5 of Sub. H.B. 125 of the 5048  
127th General Assembly, as most recently amended by Sub. H.B. 198 5049  
of the 128th General Assembly, is hereby repealed. 5050

**Section 7.01.** That Section 3 of Sub. H.B. 187 of the 126th 5051  
General Assembly be amended to read as follows: 5052

**Sec. 3.** In addition to its recommendations that are included 5053  
in ~~this act~~ Sub. H.B. 187 of the 126th General Assembly, the Civil 5054  
Service Review Commission that was created by Amended Senate Bill 5055

No. 210 of the 123rd General Assembly recommends, with necessary 5056  
changes made by the General Assembly to reflect subsequent 5057  
legislative enactments, ~~all of the following:~~ 5058

~~(A) The that the~~ Department of Administrative Services, in 5059  
conjunction with all appropriate stakeholder groups, ~~shall~~ study 5060  
the compensation and classification system that applies to 5061  
employees paid by warrant of the Director of Budget and Management 5062  
and county employees in order to determine how the system could be 5063  
simplified. The Department shall report to the General Assembly on 5064  
the results of its study not later than six months after the 5065  
effective date of this act and at appropriate intervals 5066  
thereafter. 5067

~~(B) An ad hoc committee shall be formed to review, study, and 5068  
encourage greater awareness of the use of alternate dispute 5069  
resolution procedures, such as mediation, in appeals to the State 5070  
Personnel Board of Review and to municipal and civil service 5071  
township civil service commissions. The committee shall consist of 5072  
representatives of labor organizations, counties, cities, the 5073  
State Personnel Board of Review, the State Employment Relations 5074  
Board, the Office of Collective Bargaining of the Department of 5075  
Administrative Services, the Ohio Commission on Dispute Resolution 5076  
and Conflict Management, the American Arbitration Association, and 5077  
the Federal Mediation and Conciliation Service. Professors on the 5078  
faculty of Ohio law schools, a professional arbitrator with 5079  
experience in public sector disputes, and a plaintiff's lawyer 5080  
with experience in civil service disputes also should be members 5081  
of the committee. The committee shall report its findings and 5082  
recommendations to the General Assembly within six months after 5083  
the effective date of this act. 5084~~

**Section 7.02.** That existing Section 3 of Sub. H.B. 187 of the 5085  
126th General Assembly is hereby repealed. 5086

**Section 8.** That Section 3 of Sub. H.B. 495 of the 128th 5087  
General Assembly and Section 6 of Am. Sub. H.B. 516 of the 125th 5088  
General Assembly are repealed. 5089

This repeal prevents the repeal of sections 101.82, 101.83, 5090  
101.84, 101.85, 101.86, and 101.87 of the Revised Code that was to 5091  
have been effective on December 31, 2010, and that was postponed 5092  
until July 1, 2011. These repeals remove all limitations upon the 5093  
continued existence of sections 101.82, 101.83, 101.84, 101.85, 5094  
101.86, and 101.87 of the Revised Code. The rule of construction 5095  
that the repeal of a repealing act does not revive the statute 5096  
repealed, which is reflected in section 1.57 of the Revised Code, 5097  
does not affect the intent of this section. 5098

**Section 9.** The following Sections are repealed: 5099

Sections 209.40, 309.40.70, and 709.10 of Am. Sub. H.B. 1 of 5100  
the 128th General Assembly 5101

Sections 755.80 and 756.40 of Am. Sub. H.B. 2 of the 128th 5102  
General Assembly 5103

Section 3 of Sub. H.B. 7 of the 127th General Assembly 5104

Section 555.17 of Am. Sub. H.B. 67 of the 127th General 5105  
Assembly 5106

Sections 263.30.30, 337.20.20, 377.20, and 737.11 of Am. Sub. 5107  
H.B. 119 of the 127th General Assembly 5108

Sections 6 and 7 of Sub. H.B. 125 of the 127th General 5109  
Assembly 5110

Section 2 of Sub. H.B. 233 of the 127th General Assembly 5111

Sections 703.30 and 715.50 of Am. Sub. H.B. 562 of the 127th 5112  
General Assembly 5113

