

**As Reported by the House State Government and Elections  
Committee**

**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  
Representative Combs**

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**A B I L L**

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

|  |    |
|--|----|
| Am. Sub. H.B. 554 of the 127th General Assembly,   | 21 |
| Section 3 of Sub. H.B. 187 of the 126th General    | 22 |
| Assembly, and Section 513.03 of Am. Sub. H.B. 66   | 23 |
| of the 126th General Assembly as subsequently      | 24 |
| amended; and to repeal Section 3 of Sub. H.B. 495  | 25 |
| of the 128th General Assembly, Sections 209.40,    | 26 |
| 309.40.70, and 709.10 of Am. Sub. H.B. 1 of the    | 27 |
| 128th General Assembly, Sections 755.80 and 756.40 | 28 |
| of Am. Sub. H.B. 2 of the 128th General Assembly,  | 29 |
| Section 3 of Sub. H.B. 7 of the 127th General      | 30 |
| Assembly, Section 555.17 of Am. Sub. H.B. 67 of    | 31 |
| the 127th General Assembly, Sections 263.30.30,    | 32 |
| 337.20.20, 377.20, and 737.11 of Am. Sub. H.B. 119 | 33 |
| of the 127th General Assembly, Sections 6 and 7 of | 34 |
| Sub. H.B. 125 of the 127th General Assembly,       | 35 |
| Section 2 of Sub. H.B. 233 of the 127th General    | 36 |
| Assembly, Sections 703.30 and 715.50 of Am. Sub.   | 37 |
| H.B. 562 of the 127th General Assembly, Section 4  | 38 |
| of Am. Sub. S.B. 77 of the 127th General Assembly, | 39 |
| Sections 206.10.12, 206.42.12, 206.66.24,          | 40 |
| 206.66.43, 209.63.58, 503.09, and 503.12 of Am.    | 41 |
| Sub. H.B. 66 of the 126th General Assembly,        | 42 |
| Section 4 of Sub. H.B. 187 of the 126th General    | 43 |
| Assembly, Section 1 of Sub. H.B. 371 of the 126th  | 44 |
| General Assembly, Section 235.60.70 of Am. Sub.    | 45 |
| H.B. 699 of the 126th General Assembly, Section 3  | 46 |
| of Am. Sub. S.B. 167 of the 126th General          | 47 |
| Assembly, Section 5 of Am. Sub. S.B. 260 of the    | 48 |
| 126th General Assembly, Section 3 of Sub. S.B. 393 | 49 |
| of the 126th General Assembly, Sections 12 and 25  | 50 |
| of Am. Sub. H.B. 87 of the 125th General Assembly, | 51 |
| Sections 41.35 and 153 of Am. Sub. H.B. 95 of the  | 52 |
| 125th General Assembly, Section 8 of Sub. H.B. 299 | 53 |

of the 125th General Assembly, Section 6 of Am. 54  
Sub. H.B. 516 of the 125th General Assembly, 55  
Section 3 of Am. Sub. S.B. 86 of the 125th General 56  
Assembly, Section 3 of Sub. H.B. 230 of the 124th 57  
General Assembly, Section 3 of Am. Sub. H.B. 474 58  
of the 124th General Assembly, Section 4 of Am. 59  
Sub. S.B. 281 of the 124th General Assembly, 60  
Section 3 of Am. H.B. 416 of the 127th General 61  
Assembly as subsequently amended, Section 701.20 62  
of Am. Sub. H.B. 562 of the 127th General Assembly 63  
as subsequently amended, Section 206.66.53 of Am. 64  
Sub. H.B. 66 of the 126th General Assembly as 65  
subsequently amended, Section 6 of Sub. H.B. 336 66  
of the 126th General Assembly as subsequently 67  
amended, Section 755.03 of Am. Sub. H.B. 530 of 68  
the 126th General Assembly as subsequently 69  
amended, Section 6 of Am. Sub. S.B. 238 of the 70  
126th General Assembly as subsequently amended, 71  
Section 152 of Am. Sub. H.B. 95 of the 125th 72  
General Assembly as subsequently amended, and 73  
Section 59.29 of Am. Sub. H.B. 95 of the 125th 74  
General Assembly as subsequently amended to 75  
implement the recommendations of the Sunset Review 76  
Committee by abolishing, terminating, 77  
transferring, or renewing various agencies and by 78  
reestablishing the Sunset Review Committee but 79  
postponing its operation until the 131st General 80  
Assembly, to terminate the operation of certain 81  
provisions of this act on December 31, 2016, by 82  
repealing sections 101.82, 101.83, 101.84, 101.85, 83  
101.86, and 101.87 of the Revised Code on that 84  
date, and to declare an emergency. 85

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

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

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

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

Revised Code and may pay from funds under the governing board's 115  
control and available for such purpose all or any portion of the 116  
cost of such coverage. 117

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

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

(B) All or any portion of the cost, premium, or charge 132  
therefor may be paid in such other manner or combination of 133  
manner as the governing board may determine, including direct 134  
payment by the employee in cases under division (A)(1) of this 135  
section, and, if authorized in writing by the employee in cases 136  
under division (A)(1) or (2) of this section, by such governing 137  
board with moneys made available by deduction from or reduction in 138  
salary or wages or by the foregoing of a salary or wage increase. 139  
Nothing in section 3917.01 or section 3917.06 of the Revised Code 140  
shall prohibit the issuance or purchase of group life insurance 141  
authorized by this section by reason of payment of premiums 142  
therefor by the governing board from its funds, and such group 143  
life insurance may be so issued and purchased if otherwise 144  
consistent with the provisions of sections 3917.01 to 3917.07 of 145  
the Revised Code. 146

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

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

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

this section. Any act creating or renewing an agency shall contain 178  
a distinct section providing a specific expiration date for the 179  
agency in accordance with this division. 180

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

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

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

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

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

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

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

In the first regular session of the ~~128th~~ 131st general 230  
assembly, the chairperson of the committee shall be a member of 231  
the house of representatives, and the vice-chairperson of the 232  
committee shall be a member of the senate. In the second regular 233  
session of the ~~128th~~ 131st general assembly, the chairperson of 234  
the committee shall be a member of the senate, and the 235  
vice-chairperson of the committee shall be a member of the house 236  
of representatives. 237

Members of the committee shall receive no compensation, but 238

shall be reimbursed for their necessary expenses incurred in the 239  
performance of their official duties. 240

(C) The committee shall meet not later than thirty days after 241  
the first day of the first regular session of the ~~129th~~ 131st 242  
general assembly to choose a chairperson and to commence 243  
establishment of the schedule for agency review provided for in 244  
section 101.85 of the Revised Code or perform other committee 245  
duties under sections 101.82 to 101.87 of the Revised Code. Five 246  
members of the committee shall constitute a quorum for the conduct 247  
of committee business. 248

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

(B) The chairperson of the committee shall send a copy of the 257  
schedule for review of agencies for calendar year ~~2009~~ 2015 and 258  
calendar year ~~2010~~ 2016 to each of the agencies scheduled for 259  
review during that year and to the director of the legislative 260  
service commission. The director shall publish a copy of the 261  
schedule in the Ohio Administrative Code and in the register of 262  
Ohio created under section 103.051 of the Revised Code. The 263  
commission shall provide the committee with a list of agencies, 264  
and state boards and commissions described in division (A)(9) of 265  
section 101.82 of the Revised Code, in existence on January 1, 266  
~~2009~~ 2015, to assist the committee in identifying agencies and 267  
exercising its duties under sections 101.82 to 101.87 of the 268  
Revised Code with respect to those agencies. 269

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

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

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

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

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

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

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

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

(2) The cost-effectiveness of the agency in terms of number 296  
of employees, services rendered, and administrative costs 297  
incurred, both past and present; 298

(3) The extent to which the agency has operated in the public 299

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| interest, and whether its operation has been impeded or enhanced   | 300 |
| by existing statutes and procedures and by budgetary, resource,    | 301 |
| and personnel practices;   | 302 |
| (4) Whether the agency has recommended statutory changes to        | 303 |
| the general assembly that would benefit the public as opposed to   | 304 |
| the persons regulated by the agency, if any, and whether its       | 305 |
| recommendations and other policies have been adopted and           | 306 |
| implemented;   | 307 |
| (5) Whether the agency has required any persons it regulates       | 308 |
| to report to it the impact of agency rules and decisions on the    | 309 |
| public as they affect service costs and service delivery;          | 310 |
| (6) Whether persons regulated by the agency, if any, have          | 311 |
| been required to assess problems in their business operations that | 312 |
| affect the public;   | 313 |
| (7) Whether the agency has encouraged public participation in      | 314 |
| its rule-making and decision-making;                               | 315 |
| (8) The efficiency with which formal public complaints filed       | 316 |
| with the agency have been processed to completion;                 | 317 |
| (9) Whether the programs or services of the agency duplicate       | 318 |
| or overlap those of other agencies;                                | 319 |
| (10) Whether the purpose for which the agency was created has      | 320 |
| been fulfilled, has changed, or no longer exists;                  | 321 |
| (11) Whether federal law requires that the agency be renewed       | 322 |
| in some form;  | 323 |
| (12) Changes needed in the enabling laws of the agency in          | 324 |
| order for it to comply with the criteria suggested by the          | 325 |
| considerations listed in divisions (C)(1) to (11) of this section. | 326 |
| (D) In its initial review of each agency, the committee,           | 327 |
| whenever possible, shall realign agency titles to conform to the   | 328 |
| following descriptions:  | 329 |

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| (1) Commission: an administrative appeals or hearing agency;  | 330  |
| (2) Authority: an agency empowered to issue bonds or notes;   | 331  |
| (3) Board: an agency having a licensing function only;  | 332  |
| (4) Council: an advisory body to a major agency or<br>department;   | 333<br>334   |
| (5) Committee: an advisory body to a minor agency or<br>department.   | 335<br>336   |
| <br><b>Sec. 102.02.</b> (A) Except as otherwise provided in division (H)<br>of this section, all of the following shall file with the<br>appropriate ethics commission the disclosure statement described<br>in this division on a form prescribed by the appropriate<br>commission: every person who is elected to or is a candidate for a<br>state, county, or city office and every person who is appointed to<br>fill a vacancy for an unexpired term in such an elective office;<br>all members of the state board of education; the director,<br>assistant directors, deputy directors, division chiefs, or persons<br>of equivalent rank of any administrative department of the state;<br>the president or other chief administrative officer of every state<br>institution of higher education as defined in section 3345.011 of<br>the Revised Code; the executive director and the members of the<br>capitol square review and advisory board appointed or employed<br>pursuant to section 105.41 of the Revised Code; all members of the<br>Ohio casino control commission, the executive director of the<br>commission, all professional employees of the commission, and all<br>technical employees of the commission who perform an internal<br>audit function; the individuals set forth in division (B)(2) of<br>section 187.03 of the Revised Code; the chief executive officer<br>and the members of the board of each state retirement system; each<br>employee of a state retirement board who is a state retirement<br>system investment officer licensed pursuant to section 1707.163 of<br>the Revised Code; the members of the Ohio retirement study council | 337<br>338<br>339<br>340<br>341<br>342<br>343<br>344<br>345<br>346<br>347<br>348<br>349<br>350<br>351<br>352<br>353<br>354<br>355<br>356<br>357<br>358<br>359<br>360 |

appointed pursuant to division (C) of section 171.01 of the 361  
Revised Code; employees of the Ohio retirement study council, 362  
other than employees who perform purely administrative or clerical 363  
functions; the administrator of workers' compensation and each 364  
member of the bureau of workers' compensation board of directors; 365  
the bureau of workers' compensation director of investments; the 366  
chief investment officer of the bureau of workers' compensation; 367  
~~the director appointed by the workers' compensation council;~~ all 368  
members of the board of commissioners on grievances and discipline 369  
of the supreme court and the ethics commission created under 370  
section 102.05 of the Revised Code; every business manager, 371  
treasurer, or superintendent of a city, local, exempted village, 372  
joint vocational, or cooperative education school district or an 373  
educational service center; every person who is elected to or is a 374  
candidate for the office of member of a board of education of a 375  
city, local, exempted village, joint vocational, or cooperative 376  
education school district or of a governing board of an 377  
educational service center that has a total student count of 378  
twelve thousand or more as most recently determined by the 379  
department of education pursuant to section 3317.03 of the Revised 380  
Code; every person who is appointed to the board of education of a 381  
municipal school district pursuant to division (B) or (F) of 382  
section 3311.71 of the Revised Code; all members of the board of 383  
directors of a sanitary district that is established under Chapter 384  
6115. of the Revised Code and organized wholly for the purpose of 385  
providing a water supply for domestic, municipal, and public use, 386  
and that includes two municipal corporations in two counties; 387  
every public official or employee who is paid a salary or wage in 388  
accordance with schedule C of section 124.15 or schedule E-2 of 389  
section 124.152 of the Revised Code; members of the board of 390  
trustees and the executive director of the southern Ohio 391  
agricultural and community development foundation; all members 392  
appointed to the Ohio livestock care standards board under section 393

904.02 of the Revised Code; and every other public official or 394  
employee who is designated by the appropriate ethics commission 395  
pursuant to division (B) of this section. 396

The disclosure statement shall include all of the following: 397

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

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

arrangement, or facilitation of services or provision of goods on 426  
behalf of the business or profession of clients, including 427  
corporate clients, who are legislative agents. A person who files 428  
the statement under this section shall disclose the identity of 429  
and the amount of income received from a person who the public 430  
official or employee knows or has reason to know is doing or 431  
seeking to do business of any kind with the public official's or 432  
employee's agency. 433