Section 4 of Am. Sub. S.B. 77 of the 127th General Assembly 5114

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	5115 5116 5117
Section 4 of Sub. H.B. 187 of the 126th General Assembly	5118
Section 1 of Sub. H.B. 371 of the 126th General Assembly	5119
Section 235.60.70 of Am. Sub. H.B. 699 of the 126th General Assembly	5120 5121
Section 3 of Am. Sub. S.B. 167 of the 126th General Assembly	5122
Section 5 of Am. Sub. S.B. 260 of the 126th General Assembly	5123
Section 3 of Sub. S.B. 393 of the 126th General Assembly	5124
Sections 12 and 25 of Am. Sub. H.B. 87 of the 125th General Assembly	5125 5126
Sections 41.35 and 153 of Am. Sub. H.B. 95 of the 125th General Assembly	5127 5128
Section 8 of Sub. H.B. 299 of the 125th General Assembly	5129
Section 3 of Am. Sub. S.B. 86 of the 125th General Assembly	5130
Section 3 of Sub. H.B. 230 of the 124th General Assembly	5131
Section 3 of Am. Sub. H.B. 474 of the 124th General Assembly	5132
Section 4 of Am. Sub. S.B. 281 of the 124th General Assembly	5133
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	5134 5135
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	5136 5137 5138
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	5139 5140
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	5141 5142



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	5143 5144 5145
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	5146 5147
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	5148 5149 5150
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	5151 5152 5153
<b>Section 10.</b> 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 part as follows:	5154 5155 5156 5157 5158 5159
(A) By the abolishment in this act, through amendments to relevant codified sections of law and through outright repeals of codified or uncodified sections of law, of numerous agencies, as defined in section 101.82 of the Revised Code, that were subject to the Committee's jurisdiction;	5160 5161 5162 5163 5164
(B) By the termination, through amendments to relevant codified sections of law and through outright repeals of codified or uncodified sections of law, of several agencies, as defined in section 101.82 of the Revised Code, that were subject to the Committee's jurisdiction;	5165 5166 5167 5168 5169
(C) By the transfer, through the amendment of codified or uncodified sections of law, of several agencies, as defined in section 101.82 of the Revised Code, that were subject to the	5170 5171 5172

Committee's jurisdiction; 5173

(D) By the renewal, through the amendment or enactment of 5174  
codified or uncodified sections of law, of the existence of 5175  
numerous agencies, as defined in section 101.82 of the Revised 5176  
Code, that were subject to the Committee's jurisdiction. 5177

**Section 11.** The hospital measures advisory council shall 5178  
supersede the group of experts in pediatric medicine and their 5179  
members and succeed to and have and perform all the duties, 5180  
powers, and obligations pertaining to the duties, powers, and 5181  
obligations of the group of experts in pediatric medicine and 5182  
their members. All rules, actions, determinations, commitments, 5183  
resolutions, decisions, and agreements pertaining to those duties, 5184  
powers, obligations, functions, and rights in force or in effect 5185  
on the effective date of this section shall continue in force and 5186  
effect subject to any further lawful action thereon by the 5187  
hospital measures advisory council. Wherever the group of experts 5188  
in pediatric medicine are referred to in any provision of law, or 5189  
in any agreement or document that pertains to those duties, 5190  
powers, obligations, functions, and rights, the reference is to 5191  
the hospital measures advisory council. 5192

All authorized obligations and supplements thereto of the 5193  
group of experts in pediatric medicine and their members 5194  
pertaining to the duties, powers, and obligations transferred are 5195  
binding on the hospital measures advisory council, and nothing in 5196  
this act impairs the obligations or rights thereunder or under any 5197  
contract. The abolition of the group of experts in pediatric 5198  
medicine and the transfer of their duties, powers, and obligations 5199  
do not affect the validity of agreements or obligations made by 5200  
the group of experts in pediatric medicine and their members 5201  
pursuant to Chapters 4121., 4123., 4125., 4127., 4131., and 4167. 5202  
of the Revised Code or any other provisions of law. 5203