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

(c) Except as otherwise provided in division (A)(2)(c) of 450  
this section, division (A)(2)(a) of this section applies to 451  
attorneys, physicians, and other persons who engage in the 452  
practice of a profession and who, pursuant to a section of the 453  
Revised Code, the common law of this state, a code of ethics 454  
applicable to the profession, or otherwise, generally are required 455  
not to reveal, disclose, or use confidences of clients, patients, 456  
or other recipients of professional services except under 457

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

(3) The name of every corporation on file with the secretary 482  
of state that is incorporated in this state or holds a certificate 483  
of compliance authorizing it to do business in this state, trust, 484  
business trust, partnership, or association that transacts 485  
business in this state in which the person filing the statement or 486  
any other person for the person's use and benefit had during the 487  
preceding calendar year an investment of over one thousand dollars 488  
at fair market value as of the thirty-first day of December of the 489  
preceding calendar year, or the date of disposition, whichever is 490

earlier, or in which the person holds any office or has a 491  
fiduciary relationship, and a description of the nature of the 492  
investment, office, or relationship. Division (A)(3) of this 493  
section does not require disclosure of the name of any bank, 494  
savings and loan association, credit union, or building and loan 495  
association with which the person filing the statement has a 496  
deposit or a withdrawable share account. 497

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

(5) The names of all persons residing or transacting business 503  
in the state to whom the person filing the statement owes, in the 504  
person's own name or in the name of any other person, more than 505  
one thousand dollars. Division (A)(5) of this section shall not be 506  
construed to require the disclosure of debts owed by the person 507  
resulting from the ordinary conduct of a business or profession or 508  
debts on the person's residence or real property used primarily 509  
for personal recreation, except that the superintendent of 510  
financial institutions shall disclose the names of all 511  
state-chartered savings and loan associations and of all service 512  
corporations subject to regulation under division (E)(2) of 513  
section 1151.34 of the Revised Code to whom the superintendent in 514  
the superintendent's own name or in the name of any other person 515  
owes any money, and that the superintendent and any deputy 516  
superintendent of banks shall disclose the names of all 517  
state-chartered banks and all bank subsidiary corporations subject 518  
to regulation under section 1109.44 of the Revised Code to whom 519  
the superintendent or deputy superintendent owes any money. 520

(6) The names of all persons residing or transacting business 521  
in the state, other than a depository excluded under division 522

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

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

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

institution of higher education as defined in section 3345.011 of 555  
the Revised Code, pays membership dues, or any political 556  
subdivision or any office or agency of a political subdivision 557  
pays membership dues; 558

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

(10) If the disclosure statement is filed by a public 572  
official or employee described in division (B)(2) of section 573  
101.73 of the Revised Code or division (B)(2) of section 121.63 of 574  
the Revised Code who receives a statement from a legislative 575  
agent, executive agency lobbyist, or employer that contains the 576  
information described in division (F)(2) of section 101.73 of the 577  
Revised Code or division (G)(2) of section 121.63 of the Revised 578  
Code, all of the nondisputed information contained in the 579  
statement delivered to that public official or employee by the 580  
legislative agent, executive agency lobbyist, or employer under 581  
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 582  
the Revised Code. 583

A person may file a statement required by this section in 584  
person or by mail. A person who is a candidate for elective office 585  
shall file the statement no later than the thirtieth day before 586

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

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

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

(B) The Ohio ethics commission, the joint legislative ethics 609  
committee, and the board of commissioners on grievances and 610  
discipline of the supreme court, using the rule-making procedures 611  
of Chapter 119. of the Revised Code, may require any class of 612  
public officials or employees under its jurisdiction and not 613  
specifically excluded by this section whose positions involve a 614  
substantial and material exercise of administrative discretion in 615  
the formulation of public policy, expenditure of public funds, 616  
enforcement of laws and rules of the state or a county or city, or 617  
the execution of other public trusts, to file an annual statement 618

on or before the fifteenth day of April under division (A) of this 619  
section. The appropriate ethics commission shall send the public 620  
officials or employees written notice of the requirement by the 621  
fifteenth day of February of each year the filing is required 622  
unless the public official or employee is appointed after that 623  
date, in which case the notice shall be sent within thirty days 624  
after appointment, and the filing shall be made not later than 625  
ninety days after appointment. 626

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

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

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

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

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

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

|  |      |     |
|--|------|-----|
| For state office, except member of the   |      | 678 |
| state board of education                 | \$65 | 679 |
| For office of member of general assembly | \$40 | 680 |
| For county office                        | \$40 | 681 |
| For city office                          | \$25 | 682 |

|  |      |     |
|--|------|-----|
| For office of member of the state board                            |      | 683 |
| of education   | \$25 | 684 |
| For office of member of the Ohio                                   |      | 685 |
| livestock care standards board                                     | \$25 | 686 |
| For office of member of a city, local,                             |      | 687 |
| exempted village, or cooperative                                   |      | 688 |
| education board of   |      | 689 |
| education or educational service                                   |      | 690 |
| center governing board   | \$20 | 691 |
| For position of business manager,                                  |      | 692 |
| treasurer, or superintendent of a                                  |      | 693 |
| city, local, exempted village, joint                               |      | 694 |
| vocational, or cooperative education                               |      | 695 |
| school district or   |      | 696 |
| educational service center   | \$20 | 697 |
| (3) No judge of a court of record or candidate for judge of a      |      | 698 |
| court of record, and no referee or magistrate serving a court of   |      | 699 |
| record, shall be required to pay the fee required under division   |      | 700 |
| (E)(1) or (2) or (F) of this section.                              |      | 701 |
| (4) For any public official who is appointed to a nonelective      |      | 702 |
| office of the state and for any employee who holds a nonelective   |      | 703 |
| position in a public agency of the state, the state agency that is |      | 704 |
| the primary employer of the state official or employee shall pay   |      | 705 |
| the fee required under division (E)(1) or (F) of this section.     |      | 706 |
| (F) If a statement required to be filed under this section is      |      | 707 |
| not filed by the date on which it is required to be filed, the     |      | 708 |
| appropriate ethics commission shall assess the person required to  |      | 709 |
| file the statement a late filing fee of ten dollars for each day   |      | 710 |
| the statement is not filed, except that the total amount of the    |      | 711 |
| late filing fee shall not exceed two hundred fifty dollars.        |      | 712 |
| (G)(1) The appropriate ethics commission other than the Ohio       |      | 713 |
| ethics commission and the joint legislative ethics committee shall |      | 714 |

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

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

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

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

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

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

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

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

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

senate and the member of the house of representatives shall serve 778  
at the pleasure of the president of the senate and the speaker of 779  
the house of representatives, respectively. 780

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

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

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

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

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

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

(D) As used in this section and section 109.92 of the Revised 802  
Code, "victim assistance program" includes, but is not limited to 803  
a program that provides at least one of the following: 804

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

|   |                                 |
|---|---------------------------------|
| (2) Financial assistance or property repair services to victims of crime or delinquent acts;  | 808<br>809                      |
| (3) Assistance to victims of crime or delinquent acts in judicial proceedings;  | 810<br>811                      |
| (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;                   | 812<br>813<br>814<br>815        |
| (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. | 816<br>817<br>818<br>819<br>820 |
| A victim assistance program does not include the program for the reparation of crime victims established pursuant to Chapter 2743. of the Revised Code.   | 821<br>822<br>823               |
| <b>Sec. 121.32.</b> The commission on Hispanic-Latino affairs shall:  | 824<br>825                      |
| (A) Gather and disseminate information and conduct hearings, conferences, investigations, and special studies on problems and programs concerning Spanish-speaking people;  | 826<br>827<br>828               |
| (B) Secure appropriate recognition of the accomplishments and contributions of Spanish-speaking people to this state;   | 829<br>830                      |
| (C) Stimulate public awareness of the problems of Spanish-speaking people by conducting a program of public education;  | 831<br>832<br>833               |
| (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;  | 834<br>835<br>836<br>837        |

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

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

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

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

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

~~(J) Create an interagency council consisting of the following 857  
persons or their authorized representatives: one member of the 858  
senate appointed by the president of the senate; one member of the 859  
house of representatives appointed by the speaker of the house of 860  
representatives; the directors of administrative services, 861  
agriculture, education, development, health, highway safety, job 862  
and family services, liquor control, mental health, developmental 863  
disabilities, natural resources, rehabilitation and correction, 864  
youth services, transportation, environmental protection, and 865  
budget and management; the chairperson of the Ohio civil rights 866  
commission, the administrators of the bureau of workers' 867  
compensation and the rehabilitation services commission, and an 868~~

~~additional member of the governor's cabinet appointed by the 869  
governor. The commission on Hispanic Latino affairs, by rule, may 870  
designate other state officers or their representatives to be 871  
members of the council. The director of the commission shall be 872  
the chairperson of the council. 873~~

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

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

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

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

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

(D) Transfers of all or part of cash balances in excess of 895  
needs from any fund of the state to the general revenue fund or to 896  
such other fund of the state to which the money would have been 897  
credited in the absence of the fund from which the transfers are 898

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

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

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

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

(H) Temporary transfer of funds included in the emergency 930

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

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

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

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

Notwithstanding any provisions of law providing for the 959  
deposit of revenues received by a state agency to the credit of a 960  
particular fund in the state treasury, whenever there is a 961  
temporary transfer of funds included in the emergency purposes 962

appropriation of the controlling board pursuant to division (H) of 963  
this section, revenues received by any state agency receiving such 964  
a temporary transfer of funds shall, as directed by the 965  
controlling board, be transferred back to the emergency purposes 966  
appropriation. 967

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

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

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

(B) Members of the council shall be appointed for a term of 988  
three years, except that for the first appointment members of the 989  
Ohio commission on aging who were serving on the commission 990  
immediately prior to July 26, 1984, shall become members of the 991  
council for the remainder of their unexpired terms. Thereafter, 992  
appointment to the council shall be for a three-year term by the 993

governor. Each member shall hold office from the date of 994  
appointment until the end of the term for which the member was 995  
appointed. Any member appointed to fill a vacancy occurring prior 996  
to the expiration of the term for which the member's predecessor 997  
was appointed shall hold office for the remainder of the term. ~~Any~~ 998  
No member may shall continue in office subsequent to the 999  
expiration date of the member's term ~~until a successor takes~~ 1000  
~~office and shall be compensated for the period served between the~~ 1001  
~~expiration of the member's term and the beginning of the~~ 1002  
~~successor's term unless reappointed under the provisions of this~~ 1003  
section, and no member shall serve more than three consecutive 1004  
terms on the council. 1005

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

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

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

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

~~(E) Members of the council shall be compensated at the rate~~ 1020  
~~of fifty dollars for each day actually employed in the discharge~~ 1021  
~~of official duties but not to exceed two thousand dollars per year~~ 1022  
~~and in addition shall be allowed actual and necessary expenses~~ The 1023  
director of aging may reimburse a member for actual and necessary 1024

traveling and other expenses incurred in the discharge of official 1025  
duties. But reimbursement shall be made in the manner and at rates 1026  
that do not exceed those prescribed by the director of budget and 1027  
management for any officer, member, or employee of, or consultant 1028  
to, any state agency. 1029

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

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

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

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

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

**Sec. 173.04.** (A) As used in this section, "respite care" 1050  
means short-term, temporary care or supervision provided to a 1051  
person who has Alzheimer's disease in the absence of the person 1052  
who normally provides that care or supervision. 1053

(B) Through the internet web site maintained by the 1054

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

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

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

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

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

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

~~(F) The director may create an Alzheimer's disease and 1081  
related disorders task force to advise the director on the 1082  
following: 1083~~

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

~~(2) The development and evaluation of education and training 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. 3302.021.** (A) Not earlier than July 1, 2005, and not later than July 1, 2007, the department of education shall implement a value-added progress dimension for school districts and buildings and shall incorporate the value-added progress dimension into the report cards and performance ratings issued for districts and buildings under section 3302.03 of the Revised Code.

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

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

(2) That the department shall maintain the confidentiality of individual student test scores and individual student reports in accordance with sections 3301.0711, 3301.0714, and 3319.321 of the Revised Code and federal law. The department may require school districts to use a unique identifier for each student for this purpose. Individual student test scores and individual student reports shall be made available only to a student's classroom

teacher and other appropriate educational personnel and to the 1116  
student's parent or guardian. 1117

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

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

(D) The department shall share any aggregate student data and 1139  
any calculation, analysis, or report utilizing aggregate student 1140  
data that is generated under this section with the chancellor of 1141  
the Ohio board of regents. The department shall not share 1142  
individual student test scores and individual student reports with 1143  
the chancellor. 1144

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

|   |      |
|---|------|
| (a) The chairpersons and ranking minority members of the                        | 1148 |
| house of representatives and senate standing committees primarily               | 1149 |
| responsible for education legislation, who shall be nonvoting                   | 1150 |
| members;  | 1151 |
| (b) One representative of the governor's office, appointed by                   | 1152 |
| the governor;   | 1153 |
| (c) The superintendent of public instruction, or the                            | 1154 |
| superintendent's designee;  | 1155 |
| (d) One representative of teacher employee organizations                        | 1156 |
| formed pursuant to Chapter 4117. of the Revised Code, appointed by              | 1157 |
| the speaker of the house of representatives;                                    | 1158 |
| (e) One representative of school district boards of                             | 1159 |
| education, appointed by the president of the senate;                            | 1160 |
| (f) One school district superintendent, appointed by the                        | 1161 |
| speaker of the house of representatives;  | 1162 |
| (g) One representative of business, appointed by the                            | 1163 |
| president of the senate;  | 1164 |
| (h) One representative of a <del>non-profit</del> <u>nonprofit</u> organization | 1165 |
| led by the Ohio business community, appointed by the governor;                  | 1166 |
| (i) One school building principal, appointed by the president                   | 1167 |
| of the senate;  | 1168 |
| (j) A member of the state board of education, appointed by                      | 1169 |
| the speaker of the house of representatives.                                    | 1170 |
| Initial appointed members of the task force shall serve until                   | 1171 |
| January 1, 2005. Thereafter, terms of office for appointed members              | 1172 |
| shall be for two years, each term ending on the same day of the                 | 1173 |
| same month as did the term that it succeeds. Each appointed member              | 1174 |
| shall hold office from the date of appointment until the end of                 | 1175 |
| the term for which the member was appointed. Members may be                     | 1176 |
| reappointed. Vacancies shall be filled in the same manner as the                | 1177 |

original appointment. Any member appointed to fill a vacancy 1178  
occurring prior to the expiration of the term for which the 1179  
member's predecessor was appointed shall hold office for the 1180  
remainder of that term. 1181

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

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

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

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

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

(d) Not later than seven years after its initial meeting, 1201  
make recommendations to improve the school district and building 1202  
accountability system established under this chapter. The task 1203  
force shall adopt recommendations by a majority vote of its 1204  
members. Copies of the recommendations shall be provided to the 1205  
state board, the governor, the speaker of the house of 1206  
representatives, and the president of the senate. 1207

(e) Determine starting dates for the implementation of the 1208

value-added progress dimension and its incorporation into school 1209  
district and building report cards and performance ratings. 1210

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

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

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

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

(C) No school board member shall be appointed by the mayor 1233  
pursuant to division (B) of this section until the mayor has 1234  
received a slate of at least eighteen candidates nominated by a 1235  
municipal school district nominating panel, at least three of whom 1236  
reside in the municipal school district but not in the municipal 1237  
corporation containing the greatest portion of the district's 1238  
territory. The municipal school district nominating panel shall be 1239

initially convened and chaired by the state superintendent of 1240  
public instruction, who shall serve as a nonvoting member for the 1241  
first two years of the panel's existence, and shall consist of 1242  
eleven persons selected as follows: 1243

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

(2) Three persons appointed by the mayor; 1248

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

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

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

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

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

The municipal school district nominating panel shall select 1262  
one of its members as its chairperson commencing two years after 1263  
the date of the first meeting of the panel, at which time the 1264  
state superintendent of public instruction shall no longer convene 1265  
or chair the panel. Thereafter, the panel shall meet as necessary 1266  
to make nominations at the call of the chairperson. All members of 1267  
the panel shall serve at the pleasure of the appointing authority. 1268  
Vacancies on the panel shall be filled in the same manner as the 1269

initial appointments. 1270

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

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

(F) If the voters of the district approve the continuation of 1290  
an appointed board at the referendum election required by section 1291  
3311.73 of the Revised Code, the mayor shall appoint the members 1292  
of a new board from a slate prepared by the nominating panel in 1293  
the same manner as the initial board was appointed pursuant to 1294  
divisions (B), (C), and (D) of this section. Five of the members 1295  
of the new board shall be appointed to four-year terms and the 1296  
other four shall be appointed to two-year terms, each term 1297  
beginning on the first day of July. Thereafter, the mayor shall 1298  
appoint members to four-year terms in the same manner as described 1299  
in divisions (B), (C), and (D) of this section. The minimum number 1300  
of individuals who shall be on the slate prepared by the 1301

nominating panel for this purpose shall be at least twice the  
number of members to be appointed, including at least two who  
reside in the municipal school district but not in the municipal  
corporation containing the greatest portion of the district's  
territory.

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

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

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

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

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

(B) The educational regional service system shall consist of

|  |      |
|--|------|
| the following:   | 1332 |
| (1) <del>The state regional alliance advisory board established</del>          | 1333 |
| <del>under section 3312.11 of the Revised Code;</del>                          | 1334 |
| <del>(2)</del> The advisory councils and subcommittees established under       | 1335 |
| sections 3312.03 and 3312.05 of the Revised Code;                              | 1336 |
| <del>(3)</del> <u>(2)</u> A fiscal agent for each of the regions as configured | 1337 |
| under section 3312.02 of the Revised Code;                                     | 1338 |
| <del>(4)</del> <u>(3)</u> Educational service centers, information technology  | 1339 |
| centers established under section 3301.075 of the Revised Code,                | 1340 |
| and other regional education service providers.                                | 1341 |
| (C) Educational service centers shall provide the services                     | 1342 |
| that they are specifically required to provide by the Revised Code             | 1343 |
| and may enter into agreements pursuant to section 3313.843,                    | 1344 |
| 3313.844, or 3313.845 of the Revised Code for the provision of                 | 1345 |
| other services, which may include any of the following:                        | 1346 |
| (1) Assistance in improving student performance;                               | 1347 |
| (2) Services to enable a school district or school to operate                  | 1348 |
| more efficiently or economically;  | 1349 |
| (3) Professional development for teachers or administrators;                   | 1350 |
| (4) Assistance in the recruitment and retention of teachers                    | 1351 |
| and administrators;  | 1352 |
| (5) Any other educational, administrative, or operational                      | 1353 |
| services.  | 1354 |
| In addition to implementing state and regional education                       | 1355 |
| initiatives and school improvement efforts under the educational               | 1356 |
| regional service system, educational service centers shall                     | 1357 |
| implement state or federally funded initiatives assigned to the                | 1358 |
| service centers by the general assembly or the department of                   | 1359 |
| education.   | 1360 |

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

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

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

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

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

(2) A definition of the services to be provided to school 1384  
districts, community schools, and chartered nonpublic schools in 1385  
the region, including any services provided pursuant to division 1386  
(A) of section 3302.04 of the Revised Code; 1387

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

(4) The method the department will use to evaluate whether 1390

|   |  |
|---|--|
| the expected outcomes have been achieved;   | 1391   |
| (5) A requirement that the fiscal agent develop and implement a corrective action plan if the results of the evaluation are unsatisfactory;   | 1392<br>1393<br>1394   |
| (6) Data reporting requirements;  | 1395   |
| (7) The aggregate fees to be charged by the fiscal agent and any entity with which it subcontracts to cover personnel and program costs associated with administering the contract, which fees shall be subject to controlling board approval if in excess of four per cent of the value of the contract;   | 1396<br>1397<br>1398<br>1399<br>1400   |
| <del>(8) A requirement that a member of the advisory council in the region be a member of the state regional alliance advisory board established under section 3312.11 of the Revised Code.</del>   | 1401<br>1402<br>1403   |
| (B) Upon completion of each evaluation described in a performance contract, the department shall post the results of that evaluation on its web site.   | 1404<br>1405<br>1406   |
| <b>Sec. 3313.202.</b> Any elected or appointed member of the board of education of a school district and the dependent children and spouse of the member may be covered, at the option of the member, under any health care plan <del>containing best practices prescribed by the school employees health care board</del> <u>authorized</u> under section <del>9.901</del> <u>9.90</u> of the Revised Code. The member shall pay all premiums for that coverage. <del>Payments for such coverage shall be made, in advance, in a manner prescribed by the school employees health care board.</del> The member's exercise of an option to be covered under this section shall be in writing, announced at a regular public meeting of the board of education, and recorded as a public record in the minutes of the board. | 1407<br>1408<br>1409<br>1410<br>1411<br>1412<br>1413<br>1414<br>1415<br>1416<br>1417<br>1418 |
| <b>Sec. 3701.025.</b> <del>(A)</del> There is hereby created the medically handicapped children's medical advisory council consisting of  | 1419<br>1420   |

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

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

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

~~(B) The director of health may appoint a maternal and child 1440  
health council to represent the views of service providers, other 1441  
interest groups, consumers, and various geographic areas of the 1442  
state. The maternal and child health council shall advise the 1443  
department of health on matters pertaining to maternal and child 1444  
health and, in particular, the "Maternal and Child Health Block 1445  
Grant," Title V of the "Social Security Act," 95 Stat. 818, (1981) 1446  
42 U.S.C.A. 701, as amended. Members of the council shall receive 1447  
no compensation, but shall receive their actual and necessary 1448  
travel expenses incurred in the performance of their official 1449  
duties in accordance with the rules of the office of budget and 1450  
management. 1451~~

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

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

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

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

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

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

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

(7) "Shaken Baby Syndrome" means signs and symptoms, 1475  
including, but not limited to, retinal hemorrhages in one or both 1476  
eyes, subdural hematoma, or brain swelling, resulting from the 1477  
violent shaking or the shaking and impacting of the head of an 1478  
infant or small child. 1479

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

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

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

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

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

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

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

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

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

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

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

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

~~The work group may also include, at the director's~~ 1510  
~~discretion, representatives of other professions whose members~~ 1511

~~have practical experience regarding shaken baby syndrome and 1512~~  
~~representatives of citizens' organizations whose members are 1513~~  
~~knowledgeable about shaken baby syndrome. 1514~~

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

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

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

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

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

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

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

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

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

|  |  |
|--|--|
| (2) Disseminating the information reported by hospitals;   | 1541   |
| (3) Making improvements to the reports and dissemination of information;   | 1542<br>1543   |
| (4) Making changes to the information collection requirements and dissemination methods;   | 1544<br>1545   |
| <u>(5) Recommendations regarding measurers for children's hospital inpatient and outpatient services.</u>  | 1546<br>1547   |
| (D) Convene a group of health care consumers, nurses, and experts in infection control, the members of which shall be appointed by the council according to a method selected by the council, to provide information about infection issues to the council as needed for the council to perform its duties.  | 1548<br>1549<br>1550<br>1551<br>1552                                 |
| <b>Sec. 3737.03.</b> The state fire <del>commission</del> <u>council</u> may do all of the following:  | 1553<br>1554   |
| (A) Conduct research, make and publish reports on fire safety, and recommend to the governor, the general assembly, the board of building standards, and other state agencies, any needed changes in the laws, rules, or administrative policies relating to fire safety;  | 1555<br>1556<br>1557<br>1558<br>1559                                 |
| (B) Recommend revisions in the rules included in the state fire code adopted by the fire marshal. The recommendations may propose the adoption of new rules or the amendment or repeal of existing rules. The <del>commission</del> <u>council</u> shall file its recommendations in the office of the fire marshal, and, within sixty days after the recommendations are filed, the fire marshal shall file with the chairperson of the <del>commission</del> <u>council</u> the fire marshal's comments on, and proposed action in response to, the recommendations. | 1560<br>1561<br>1562<br>1563<br>1564<br>1565<br>1566<br>1567<br>1568 |
| (C) Maintain the Ohio fire service hall of fame. In maintaining the hall of fame, the <del>commission</del> <u>council</u> shall keep  | 1569<br>1570   |

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

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

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

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

(B) When a vacancy occurs in the position of fire marshal, 1595  
the director shall notify the state fire ~~commission~~ council. The 1596  
~~commission~~ council shall communicate the fact of the vacancy by 1597  
regular mail to all fire chiefs and fire protection engineers 1598  
known to the ~~commission~~ council, or whose identity may be 1599  
ascertained by the ~~commission~~ council by the exercise of due 1600  
diligence. The ~~commission~~ council, no earlier than thirty days 1601

after mailing the notification, shall compile a list of all 1602  
applicants for the position of fire marshal who are qualified 1603  
under this section. The ~~commission~~ council shall submit the names 1604  
of at least three persons on the list to the director. The 1605  
director shall appoint the fire marshal from the list of at least 1606  
three names or may request the ~~commission~~ council to submit 1607  
additional names. 1608

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

members of paid fire services, one shall be a member of volunteer 1634  
fire services, two shall be mayors, managers, or members of 1635  
legislative authorities of municipal corporations, one shall 1636  
represent commerce and industry, one shall be a representative of 1637  
a fire insurance company domiciled in this state, one shall 1638  
represent the flammable liquids industry, one shall represent the 1639  
construction industry, and one shall represent the public. At no 1640  
time shall more than six members be members of or associated with 1641  
the same political party. Membership on the ~~commission~~ council 1642  
shall not constitute holding a public office, and no person shall 1643  
forfeit or otherwise vacate the person's office or position of 1644  
employment because of membership on the ~~commission~~ council. 1645

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

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

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

(E) The fire marshal shall provide the ~~commission~~ council 1659  
with office space, meeting rooms, staff, and clerical assistance 1660  
necessary for the ~~commission~~ council to perform its duties. If the 1661  
~~commission~~ council maintains the Ohio fire service hall of fame 1662  
under division (C) of section 3737.03 of the Revised Code, the 1663  
fire marshal shall preserve, in an appropriate manner, in the 1664  
office space or meeting rooms provided to the ~~commission~~ council 1665

under this division or in another location, copies of all official 1666  
commendations awarded to individuals recognized and commemorated 1667  
for their exemplary accomplishments and acts of heroism at 1668  
fire-related incidents or similar events that occurred in this 1669  
state. 1670