In connection with the transfer of duties, powers, 5204  
obligations, functions, and rights and abolition of the group of 5205  
experts in pediatric medicine, all real property and interest 5206  
therein, documents, books, money, papers, records, machinery, 5207  
furnishings, office equipment, furniture, and all other property 5208  
over which the group of experts in pediatric medicine have control 5209  
pertaining to the duties, powers, and obligations transferred and 5210  
the rights of the group of experts in pediatric medicine to 5211  
enforce or receive any of the aforesaid is automatically 5212  
transferred to the hospital measures advisory council without 5213  
necessity for further action on the part of the hospital measures 5214  
advisory council. Additionally, all appropriations or 5215  
reappropriations made to the group of experts in pediatric 5216  
medicine for the purposes of the performance of their duties, 5217  
powers, and obligations, are transferred to the hospital measures 5218  
advisory council to the extent of the remaining unexpended or 5219  
unencumbered balance thereof, whether allocated or unallocated, 5220  
and whether obligated or unobligated. 5221

**Section 12.** The commission on Hispanic-Latino affairs shall 5222  
supersede the interagency council on Hispanic-Latino affairs and 5223  
its members and succeed to and have and perform all the duties, 5224  
powers, and obligations pertaining to the duties, powers, and 5225  
obligations of the interagency council on Hispanic-Latino affairs 5226  
and its members. All rules, actions, determinations, commitments, 5227  
resolutions, decisions, and agreements pertaining to those duties, 5228  
powers, obligations, functions, and rights in force or in effect 5229  
on the effective date of this section shall continue in force and 5230  
effect subject to any further lawful action thereon by the 5231  
commission on Hispanic-Latino affairs. Wherever the interagency 5232  
council on Hispanic-Latino affairs is referred to in any provision 5233  
of law, or in any agreement or document that pertains to those 5234  
duties, powers, obligations, functions, and rights, the reference 5235

is to the commission on Hispanic-Latino affairs. 5236

All authorized obligations and supplements thereto of the 5237  
interagency council on Hispanic-Latino affairs and its members 5238  
pertaining to the duties, powers, and obligations transferred are 5239  
binding on the commission on Hispanic-Latino affairs, and nothing 5240  
in this act impairs the obligations or rights thereunder or under 5241  
any contract. The abolition of the interagency council on 5242  
Hispanic-Latino affairs and the transfer of their duties, powers, 5243  
and obligations do not affect the validity of agreements or 5244  
obligations made by the interagency council on Hispanic-Latino 5245  
affairs and its members pursuant to Chapters 4121., 4123., 4125., 5246  
4127., 4131., and 4167. of the Revised Code or any other 5247  
provisions of law. 5248

In connection with the transfer of duties, powers, 5249  
obligations, functions, and rights and abolition of the 5250  
interagency council on Hispanic-Latino affairs, all real property 5251  
and interest therein, documents, books, money, papers, records, 5252  
machinery, furnishings, office equipment, furniture, and all other 5253  
property over which the interagency council on Hispanic-Latino 5254  
affairs has control pertaining to the duties, powers, and 5255  
obligations transferred and the rights of the interagency council 5256  
on Hispanic-Latino affairs to enforce or receive any of the 5257  
aforesaid is automatically transferred to the commission on 5258  
Hispanic-Latino affairs without necessity for further action on 5259  
the part of the commission on Hispanic-Latino affairs. 5260  
Additionally, all appropriations or reappropriations made to the 5261  
interagency council on Hispanic-Latino affairs for the purposes of 5262  
the performance of their duties, powers, and obligations, are 5263  
transferred to the commission on Hispanic-Latino affairs to the 5264  
extent of the remaining unexpended or unencumbered balance 5265  
thereof, whether allocated or unallocated, and whether obligated 5266  
or unobligated. 5267

<b>Section 13.</b> This act is an emergency measure necessary for	5268
the immediate preservation of the public peace, health, and	5269
safety. The sunset review law is scheduled to operate on July 1,	5270
2011, as a matter of law. And if the sunset review law operates	5271
before the effective date of this act, uncertainty and confusion,	5272
with respect to the authority for certain agencies to operate,	5273
could result. Therefore, this act goes into immediate effect.	5274