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

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

(B) The fire marshal shall adopt rules in accordance with 1687  
Chapter 119. of the Revised Code. In adopting rules, the fire 1688  
marshal shall consider and make appropriate findings with respect 1689  
to the degree and nature of the risk of injury that the rule is 1690  
designed to prevent or reduce, the approximate number of products 1691  
or types or classes of products subject to the rule, the public 1692  
need for the products involved, the probable effect of the rule on 1693  
the utility, cost, or availability of such product, and any means 1694  
of achieving the objective of the rule that will minimize adverse 1695  
effects on competition or disruption or dislocation of 1696

manufacturing and other commercial practices. The minimum 1697  
standards embodied in the rules shall be published in such a 1698  
manner as to assure that all interested parties have a reasonable 1699  
opportunity to be informed of the standards so established. 1700

(C) The fire marshal shall file a copy of the full text of 1701  
any proposed rule with the ~~chairman~~ chairperson of the state fire 1702  
~~commission~~ council. The fire marshal shall not adopt the proposed 1703  
rule until the ~~commission~~ council has filed in the office of the 1704  
fire marshal recommendations for revisions in the proposed rule or 1705  
until a period of sixty days has elapsed since the proposed rule 1706  
was filed with the ~~chairman~~ chairperson of the ~~commission~~ council, 1707  
whichever occurs first. The fire marshal shall consider any 1708  
recommendations made by the ~~commission~~ council before adopting the 1709  
proposed rule, but may accept, reject, or modify the 1710  
recommendations. 1711

**Sec. 3737.88.** (A)(1) The fire marshal shall have 1712  
responsibility for implementation of the underground storage tank 1713  
program and corrective action program for releases from 1714  
underground petroleum storage tanks established by the "Resource 1715  
Conservation and Recovery Act of 1976," 90 Stat. 2795, 42 U.S.C.A. 1716  
6901, as amended. To implement the program, the fire marshal may 1717  
adopt, amend, and rescind such rules, conduct such inspections, 1718  
require annual registration of underground storage tanks, issue 1719  
such citations and orders to enforce those rules, enter into 1720  
environmental covenants in accordance with sections 5301.80 to 1721  
5301.92 of the Revised Code, and perform such other duties, as are 1722  
consistent with those programs. The fire marshal, by rule, may 1723  
delegate the authority to conduct inspections of underground 1724  
storage tanks to certified fire safety inspectors. 1725

(2) In the place of any rules regarding release containment 1726  
and release detection for underground storage tanks adopted under 1727

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

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

(C) The state fire ~~commission~~ council may recommend courses 1752  
of action to be taken by the fire marshal in carrying out the fire 1753  
marshal's duties under this section. The ~~commission~~ council shall 1754  
file its recommendations in the office of the fire marshal, and, 1755  
within sixty days after the recommendations are filed, the fire 1756  
marshal shall file with the chairperson of the ~~commission~~ council 1757  
comments on, and proposed action in response to, the 1758  
recommendations. 1759

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

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

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

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

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

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

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

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

political subdivisions, the approval shall be obtained from the 1823  
fire chief, and from the police chief or other similar chief law 1824  
enforcement officer, or the designee of the police chief or 1825  
similar chief law enforcement officer, of the political 1826  
subdivisions providing the police and fire protection services. 1827

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

(2) The approval required by division (B)(1) of this section 1838  
shall be evidenced by the fire chief or fire prevention officer 1839  
and by the police chief or other similar chief law enforcement 1840  
officer, or the designee of the police chief or other similar 1841  
chief law enforcement officer, signing a permit for the 1842  
exhibition. The fire marshal shall prescribe the form of 1843  
exhibition permits and distribute copies of the form to fire 1844  
chiefs, to fire prevention officers, and to police chiefs or other 1845  
similar chief law enforcement officers of municipal corporations, 1846  
townships, or township police districts, or their designees, in 1847  
this state. Any exhibitor of fireworks who wishes to conduct a 1848  
public fireworks exhibition may obtain a copy of the form from the 1849  
fire marshal or, if it is available, from a fire chief, a fire 1850  
prevention officer, a police chief or other similar chief law 1851  
enforcement officer of a municipal corporation, township, or 1852  
township police district, or a designee of such a police chief or 1853  
other similar chief law enforcement officer. 1854

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

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

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

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

(E)(1) Each permit for a fireworks exhibition issued by a 1907  
fire chief or fire prevention officer, and by the police chief or 1908  
other similar chief law enforcement officer, or the designee of 1909  
the police chief or other similar chief law enforcement officer, 1910  
shall contain a distinct number, designate the municipal 1911  
corporation, township, or township fire or police district of the 1912  
fire chief, fire prevention officer, police chief or other similar 1913  
chief law enforcement officer, or designee of the police chief or 1914  
other similar chief law enforcement officer, and identify the 1915  
certified fire safety inspector, fire chief, or fire prevention 1916  
officer who will be present before, during, and after the 1917  
exhibition, where appropriate. A copy of each permit issued shall 1918  
be forwarded by the fire chief or fire prevention officer, and by 1919

the police chief or other similar chief law enforcement officer, 1920  
or the designee of the police chief or other similar chief law 1921  
enforcement officer, issuing it to the fire marshal, who shall 1922  
keep a record of the permits received. A permit is not 1923  
transferable or assignable. 1924

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

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

(G) Notwithstanding any provision of the Revised Code to the 1945  
contrary, the state fire marshal is hereby authorized to create 1946  
additional license categories for fireworks exhibitors and to 1947  
create additional permit requirements for fireworks exhibitions 1948  
for the indoor use of fireworks and other uses of pyrotechnics, 1949  
including the use of pyrotechnic materials that do not meet the 1950  
definition of fireworks as described in section 3743.01 of the 1951

Revised Code. Such licenses and permits and the fees for such 1952  
licenses and permits shall be described in rules adopted by the 1953  
fire marshal under Chapter 119. of the Revised Code. Such rules 1954  
may provide for different standards for exhibitor licensure and 1955  
the permitting and conducting of a fireworks exhibition than the 1956  
requirements of this chapter. 1957

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

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

(A) Revise the rules adopted under Chapters 3704., 3714., 1972  
3734., 6109., and 6111. of the Revised Code to incorporate the 1973  
provisions necessary to conform those rules to the requirements of 1974  
this chapter. The amended rules adopted under this division also 1975  
shall establish response times for all submittals to the 1976  
environmental protection agency required under this chapter or 1977  
rules adopted under it. 1978

(B) Establish requirements and procedures that are reasonably 1979  
necessary for the implementation and administration of this 1980  
chapter, including, without limitation, all of the following: 1981

(1) Appropriate generic numerical clean-up standards for the 1982

treatment or removal of soils, sediments, and water media for 1983  
hazardous substances and petroleum. The rules shall establish 1984  
separate generic numerical clean-up standards based upon the 1985  
intended use of properties after the completion of voluntary 1986  
actions, including industrial, commercial, and residential uses 1987  
and such other categories of land use as the director considers to 1988  
be appropriate. The generic numerical clean-up standards 1989  
established for each category of land use shall be the 1990  
concentration of each contaminant that may be present on a 1991  
property that shall ensure protection of public health and safety 1992  
and the environment for the reasonable exposure for that category 1993  
of land use. When developing the standards, the director shall 1994  
consider such factors as all of the following: 1995

(a) Scientific information, including, without limitation, 1996  
toxicological information and realistic assumptions regarding 1997  
human and environmental exposure to hazardous substances or 1998  
petroleum; 1999

(b) Climatic factors; 2000

(c) Human activity patterns; 2001

(d) Current statistical techniques; 2002

(e) For petroleum at industrial property, alternatives to the 2003  
use of total petroleum hydrocarbons. 2004

The generic numerical clean-up standards established in the 2005  
rules adopted under division (B)(1) of this section shall be 2006  
consistent with and equivalent in scope, content, and coverage to 2007  
any applicable standard established by federal environmental laws 2008  
and regulations adopted under them, including, without limitation, 2009  
the "Federal Water Pollution Control Act Amendments of 1972," 86 2010  
Stat. 886, 33 U.S.C.A. 1251, as amended; the "Resource 2011  
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 2012  
6921, as amended; the "Toxic Substances Control Act," 90 Stat. 2013

2003 (1976), 15 U.S.C.A. 2601, as amended; the "Comprehensive  
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; 2045

(iii) The existence of engineering controls that eliminate or 2046  
mitigate exposure to hazardous substances or petroleum through 2047  
containment of, control of, or restrictions of access to hazardous 2048  
substances or petroleum, including, without limitation, fences, 2049  
cap systems, cover systems, and landscaping. 2050

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

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

(ii) Locational and climatic factors; 2057

(iii) Surrounding land use and human activities; 2058

(iv) Differing levels of remediation that may be required 2059  
when an existing land use is continued compared to when a 2060  
different land use follows the remediation. 2061

(c) Any standards established pursuant to rules adopted under 2062  
division (B)(2) of this section shall be no more stringent than 2063  
standards established under the environmental statutes of this 2064  
state and rules adopted under them for the same contaminant in the 2065  
same environmental medium that are in effect at the time the risk 2066  
assessment is conducted. 2067

(3) Minimum standards for phase I property assessments. The 2068  
standards shall specify the information needed to demonstrate that 2069  
there is no reason to believe that contamination exists on a 2070  
property. The rules adopted under division (B)(3) of this section, 2071  
at a minimum, shall require that a phase I property assessment 2072  
include all of the following: 2073

(a) A review and analysis of deeds, mortgages, easements of 2074

record, and similar documents relating to the chain of title to 2075  
the property that are publicly available or that are known to and 2076  
reasonably available to the owner or operator; 2077

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

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

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

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

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

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

The rules adopted under division (B)(3) of this section shall 2099  
establish criteria to determine when a phase II property 2100  
assessment shall be conducted when a phase I property assessment 2101  
reveals facts that establish a reason to believe that hazardous 2102  
substances or petroleum have been treated, stored, managed, or 2103  
disposed of on the property if the person undertaking the phase I 2104  
property assessment wishes to obtain a covenant not to sue under 2105

section 3746.12 of the Revised Code. 2106

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

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

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

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

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

(e) Analytical and data assessment procedures; 2131

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

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

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

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

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

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

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| (iii) Require the director to certify any environmental professional who the director determines complies with those criteria;   | 2167<br>2168<br>2169   |
| (iv) Require the director to deny certification for any environmental professional who does not comply with those criteria.  | 2170<br>2171<br>2172   |
| (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.   | 2173<br>2174<br>2175<br>2176<br>2177<br>2178<br>2179         |
| (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: | 2180<br>2181<br>2182<br>2183<br>2184<br>2185<br>2186<br>2187 |
| (i) Ensure that the review is conducted in a timely fashion;   | 2188   |
| (ii) Require the director to certify any such environmental professional who the director determines complies with those criteria;   | 2189<br>2190<br>2191   |
| (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;  | 2192<br>2193<br>2194<br>2195                                 |
| (iv) Establish a time period within which any such environmental professional who does not comply with those criteria  | 2196<br>2197   |

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| may obtain the credentials that are necessary for certification;   | 2198 |
| (v) Require the director to deny certification for any such        | 2199 |
| environmental professional who does not comply with those criteria | 2200 |
| and who fails to obtain the necessary credentials within the       | 2201 |
| established time period.   | 2202 |
| (d) Require that any information submitted to the director         | 2203 |
| for the purposes of the rules adopted under division (B)(5)(a) or  | 2204 |
| (c) of this section comply with division (A) of section 3746.20 of | 2205 |
| the Revised Code;  | 2206 |
| (e) Authorize the director to suspend or revoke the                | 2207 |
| certification of an environmental professional if the director     | 2208 |
| finds that the environmental professional's performance has        | 2209 |
| resulted in the issuance of no further action letters under        | 2210 |
| section 3746.11 of the Revised Code that are not consistent with   | 2211 |
| applicable standards or finds that the certified environmental     | 2212 |
| professional has not substantially complied with section 3746.31   | 2213 |
| of the Revised Code;   | 2214 |
| (f) Authorize the director to suspend for a period of not          | 2215 |
| more than five years or to permanently revoke a certified          | 2216 |
| environmental professional's certification for any violation of or | 2217 |
| failure to comply with an ethical standard established in rules    | 2218 |
| adopted under division (B)(5) of this section;                     | 2219 |
| (g) Require the director to revoke the certification of an         | 2220 |
| environmental professional if the director finds that the          | 2221 |
| environmental professional falsified any information on the        | 2222 |
| environmental professional's application for certification         | 2223 |
| regarding the environmental professional's credentials or          | 2224 |
| qualifications or any other information generated for the purposes | 2225 |
| of or use under this chapter or rules adopted under it;            | 2226 |
| (h) Require the director permanently to revoke the                 | 2227 |
| certification of an environmental professional who has violated or | 2228 |

is violating division (A) of section 3746.18 of the Revised Code; 2229

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

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

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

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

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

under division (B)(6)(b) of this section shall do at least all of 2260  
the following: 2261

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

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

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

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

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

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

(d) Authorize the director to suspend or revoke the 2282  
certification of a laboratory if the director finds that the 2283  
laboratory's performance has resulted in the issuance of no 2284  
further action letters under section 3746.11 of the Revised Code 2285  
that are not consistent with applicable standards; 2286

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

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| certification regarding its credentials or qualifications;         | 2290 |
| (f) Require the director permanently to revoke the                 | 2291 |
| certification of a laboratory that has violated or is violating    | 2292 |
| division (A) of section 3746.18 of the Revised Code.               | 2293 |
| (7) Information to be included in a no further action letter       | 2294 |
| prepared under section 3746.11 of the Revised Code, including,     | 2295 |
| without limitation, all of the following:                          | 2296 |
| (a) A summary of the information required to be submitted to       | 2297 |
| the certified environmental professional preparing the no further  | 2298 |
| action letter under division (C) of section 3746.10 of the Revised | 2299 |
| Code;  | 2300 |
| (b) Notification that a risk assessment was performed in           | 2301 |
| accordance with rules adopted under division (B)(2) of this        | 2302 |
| section if such an assessment was used in lieu of generic          | 2303 |
| numerical clean-up standards established in rules adopted under    | 2304 |
| division (B)(1) of this section;                                   | 2305 |
| (c) The contaminants addressed at the property, if any, their      | 2306 |
| source, if known, and their levels prior to remediation;           | 2307 |
| (d) The identity of any other person who performed work to         | 2308 |
| support the request for the no further action letter as provided   | 2309 |
| in division (B)(2) of section 3746.10 of the Revised Code and the  | 2310 |
| nature and scope of the work performed by that person;             | 2311 |
| (e) A list of the data, information, records, and documents        | 2312 |
| relied upon by the certified environmental professional in         | 2313 |
| preparing the no further action letter.                            | 2314 |
| (8) Methods for determining fees to be paid for the following      | 2315 |
| services provided by the agency under this chapter and rules       | 2316 |
| adopted under it:  | 2317 |
| (a) Site- or property-specific technical assistance in             | 2318 |
| developing or implementing plans in connection with a voluntary    | 2319 |

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| action;   | 2320   |
| (b) Reviewing applications for and issuing consolidated standards permits under section 3746.15 of the Revised Code and monitoring compliance with those permits;   | 2321<br>2322<br>2323                                 |
| (c) Negotiating, preparing, and entering into agreements necessary for the implementation and administration of this chapter and rules adopted under it;  | 2324<br>2325<br>2326                                 |
| (d) Reviewing no further action letters, issuing covenants not to sue, and monitoring compliance with any terms and conditions of those covenants and with operation and maintenance agreements entered into pursuant to those covenants, including, without limitation, conducting audits of properties where voluntary actions are being or were conducted under this chapter and rules adopted under it.                                 | 2327<br>2328<br>2329<br>2330<br>2331<br>2332<br>2333 |
| The fees established pursuant to the rules adopted under division (B)(8) of this section shall be at a level sufficient to defray the direct and indirect costs incurred by the agency for the administration and enforcement of this chapter and rules adopted under it other than the provisions regarding the certification of professionals and laboratories.   | 2334<br>2335<br>2336<br>2337<br>2338<br>2339         |
| (9) Criteria for selecting the no further action letters issued under section 3746.11 of the Revised Code that will be audited under section 3746.17 of the Revised Code, and the scope and procedures for conducting those audits. The rules adopted under division (B)(9) of this section, at a minimum, shall require the director to establish priorities for auditing no further action letters to which any of the following applies: | 2340<br>2341<br>2342<br>2343<br>2344<br>2345<br>2346 |
| (a) The letter was prepared by an environmental professional who was deemed to be a certified professional under division (D) of section 3746.07 of the Revised Code, but who does not comply with the criteria established in rules adopted under division   | 2347<br>2348<br>2349<br>2350                         |

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| (B)(5) of this section as determined pursuant to rules adopted     | 2351 |
| under division (B)(5)(d) of this section;                          | 2352 |
| (b) The letter was submitted fraudulently;                         | 2353 |
| (c) The letter was prepared by a certified environmental           | 2354 |
| professional whose certification subsequently was revoked in       | 2355 |
| accordance with rules adopted under division (B)(5) of this        | 2356 |
| section, or analyses were performed for the purposes of the no     | 2357 |
| further action letter by a certified laboratory whose              | 2358 |
| certification subsequently was revoked in accordance with rules    | 2359 |
| adopted under division (B)(6) of this section;                     | 2360 |
| (d) A covenant not to sue that was issued pursuant to the          | 2361 |
| letter was revoked under this chapter;                             | 2362 |
| (e) The letter was for a voluntary action that was conducted       | 2363 |
| pursuant to a risk assessment in accordance with rules adopted     | 2364 |
| under division (B)(2) of this section;                             | 2365 |
| (f) The letter was for a voluntary action that included as         | 2366 |
| remedial activities engineering controls or institutional controls | 2367 |
| or activity and use limitations authorized under section 3746.05   | 2368 |
| of the Revised Code.   | 2369 |
| The rules adopted under division (B)(9) of this section shall      | 2370 |
| provide for random audits of no further action letters to which    | 2371 |
| the rules adopted under divisions (B)(9)(a) to (f) of this section | 2372 |
| do not apply.  | 2373 |
| (10) A classification system to characterize ground water          | 2374 |
| according to its capability to be used for human use and its       | 2375 |
| impact on the environment and a methodology that shall be used to  | 2376 |
| determine when ground water that has become contaminated from      | 2377 |
| sources on a property for which a covenant not to sue is requested | 2378 |
| under section 3746.11 of the Revised Code shall be remediated to   | 2379 |
| the standards established in the rules adopted under division      | 2380 |
| (B)(1) or (2) of this section.                                     | 2381 |

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| (a) In adopting rules under division (B)(10) of this section       | 2382 |
| to characterize ground water according to its capability for human | 2383 |
| use, the director shall consider all of the following:             | 2384 |
| (i) The presence of legally enforceable, reliable                  | 2385 |
| restrictions on the use of ground water, including, without        | 2386 |
| limitation, local rules or ordinances;                             | 2387 |
| (ii) The presence of regional commingled contamination from        | 2388 |
| multiple sources that diminishes the quality of ground water;      | 2389 |
| (iii) The natural quality of ground water;                         | 2390 |
| (iv) Regional availability of ground water and reasonable          | 2391 |
| alternative sources of drinking water;                             | 2392 |
| (v) The productivity of the aquifer;                               | 2393 |
| (vi) The presence of restrictions on the use of ground water       | 2394 |
| implemented under this chapter and rules adopted under it;         | 2395 |
| (vii) The existing use of ground water.                            | 2396 |
| (b) In adopting rules under division (B)(10) of this section       | 2397 |
| to characterize ground water according to its impacts on the       | 2398 |
| environment, the director shall consider both of the following:    | 2399 |
| (i) The risks posed to humans, fauna, surface water,               | 2400 |
| sediments, soil, air, and other resources by the continuing        | 2401 |
| presence of contaminated ground water;                             | 2402 |
| (ii) The availability and feasibility of technology to remedy      | 2403 |
| ground water contamination.  | 2404 |
| (11) Governing the application for and issuance of variances       | 2405 |
| under section 3746.09 of the Revised Code;                         | 2406 |
| (12)(a) In the case of voluntary actions involving                 | 2407 |
| contaminated ground water, specifying the circumstances under      | 2408 |
| which the generic numerical clean-up standards established in      | 2409 |
| rules adopted under division (B)(1) of this section and standards  | 2410 |

established through a risk assessment conducted pursuant to rules 2411  
adopted under division (B)(2) of this section shall be 2412  
inapplicable to the remediation of contaminated ground water and 2413  
under which the standards for remediating contaminated ground 2414  
water shall be established on a case-by-case basis prior to the 2415  
commencement of the voluntary action pursuant to rules adopted 2416  
under division (B)(12)(b) of this section; 2417

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

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

At least thirty days before filing the proposed rules 2436  
required to be adopted under this section with the secretary of 2437  
state, director of the legislative service commission, and joint 2438  
committee on agency rule review in accordance with divisions (B) 2439  
and (H) of section 119.03 of the Revised Code, the director of 2440  
environmental protection shall hold at least one public meeting on 2441  
the proposed rules in each of the five districts into which the 2442

agency has divided the state for administrative purposes. 2443

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

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

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

(3) Representation by an employee organization; 2451

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

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

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

(C) Except as provided in division (D) of this section, 2466  
nothing in Chapter 4117. of the Revised Code prohibits public 2467  
employers from electing to engage in collective bargaining, to 2468  
meet and confer, to hold discussions, or to engage in any other 2469  
form of collective negotiations with public employees who are not 2470  
subject to Chapter 4117. of the Revised Code pursuant to division 2471  
(C) of section 4117.01 of the Revised Code. 2472

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

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

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

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

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

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

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

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

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

The responsibilities assigned to the executive director of the commission do not relieve the chairperson from final

responsibility for the proper performance of the acts specified in 2503  
this division. 2504

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

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

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

(3) Hire staff and district hearing officers when the 2528  
chairperson finds appropriate after obtaining the approval of at 2529  
least one other commission member; 2530

(4) Maintain the office for the commission in Columbus; 2531

(5) To the maximum extent possible, use electronic data 2532  
processing equipment for the issuance of orders immediately 2533

following a hearing, scheduling of hearings and medical 2534  
examinations, tracking of claims, retrieval of information, and 2535  
any other matter within the commission's jurisdiction, and shall 2536  
provide and input information into the electronic data processing 2537  
equipment as necessary to effect the success of the claims 2538  
tracking system established pursuant to division (B)(15) of 2539  
section 4121.121 of the Revised Code; 2540

(6) Exercise all administrative and nonadjudicatory powers 2541  
and duties conferred upon the commission by Chapters 4121., 4123., 2542  
4127., and 4131. of the Revised Code; 2543

(7) Approve all contracts for special services. 2544

(D) The chairperson is responsible for all administrative 2545  
matters and may secure for the commission facilities, equipment, 2546  
and supplies necessary to house the commission, any employees, and 2547  
files and records under the commission's control and to discharge 2548  
any duty imposed upon the commission by law, the expense thereof 2549  
to be audited and paid in the same manner as other state expenses. 2550  
For that purpose, the chairperson, separately from the budget 2551  
prepared by the administrator of workers' compensation ~~and the~~ 2552  
~~budget prepared by the director of the workers' compensation~~ 2553  
~~council~~, shall prepare and submit to the office of budget and 2554  
management a budget for each biennium according to sections 2555  
101.532 and 107.03 of the Revised Code. The budget submitted shall 2556  
cover the costs of the commission and staff and district hearing 2557  
officers in the discharge of any duty imposed upon the 2558  
chairperson, the commission, and hearing officers by law. 2559

(E) A majority of the commission constitutes a quorum to 2560  
transact business. No vacancy impairs the rights of the remaining 2561  
members to exercise all of the powers of the commission, so long 2562  
as a majority remains. Any investigation, inquiry, or hearing that 2563  
the commission may hold or undertake may be held or undertaken by 2564  
or before any one member of the commission, or before one of the 2565

deputies of the commission, except as otherwise provided in this 2566  
chapter and Chapters 4123., 4127., and 4131. of the Revised Code. 2567  
Every order made by a member, or by a deputy, when approved and 2568  
confirmed by a majority of the members, and so shown on its record 2569  
of proceedings, is the order of the commission. The commission may 2570  
hold sessions at any place within the state. The commission is 2571  
responsible for all of the following: 2572

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

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

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

**Sec. 4121.12.** (A) There is hereby created the bureau of 2583  
workers' compensation board of directors consisting of eleven 2584  
members to be appointed by the governor with the advice and 2585  
consent of the senate. One member shall be an individual who, on 2586  
account of the individual's previous vocation, employment, or 2587  
affiliations, can be classed as a representative of employees; two 2588  
members shall be individuals who, on account of their previous 2589  
vocation, employment, or affiliations, can be classed as 2590  
representatives of employee organizations and at least one of 2591  
these two individuals shall be a member of the executive committee 2592  
of the largest statewide labor federation; three members shall be 2593  
individuals who, on account of their previous vocation, 2594  
employment, or affiliations, can be classed as representatives of 2595  
employers, one of whom represents self-insuring employers, one of 2596

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

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

(B) Of the initial appointments made to the board, the 2619  
governor shall appoint the member who represents employees, one 2620  
member who represents employers, and the member who represents the 2621  
public to a term ending one year after June 11, 2007; one member 2622  
who represents employers, one member who represents employee 2623  
organizations, one member who is an investment and securities 2624  
expert, and the member who is a certified public accountant to a 2625  
term ending two years after June 11, 2007; and one member who 2626  
represents employers, one member who represents employee 2627  
organizations, one member who is an investment and securities 2628

expert, and the member who is an actuary to a term ending three 2629  
years after June 11, 2007. Thereafter, terms of office shall be 2630  
for three years, with each term ending on the same day of the same 2631  
month as did the term that it succeeds. Each member shall hold 2632  
office from the date of the member's appointment until the end of 2633  
the term for which the member was appointed. 2634

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

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

At least thirty days prior to a vacancy occurring as a result 2650  
of the expiration of a term and within thirty days after other 2651  
vacancies occurring on the board, the nominating committee shall 2652  
submit an initial list containing four names for each vacancy. 2653  
Within fourteen days after the submission of the initial list, the 2654  
governor either shall appoint individuals from that list or 2655  
request the nominating committee to submit another list of four 2656  
names for each member the governor has not appointed from the 2657  
initial list, which list the nominating committee shall submit to 2658  
the governor within fourteen days after the governor's request. 2659  
The governor then shall appoint, within seven days after the 2660

submission of the second list, one of the individuals from either 2661  
list to fill the vacancy for which the governor has not made an 2662  
appointment from the initial list. If the governor appoints an 2663  
individual to fill a vacancy occurring as a result of the 2664  
expiration of a term, the individual appointed shall begin serving 2665  
as a member of the board when the term for which the individual's 2666  
predecessor was appointed expires or immediately upon appointment 2667  
by the governor, whichever occurs later. With respect to the 2668  
filling of vacancies, the nominating committee shall provide the 2669  
governor with a list of four individuals who are, in the judgment 2670  
of the nominating committee, the most fully qualified to accede to 2671  
membership on the board. 2672

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

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

(1) Except as provided in division (D)(2) of this section, a 2682  
member shall receive two thousand five hundred dollars during a 2683  
month in which the member attends one or more meetings of the 2684  
board and shall receive no payment during a month in which the 2685  
member attends no meeting of the board. 2686

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

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

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

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

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

(F) The board shall:

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

(2) Review progress of the bureau in meeting its cost and quality objectives and in complying with this chapter and Chapters

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| 4123., 4125., 4127., 4131., and 4167. of the Revised Code;                           | 2723 |
| (3) Submit an annual report to the president of the senate,                          | 2724 |
| the speaker of the house of representatives, <u>and</u> the governor, <del>and</del> | 2725 |
| <del>the workers' compensation council</del> and include all of the following        | 2726 |
| in that report:  | 2727 |
| (a) An evaluation of the cost and quality objectives of the                          | 2728 |
| bureau;  | 2729 |
| (b) A statement of the net assets available for the provision                        | 2730 |
| of compensation and benefits under this chapter and Chapters                         | 2731 |
| 4123., 4127., and 4131. of the Revised Code as of the last day of                    | 2732 |
| the fiscal year;   | 2733 |
| (c) A statement of any changes that occurred in the net                              | 2734 |
| assets available, including employer premiums and net investment                     | 2735 |
| income, for the provision of compensation and benefits and payment                   | 2736 |
| of administrative expenses, between the first and last day of the                    | 2737 |
| fiscal year immediately preceding the date of the report;                            | 2738 |
| (d) The following information for each of the six consecutive                        | 2739 |
| fiscal years occurring previous to the report:                                       | 2740 |
| (i) A schedule of the net assets available for compensation                          | 2741 |
| and benefits;  | 2742 |
| (ii) The annual cost of the payment of compensation and                              | 2743 |
| benefits;  | 2744 |
| (iii) Annual administrative expenses incurred;                                       | 2745 |
| (iv) Annual employer premiums allocated for the provision of                         | 2746 |
| compensation and benefits.   | 2747 |
| (e) A description of any significant changes that occurred                           | 2748 |
| during the six years for which the board provided the information                    | 2749 |
| required under division (F)(3)(d) of this section that affect the                    | 2750 |
| ability of the board to compare that information from year to                        | 2751 |
| year.  | 2752 |

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| (4) Review all independent financial audits of the bureau.         | 2753 |
| The administrator shall provide access to records of the bureau to | 2754 |
| facilitate the review required under this division.                | 2755 |
| (5) Study issues as requested by the administrator or the          | 2756 |
| governor;  | 2757 |
| (6) Contract with all of the following:                            | 2758 |
| (a) An independent actuarial firm to assist the board in           | 2759 |
| making recommendations to the administrator regarding premium      | 2760 |
| rates;   | 2761 |
| (b) An outside investment counsel to assist the workers'           | 2762 |
| compensation investment committee in fulfilling its duties;        | 2763 |
| (c) An independent fiduciary counsel to assist the board in        | 2764 |
| the performance of its duties.                                     | 2765 |
| (7) Approve the investment policy developed by the workers'        | 2766 |
| compensation investment committee pursuant to section 4121.129 of  | 2767 |
| the Revised Code if the policy satisfies the requirements          | 2768 |
| specified in section 4123.442 of the Revised Code.                 | 2769 |
| (8) Review and publish the investment policy no less than          | 2770 |
| annually and make copies available to interested parties.          | 2771 |
| (9) Prohibit, on a prospective basis, any specific investment      | 2772 |
| it finds to be contrary to the investment policy approved by the   | 2773 |
| board.   | 2774 |
| (10) Vote to open each investment class and allow the              | 2775 |
| administrator to invest in an investment class only if the board,  | 2776 |
| by a majority vote, opens that class;                              | 2777 |
| (11) After opening a class but prior to the administrator          | 2778 |
| investing in that class, adopt rules establishing due diligence    | 2779 |
| standards for employees of the bureau to follow when investing in  | 2780 |
| that class and establish policies and procedures to review and     | 2781 |
| monitor the performance and value of each investment class;        | 2782 |

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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, <u>and</u> the speaker and minority leader of the house of representatives, <del>and the workers' compensation council.</del>  | 2783<br>2784<br>2785<br>2786                 |
| (13) Advise and consent on all of the following:   | 2787   |
| (a) Administrative rules the administrator submits to it 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; | 2788<br>2789<br>2790<br>2791<br>2792<br>2793 |
| (b) The duties and authority conferred upon the administrator pursuant to section 4121.37 of the Revised Code;   | 2794<br>2795                                 |
| (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;   | 2796<br>2797<br>2798                         |
| (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.   | 2799<br>2800<br>2801<br>2802                 |
| 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.  | 2803<br>2804<br>2805                         |
| (14) Perform all duties required under this chapter and Chapters 4123., 4125., 4127., 4131., and 4167. of the Revised Code;  | 2806<br>2807<br>2808                         |
| (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;  | 2809<br>2810<br>2811<br>2812                 |

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| (16) Develop and participate in a bureau of workers' compensation board of directors education program that consists of all of the following:  | 2813<br>2814<br>2815 |
| (a) An orientation component for newly appointed members;  | 2816                 |
| (b) A continuing education component for board members who have served for at least one year;  | 2817<br>2818         |
| (c) A curriculum that includes education about each of the following topics:   | 2819<br>2820         |
| (i) Board member duties and responsibilities;  | 2821                 |
| (ii) Compensation and benefits paid pursuant to this chapter and Chapters 4123., 4127., and 4131. of the Revised Code;   | 2822<br>2823         |
| (iii) Ethics;  | 2824                 |
| (iv) Governance processes and procedures;  | 2825                 |
| (v) Actuarial soundness;   | 2826                 |
| (vi) Investments;  | 2827                 |
| (vii) Any other subject matter the board believes is reasonably related to the duties of a board member.   | 2828<br>2829         |
| (17) <del>Submit the program developed pursuant to division (F)(16) of this section to the workers' compensation council for approval;</del>   | 2830<br>2831<br>2832 |
| <del>(18)</del> Hold all sessions, classes, and other events for the program developed pursuant to division (F)(16) of this section in this state.   | 2833<br>2834<br>2835 |
| (G) The board may do both of the following:  | 2836                 |
| (1) Vote to close any investment class;  | 2837                 |
| (2) Create any committees in addition to the workers' compensation audit committee, the workers' compensation actuarial committee, and the workers' compensation investment committee that | 2838<br>2839<br>2840 |

the board determines are necessary to assist the board in 2841  
performing its duties. 2842

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

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

**Sec. 4121.121.** (A) There is hereby created the bureau of 2860  
workers' compensation, which shall be administered by the 2861  
administrator of workers' compensation. A person appointed to the 2862  
position of administrator shall possess significant management 2863  
experience in effectively managing an organization or 2864  
organizations of substantial size and complexity. A person 2865  
appointed to the position of administrator also shall possess a 2866  
minimum of five years of experience in the field of workers' 2867  
compensation insurance or in another insurance industry, except as 2868  
otherwise provided when the conditions specified in division (C) 2869  
of this section are satisfied. The governor shall appoint the 2870  
administrator as provided in section 121.03 of the Revised Code, 2871

and the administrator shall serve at the pleasure of the governor. 2872  
The governor shall fix the administrator's salary on the basis of 2873  
the administrator's experience and the administrator's 2874  
responsibilities and duties under this chapter and Chapters 4123., 2875  
4125., 4127., 4131., and 4167. of the Revised Code. The governor 2876  
shall not appoint to the position of administrator any person who 2877  
has, or whose spouse has, given a contribution to the campaign 2878  
committee of the governor in an amount greater than one thousand 2879  
dollars during the two-year period immediately preceding the date 2880  
of the appointment of the administrator. 2881

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

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

(1) Perform all acts and exercise all authorities and powers, 2896  
discretionary and otherwise that are required of or vested in the 2897  
bureau or any of its employees in this chapter and Chapters 4123., 2898  
4125., 4127., 4131., and 4167. of the Revised Code, except the 2899  
acts and the exercise of authority and power that is required of 2900  
and vested in the bureau of workers' compensation board of 2901  
directors or the industrial commission pursuant to those chapters. 2902  
The treasurer of state shall honor all warrants signed by the 2903

administrator, or by one or more of the administrator's employees, 2904  
authorized by the administrator in writing, or bearing the 2905  
facsimile signature of the administrator or such employee under 2906  
sections 4123.42 and 4123.44 of the Revised Code. 2907

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

The administrator may appoint a person who holds a certified 2928  
position in the classified service within the bureau to a position 2929  
in the unclassified service within the bureau. A person appointed 2930  
pursuant to this division to a position in the unclassified 2931  
service shall retain the right to resume the position and status 2932  
held by the person in the classified service immediately prior to 2933  
the person's appointment in the unclassified service, regardless 2934  
of the number of positions the person held in the unclassified 2935

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

Reinstatement to a position in the classified service shall 2952  
be to a position substantially equal to that position in the 2953  
classified service held previously, as certified by the department 2954  
of administrative services. If the position the person previously 2955  
held in the classified service has been placed in the unclassified 2956  
service or is otherwise unavailable, the person shall be appointed 2957  
to a position in the classified service within the bureau that the 2958  
director of administrative services certifies is comparable in 2959  
compensation to the position the person previously held in the 2960  
classified service. Service in the position in the unclassified 2961  
service shall be counted as service in the position in the 2962  
classified service held by the person immediately prior to the 2963  
person's appointment in the unclassified service. When a person is 2964  
reinstated to a position in the classified service as provided in 2965  
this division, the person is entitled to all rights, status, and 2966  
benefits accruing to the position during the person's time of 2967  
service in the position in the unclassified service. 2968

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

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

(5) Prepare and submit to the board information the administrator considers pertinent or the board requires, together with the administrator's recommendations, in the form of administrative rules, for the advice and consent of the board, for classifications 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. The administrator shall obtain, prepare, and submit any other information the board requires for the prompt and efficient

discharge of its duties. 3001

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

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

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

(9) Purchase supplies, materials, equipment, and services; 3027  
make contracts for, operate, and superintend the telephone, other 3028  
telecommunication, and computer services for the use of the 3029  
bureau; and make contracts in connection with office reproduction, 3030  
forms management, printing, and other services. Notwithstanding 3031  
sections 125.12 to 125.14 of the Revised Code, the administrator 3032

may transfer surplus computers and computer equipment directly to 3033  
an accredited public school within the state. The computers and 3034  
computer equipment may be repaired or refurbished prior to the 3035  
transfer. 3036

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

(11) As promptly as possible in the course of efficient 3046  
administration, decentralize and relocate such of the personnel 3047  
and activities of the bureau as is appropriate to the end that the 3048  
receipt, investigation, determination, and payment of claims may 3049  
be undertaken at or near the place of injury or the residence of 3050  
the claimant and for that purpose establish regional offices, in 3051  
such places as the administrator considers proper, capable of 3052  
discharging as many of the functions of the bureau as is 3053  
practicable so as to promote prompt and efficient administration 3054  
in the processing of claims. All active and inactive lost-time 3055  
claims files shall be held at the service office responsible for 3056  
the claim. A claimant, at the claimant's request, shall be 3057  
provided with information by telephone as to the location of the 3058  
file pertaining to the claimant's claim. The administrator shall 3059  
ensure that all service office employees report directly to the 3060  
director for their service office. 3061

(12) Provide a written binder on new coverage where the 3062  
administrator considers it to be in the best interest of the risk. 3063  
The administrator, or any other person authorized by the 3064

administrator, shall grant the binder upon submission of a request 3065  
for coverage by the employer. A binder is effective for a period 3066  
of thirty days from date of issuance and is nonrenewable. Payroll 3067  
reports and premium charges shall coincide with the effective date 3068  
of the binder. 3069

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

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

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

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

(a) Assist the administrator in establishing standard medical 3091  
fees, approving medical procedures, and determining eligibility 3092  
and reasonableness of the compensation payments for medical, 3093  
hospital, and nursing services, and in establishing guidelines for 3094  
payment policies which recognize usual, customary, and reasonable 3095

|   |  |
|---|--|
| methods of payment for covered services;  | 3096   |
| (b) Provide a resource to respond to questions from claims examiners for employees of the bureau;   | 3097<br>3098   |
| (c) Audit fee bill payments;  | 3099   |
| (d) Implement a program to utilize, to the maximum extent possible, electronic data processing equipment for storage of information to facilitate authorizations of compensation payments for medical, hospital, drug, and nursing services;  | 3100<br>3101<br>3102<br>3103                                 |
| (e) Perform other duties assigned to it by the administrator.   | 3104   |
| (17) Appoint, as the administrator determines necessary, panels to review and advise the administrator on disputes arising over a determination that a health care service or supply provided to a claimant is not covered under this chapter or Chapter 4123., 4127., or 4131. of the Revised Code or is medically unnecessary. If an individual health care provider is involved in the dispute, the panel shall consist of individuals licensed pursuant to the same section of the Revised Code as such health care provider. | 3105<br>3106<br>3107<br>3108<br>3109<br>3110<br>3111<br>3112 |
| (18) Pursuant to section 4123.65 of the Revised Code, approve applications for the final settlement of claims for compensation or benefits under this chapter and Chapters 4123., 4127., and 4131. of the Revised Code as the administrator determines appropriate, except in regard to the applications of self-insuring employers and their employees.  | 3113<br>3114<br>3115<br>3116<br>3117<br>3118                 |
| (19) Comply with section 3517.13 of the Revised Code, and except in regard to contracts entered into pursuant to the authority contained in section 4121.44 of the Revised Code, comply with the competitive bidding procedures set forth in the Revised Code for all contracts into which the administrator enters provided that those contracts fall within the type of contracts and dollar amounts specified in the Revised Code for competitive bidding and further provided that those contracts are not                    | 3119<br>3120<br>3121<br>3122<br>3123<br>3124<br>3125<br>3126 |

otherwise specifically exempt from the competitive bidding 3127  
procedures contained in the Revised Code. 3128

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

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

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

**Sec. 4121.125.** (A) The bureau of workers' compensation board 3147  
of directors, based upon recommendations of the workers' 3148  
compensation actuarial committee, may contract with one or more 3149  
outside actuarial firms and other professional persons, as the 3150  
board determines necessary, to assist the board in measuring the 3151  
performance of Ohio's workers' compensation system and in 3152  
comparing Ohio's workers' compensation system to other state and 3153  
private workers' compensation systems. The board, actuarial firm 3154  
or firms, and professional persons shall make such measurements 3155  
and comparisons using accepted insurance industry standards, 3156  
including, but not limited to, standards promulgated by the 3157

National Council on Compensation Insurance. 3158

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

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

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

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

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

(4) Have an actuary or a person who provides actuarial 3184  
services under the supervision of an actuary, at such time as the 3185  
board determines, and at least once during the five-year period 3186  
that commences on September 10, 2007, and once within each 3187  
five-year period thereafter, conduct an actuarial investigation of 3188

the experience of employers, the mortality, service, and injury 3189  
rate of employees, and the payment of temporary total disability, 3190  
permanent partial disability, and permanent total disability under 3191  
sections 4123.56 to 4123.58 of the Revised Code to update the 3192  
actuarial assumptions used in the report required by division 3193  
(C)(1) of this section; 3194

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

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

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

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

(1) Conduct of the measurements and comparisons described in 3216  
division (A) of this section; 3217

(2) Conduct of the management and financial audits and 3218  
establishment of the principles and methods described in division 3219

(B) of this section. 3220

(E) The firm or person with whom the board contracts pursuant 3221  
to division (C)(1) of this section shall prepare a report of the 3222  
valuation and submit the report to the board. The firm or person 3223  
shall include all of the following information in the report that 3224  
is required under division (C)(1) of this section: 3225

(1) A summary of the compensation and benefit provisions 3226  
evaluated; 3227

(2) A summary of the census data and financial information 3228  
used in the valuation; 3229

(3) A description of the actuarial assumptions, actuarial 3230  
cost method, and asset valuation method used in the valuation; 3231

(4) A summary of findings that includes a statement of the 3232  
actuarial accrued compensation and benefit liabilities and 3233  
unfunded actuarial accrued compensation and benefit liabilities; 3234

(5) A schedule showing the effect of any changes in the 3235  
compensation and benefit provisions, actuarial assumptions, or 3236  
cost methods since the previous annual actuarial valuation report 3237  
was submitted to the board. 3238

(F) The actuary or person whom the board designates to 3239  
conduct an actuarial investigation under division (C)(4) of this 3240  
section shall prepare a report of the actuarial investigation and 3241  
shall submit the report to the board. The actuary or person shall 3242  
prepare the report and make any recommended changes in actuarial 3243  
assumptions in accordance with the actuarial standards of practice 3244  
promulgated by the actuarial standards board of the American 3245  
academy of actuaries. The actuary or person shall include all of 3246  
the following information in the report: 3247

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

|  |      |
|--|------|
| (2) Recommended changes in actuarial assumptions to be used        | 3250 |
| in subsequent actuarial valuations required by division (C)(1) of  | 3251 |
| this section;  | 3252 |
| (3) A measurement of the financial effect of the recommended       | 3253 |
| changes in actuarial assumptions.                                  | 3254 |
| (G) The actuary or person whom the board designates to             | 3255 |
| conduct the actuarial analysis under division (C)(6) of this       | 3256 |
| section shall prepare a report of the actuarial analysis and shall | 3257 |
| submit that report to the board. The actuary or person shall       | 3258 |
| complete the analysis in accordance with the actuarial standards   | 3259 |
| of practice promulgated by the actuarial standards board of the    | 3260 |
| American academy of actuaries. The actuary or person shall include | 3261 |
| all of the following information in the report:                    | 3262 |
| (1) A summary of the statutory changes being evaluated;            | 3263 |
| (2) A description of or reference to the actuarial                 | 3264 |
| assumptions and actuarial cost method used in the report;          | 3265 |
| (3) A description of the participant group or groups included      | 3266 |
| in the report;   | 3267 |
| (4) A statement of the financial impact of the legislation,        | 3268 |
| including the resulting increase, if any, in employer premiums, in | 3269 |
| actuarial accrued liabilities, and, if an increase in actuarial    | 3270 |
| accrued liabilities is predicted, the per cent of premium increase | 3271 |
| that would be required to amortize the increase in those           | 3272 |
| liabilities as a level per cent of employer premiums over a period | 3273 |
| not to exceed thirty years.  | 3274 |
| (5) A statement of whether the employer premiums paid to the       | 3275 |
| bureau of workers' compensation after the proposed change is       | 3276 |
| enacted are expected to be sufficient to satisfy the funding       | 3277 |
| objectives established by the board.                               | 3278 |
| (H) The board may, at any time, request an actuary to make         | 3279 |

any studies or actuarial valuations to determine the adequacy of 3280  
the premium rates established by the administrator in accordance 3281  
with sections 4123.29 and 4123.34 of the Revised Code, and may 3282  
adjust those rates as recommended by the actuary. 3283

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

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

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

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

**Sec. 4123.341.** The administrative costs of the industrial 3306  
commission, ~~the workers' compensation council,~~ the bureau of 3307  
workers' compensation board of directors, and the bureau of 3308  
workers' compensation shall be those costs and expenses that are 3309

incident to the discharge of the duties and performance of the 3310  
activities of the industrial commission, ~~the council~~, the board, 3311  
and the bureau under this chapter and Chapters 4121., 4125., 3312  
4127., 4131., and 4167. of the Revised Code, and all such costs 3313  
shall be borne by the state and by other employers amenable to 3314  
this chapter as follows: 3315

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

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

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

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

**Sec. 4123.342.** (A) The administrator of workers' compensation 3328  
shall allocate among counties and taxing districts therein as a 3329  
class, the state and its instrumentalities as a class, private 3330  
employers who are insured under the private fund as a class, and 3331  
self-insuring employers as a class their fair shares of the 3332  
administrative costs which are to be borne by such employers under 3333  
division (D) of section 4123.341 of the Revised Code, separately 3334  
allocating to each class those costs solely attributable to the 3335  
activities of the industrial commission, ~~those costs solely~~ 3336  
~~attributable to the activities of the workers' compensation~~ 3337  
~~council~~, and those costs solely attributable to the activities of 3338  
the bureau of workers' compensation board of directors, and the 3339  
bureau of workers' compensation in respect of the class, 3340

allocating to any combination of classes those costs attributable 3341  
to the activities of the industrial commission, ~~council~~, board, or 3342  
bureau in respect of the classes, and allocating to all four 3343  
classes those costs attributable to the activities of the 3344  
industrial commission, ~~council~~, board, and bureau in respect of 3345  
all classes. The administrator shall separately calculate each 3346  
employer's assessment in the class, except self-insuring 3347  
employers, on the basis of the following three factors: payroll, 3348  
paid compensation, and paid medical costs of the employer for 3349  
those costs solely attributable to the activities of the board and 3350  
the bureau. The administrator shall separately calculate each 3351  
employer's assessment in the class, except self-insuring 3352  
employers, on the basis of the following three factors: payroll, 3353  
paid compensation, and paid medical costs of the employer for 3354  
those costs solely attributable to the activities of the 3355  
industrial commission. ~~The administrator shall separately~~ 3356  
~~calculate each employer's assessment in the class, except~~ 3357  
~~self-insuring employers, on the basis of the following three~~ 3358  
~~factors: payroll, paid compensation, and paid medical costs of the~~ 3359  
~~employer for those costs solely attributable to the activities of~~ 3360  
~~the council.~~ The administrator shall separately calculate each 3361  
self-insuring employer's assessment in accordance with section 3362  
4123.35 of the Revised Code for those costs solely attributable to 3363  
the activities of the board and the bureau. The administrator 3364  
shall separately calculate each self-insuring employer's 3365  
assessment in accordance with section 4123.35 of the Revised Code 3366  
for those costs solely attributable to the activities of the 3367  
industrial commission. ~~The administrator shall separately~~ 3368  
~~calculate each self-insuring employer's assessment in accordance~~ 3369  
~~with section 4123.35 of the Revised Code for those costs solely~~ 3370  
~~attributable to the activities of the council.~~ In a timely manner, 3371  
the industrial commission shall provide to the administrator, the 3372  
information necessary for the administrator to allocate and 3373

calculate, with the approval of the chairperson of the industrial 3374  
commission, for each class of employer as described in this 3375  
division, the costs solely attributable to the activities of the 3376  
industrial commission. ~~In a timely manner, the director of the~~ 3377  
~~workers' compensation council shall submit to the administrator~~ 3378  
~~the information necessary for the administrator to allocate and~~ 3379  
~~calculate, with the approval of the director, for each class of~~ 3380  
~~employer as described in this division, the costs solely~~ 3381  
~~attributable to the activities of the council.~~ 3382

(B) The administrator shall divide the administrative cost 3383  
assessments collected by the administrator into ~~three~~ two 3384  
administrative assessment accounts within the state insurance 3385  
fund. One of the administrative assessment accounts shall consist 3386  
of the administrative cost assessment collected by the 3387  
administrator for the industrial commission. ~~One of the~~ 3388  
~~administrative assessment accounts shall consist of the~~ 3389  
~~administrative cost assessment collected by the administrator for~~ 3390  
~~the council.~~ One of the administrative assessment accounts shall 3391  
consist of the administrative cost assessments collected by the 3392  
administrator for the bureau and the board. The administrator may 3393  
invest the administrative cost assessments in these accounts on 3394  
behalf of the bureau, ~~the council,~~ and the industrial commission 3395  
as authorized in section 4123.44 of the Revised Code. In a timely 3396  
manner, the administrator shall provide to the industrial 3397  
commission ~~and the council~~ the information and reports the 3398  
commission ~~or council, as applicable,~~ deems necessary for the 3399  
commission ~~or the council, as applicable,~~ to monitor the receipts 3400  
and the disbursements from the administrative assessment account 3401  
for the industrial commission ~~or the administrative assessment~~ 3402  
~~account for the council, as applicable.~~ 3403

(C) The administrator or the administrator's designee shall 3404  
transfer moneys as necessary from the administrative assessment 3405

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

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

~~(E)~~ Sections 4123.41, 4123.35, and 4123.37 of the Revised 3430  
Code apply to the collection of assessments from public and 3431  
private employers respectively, except that for boards of county 3432  
hospital trustees that are self-insuring employers, only those 3433  
provisions applicable to the collection of assessments for private 3434  
employers apply. 3435

**Sec. 4123.35.** (A) Except as provided in this section, every 3436

employer mentioned in division (B)(2) of section 4123.01 of the Revised Code, and every publicly owned utility shall pay semiannually in the months of January and July into the state insurance fund the amount of annual premium the administrator of workers' compensation fixes for the employment or occupation of the employer, the amount of which premium to be paid by each employer to be determined by the classifications, rules, and rates made and published by the administrator. The employer shall pay semiannually a further sum of money into the state insurance fund as may be ascertained to be due from the employer by applying the rules of the administrator, and a receipt or certificate certifying that payment has been made, along with a written notice as is required in section 4123.54 of the Revised Code, shall be mailed immediately to the employer by the bureau of workers' compensation. The receipt or certificate is prima-facie evidence of the payment of the premium, and the proper posting of the notice constitutes the employer's compliance with the notice requirement mandated in section 4123.54 of the Revised Code.

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

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

Division (A) of this section providing for the payment of premiums semiannually does not apply to any employer who was a subscriber to the state insurance fund prior to January 1, 1914, or who may first become a subscriber to the fund in any month

other than January or July. Instead, the semiannual premiums shall 3469  
be paid by those employers from time to time upon the expiration 3470  
of the respective periods for which payments into the fund have 3471  
been made by them. 3472

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

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

(B) Employers who will abide by the rules of the 3489  
administrator and who may be of sufficient financial ability to 3490  
render certain the payment of compensation to injured employees or 3491  
the dependents of killed employees, and the furnishing of medical, 3492  
surgical, nursing, and hospital attention and services and 3493  
medicines, and funeral expenses, equal to or greater than is 3494  
provided for in sections 4123.52, 4123.55 to 4123.62, and 4123.64 3495  
to 4123.67 of the Revised Code, and who do not desire to insure 3496  
the payment thereof or indemnify themselves against loss sustained 3497  
by the direct payment thereof, upon a finding of such facts by the 3498  
administrator, may be granted the privilege to pay individually 3499  
compensation, and furnish medical, surgical, nursing, and hospital 3500

services and attention and funeral expenses directly to injured 3501  
employees or the dependents of killed employees, thereby being 3502  
granted status as a self-insuring employer. The administrator may 3503  
charge employers who apply for the status as a self-insuring 3504  
employer a reasonable application fee to cover the bureau's costs 3505  
in connection with processing and making a determination with 3506  
respect to an application. 3507

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

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

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

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

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

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

(e) The financial records, documents, and data, certified by 3531

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

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

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

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

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

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

(2) When considering the application of a public employer,

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

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

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

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

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

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

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

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

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

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

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

The administrator shall not approve the application of a 3617  
public employer, except for a board of county commissioners 3618  
described in division (G) of section 4123.01 of the Revised Code, 3619  
a board of a county hospital, or publicly owned utility, who does 3620  
not satisfy all of the requirements listed in division (B)(2) of 3621  
this section. 3622

(C) A board of county commissioners described in division (G) 3623  
of section 4123.01 of the Revised Code, as an employer, that will 3624

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

(1) The board as an employer employs a minimum of five 3654  
hundred employees in this state; 3655

(2) The board has operated in this state for a minimum of two 3656

years; 3657

(3) Where the board previously contributed to the state 3658  
insurance fund or is a successor employer as defined by bureau 3659  
rules, the amount of the buyout, as defined by bureau rules; 3660

(4) The sufficiency of the board's assets located in this 3661  
state to insure the board's solvency in paying compensation 3662  
directly; 3663

(5) The financial records, documents, and data, certified by 3664  
a certified public accountant, necessary to provide the board's 3665  
full financial disclosure. The records, documents, and data 3666  
include, but are not limited to, balance sheets and profit and 3667  
loss history for the current year and previous four years. 3668

(6) The board's organizational plan for the administration of 3669  
the workers' compensation law; 3670

(7) The board's proposed plan to inform employees of the 3671  
proposed self-insurance, the procedures the board will follow as a 3672  
self-insuring employer, and the employees' rights to compensation 3673  
and benefits; 3674

(8) The board has either an account in a financial 3675  
institution in this state, or if the board maintains an account 3676  
with a financial institution outside this state, ensures that 3677  
workers' compensation checks are drawn from the same account as 3678  
payroll checks or the board clearly indicates that payment will be 3679  
honored by a financial institution in this state; 3680

(9) The board shall provide the administrator a surety bond 3681  
in an amount equal to one hundred twenty-five per cent of the 3682  
projected losses as determined by the administrator. 3683

(D) The administrator shall require a surety bond from all 3684  
self-insuring employers, issued pursuant to section 4123.351 of 3685  
the Revised Code, that is sufficient to compel, or secure to 3686

injured employees, or to the dependents of employees killed, the 3687  
payment of compensation and expenses, which shall in no event be 3688  
less than that paid or furnished out of the state insurance fund 3689  
in similar cases to injured employees or to dependents of killed 3690  
employees whose employers contribute to the fund, except when an 3691  
employee of the employer, who has suffered the loss of a hand, 3692  
arm, foot, leg, or eye prior to the injury for which compensation 3693  
is to be paid, and thereafter suffers the loss of any other of the 3694  
members as the result of any injury sustained in the course of and 3695  
arising out of the employee's employment, the compensation to be 3696  
paid by the self-insuring employer is limited to the disability 3697  
suffered in the subsequent injury, additional compensation, if 3698  
any, to be paid by the bureau out of the surplus created by 3699  
section 4123.34 of the Revised Code. 3700

(E) In addition to the requirements of this section, the 3701  
administrator shall make and publish rules governing the manner of 3702  
making application and the nature and extent of the proof required 3703  
to justify a finding of fact by the administrator as to granting 3704  
the status of a self-insuring employer, which rules shall be 3705  
general in their application, one of which rules shall provide 3706  
that all self-insuring employers shall pay into the state 3707  
insurance fund such amounts as are required to be credited to the 3708  
surplus fund in division (B) of section 4123.34 of the Revised 3709  
Code. The administrator may adopt rules establishing requirements 3710  
in addition to the requirements described in division (B)(2) of 3711  
this section that a public employer shall meet in order to qualify 3712  
for self-insuring status. 3713

Employers shall secure directly from the bureau central 3714  
offices application forms upon which the bureau shall stamp a 3715  
designating number. Prior to submission of an application, an 3716  
employer shall make available to the bureau, and the bureau shall 3717  
review, the information described in division (B)(1) of this 3718

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

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

(G) The administrator shall adopt rules setting forth 3744  
procedures for auditing the program of self-insuring employers. 3745  
The bureau shall conduct the audit upon a random basis or whenever 3746  
the bureau has grounds for believing that a self-insuring employer 3747  
is not in full compliance with bureau rules or this chapter. 3748

The administrator shall monitor the programs conducted by 3749  
self-insuring employers, to ensure compliance with bureau 3750

requirements and for that purpose, shall develop and issue to 3751  
self-insuring employers standardized forms for use by the 3752  
self-insuring employer in all aspects of the self-insuring 3753  
employers' direct compensation program and for reporting of 3754  
information to the bureau. 3755

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

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

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

(I) The administrator, notwithstanding other provisions of 3777  
this chapter, may permit a self-insuring employer to resume 3778  
payment of premiums to the state insurance fund with appropriate 3779  
credit modifications to the employer's basic premium rate as such 3780  
rate is determined pursuant to section 4123.29 of the Revised 3781  
Code. 3782

(J) On the first day of July of each year, the administrator 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 as a class for each fund and for the administrative costs for the year that the assessment is being made, as determined by the administrator, divided by the total amount of paid compensation for the previous calendar year attributable to all amenable self-insuring employers;

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

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

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

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

The administrator shall calculate the assessment for the 3841  
portion of the surplus fund under division (B) of section 4123.34 3842  
of the Revised Code that is used for reimbursement to a 3843  
self-insuring employer under division (H) of section 4123.512 of 3844  
the Revised Code in the same manner as set forth in divisions 3845  
(J)(1) and (2) of this section except that the administrator shall 3846

calculate the total assessment for this portion of the surplus 3847  
fund only on the basis of those self-insuring employers that 3848  
retain participation in reimbursement to the self-insuring 3849  
employer under division (H) of section 4123.512 of the Revised 3850  
Code and the individual self-insuring employer's proportion of 3851  
paid compensation shall be calculated only for those self-insuring 3852  
employers who retain participation in reimbursement to the 3853  
self-insuring employer under division (H) of section 4123.512 of 3854  
the Revised Code. 3855

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

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

(L) Every self-insuring employer shall certify, in affidavit 3875  
form subject to the penalty for perjury, to the bureau the amount 3876  
of the self-insuring employer's paid compensation for the previous 3877  
calendar year. In reporting paid compensation paid for the 3878

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

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

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

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

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

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

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

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

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

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

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

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

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

and section 4121.47 of the Revised Code. 3941

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

(O) The administrator may grant a self-insuring employer the 3949  
privilege to self-insure a construction project entered into by 3950  
the self-insuring employer that is scheduled for completion within 3951  
six years after the date the project begins, and the total cost of 3952  
which is estimated to exceed one hundred million dollars or, for 3953  
employers described in division (R) of this section, if the 3954  
construction project is estimated to exceed twenty-five million 3955  
dollars. The administrator may waive such cost and time criteria 3956  
and grant a self-insuring employer the privilege to self-insure a 3957  
construction project regardless of the time needed to complete the 3958  
construction project and provided that the cost of the 3959  
construction project is estimated to exceed fifty million dollars. 3960  
A self-insuring employer who desires to self-insure a construction 3961  
project shall submit to the administrator an application listing 3962  
the dates the construction project is scheduled to begin and end, 3963  
the estimated cost of the construction project, the contractors 3964  
and subcontractors whose employees are to be self-insured by the 3965  
self-insuring employer, the provisions of a safety program that is 3966  
specifically designed for the construction project, and a 3967  
statement as to whether a collective bargaining agreement 3968  
governing the rights, duties, and obligations of each of the 3969  
parties to the agreement with respect to the construction project 3970  
exists between the self-insuring employer and a labor 3971  
organization. 3972

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

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

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

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

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

Upon approval of the application, the self-insuring employer 3995  
is responsible for the administration and payment of all claims 3996  
under this chapter and Chapter 4121. of the Revised Code for the 3997  
employees of the contractor and subcontractors covered under the 3998  
certificate who receive injuries or are killed in the course of 3999  
and arising out of employment on the construction project, or who 4000  
contract an occupational disease in the course of employment on 4001  
the construction project. For purposes of this chapter and Chapter 4002  
4121. of the Revised Code, a claim that is administered and paid 4003

in accordance with this division is considered a claim against the 4004  
self-insuring employer listed in the certificate. A contractor or 4005  
subcontractor included under the certificate shall report to the 4006  
self-insuring employer listed in the certificate, all claims that 4007  
arise under this chapter and Chapter 4121. of the Revised Code in 4008  
connection with the construction project for which the certificate 4009  
is issued. 4010

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

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

the course of, those employees' employment on that construction project. 4036  
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The contractors and subcontractors included under a certificate issued under this division shall identify in their payroll records the employees who are considered the employees of the self-insuring employer listed in that certificate for purposes of this chapter and Chapter 4121. of the Revised Code, and the amount that those employees earned for employment on the construction project that is the subject of that certificate. Notwithstanding any provision to the contrary under this chapter and Chapter 4121. of the Revised Code, the administrator shall exclude the payroll that is reported for employees who are considered the employees of the self-insuring employer listed in that certificate, and that the employees earned for employment on the construction project that is the subject of that certificate, when determining those contractors' or subcontractors' premiums or assessments required under this chapter and Chapter 4121. of the Revised Code. A self-insuring employer issued a certificate under this division shall include in the amount of paid compensation it reports pursuant to division (L) of this section, the amount of paid compensation the self-insuring employer paid pursuant to this division for the previous calendar year. 4038  
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Nothing in this division shall be construed as altering the rights of employees under this chapter and Chapter 4121. of the Revised Code as those rights existed prior to September 17, 1996. Nothing in this division shall be construed as altering the rights devolved under sections 2305.31 and 4123.82 of the Revised Code as those rights existed prior to September 17, 1996. 4058  
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As used in this division, "privilege to self-insure a construction project" means privilege to pay individually compensation, and to furnish medical, surgical, nursing, and hospital services and attention and funeral expenses directly to 4064  
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injured employees or the dependents of killed employees. 4068

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

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

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

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

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

A self-insuring employer whose application is granted under 4092  
division (O) of this section shall post the name of the safety 4093  
professional and the ombudsperson and instructions for contacting 4094  
the safety professional and the ombudsperson in a conspicuous 4095  
place at the site of the construction project. 4096

(Q) The administrator may consider all of the following when 4097  
deciding whether to grant a self-insuring employer the privilege 4098

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| to self-insure a construction project as provided under division   | 4099 |
| (O) of this section:   | 4100 |
| (1) Whether the self-insuring employer has an organizational       | 4101 |
| plan for the administration of the workers' compensation law;      | 4102 |
| (2) Whether the safety program that is specifically designed       | 4103 |
| for the construction project provides for the safety of employees  | 4104 |
| employed on the construction project, is applicable to all         | 4105 |
| contractors and subcontractors who perform labor or work or        | 4106 |
| provide materials for the construction project, and has as a       | 4107 |
| component, a safety training program that complies with standards  | 4108 |
| adopted pursuant to the "Occupational Safety and Health Act of     | 4109 |
| 1970," 84 Stat. 1590, 29 U.S.C.A. 651, and provides for continuing | 4110 |
| management and employee involvement;                               | 4111 |
| (3) Whether granting the privilege to self-insure the              | 4112 |
| construction project will reduce the costs of the construction     | 4113 |
| project;   | 4114 |
| (4) Whether the self-insuring employer has employed an             | 4115 |
| ombudsperson as required under division (P) of this section;       | 4116 |
| (5) Whether the self-insuring employer has sufficient surety       | 4117 |
| to secure the payment of claims for which the self-insuring        | 4118 |
| employer would be responsible pursuant to the granting of the      | 4119 |
| privilege to self-insure a construction project under division (O) | 4120 |
| of this section.   | 4121 |
| (R) As used in divisions (O), (P), and (Q), "self-insuring         | 4122 |
| employer" includes the following employers, whether or not they    | 4123 |
| have been granted the status of being a self-insuring employer     | 4124 |
| under division (B) of this section:                                | 4125 |
| (1) A state institution of higher education;                       | 4126 |
| (2) A school district;   | 4127 |
| (3) A county school financing district;                            | 4128 |

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| (4) An educational service center;  | 4129   |
| (5) A community school established under Chapter 3314. of the Revised Code;   | 4130<br>4131   |
| (6) A municipal power agency as defined in section 3734.058 of the Revised Code.  | 4132<br>4133   |
| (S) As used in this section:  | 4134   |
| (1) "Unvoted debt capacity" means the amount of money that a public employer may borrow without voter approval of a tax levy;   | 4135<br>4136   |
| (2) "State institution of higher education" means the state universities listed in section 3345.011 of the Revised Code, community colleges created pursuant to Chapter 3354. of the Revised Code, university branches created pursuant to Chapter 3355. of the Revised Code, technical colleges created pursuant to Chapter 3357. of the Revised Code, and state community colleges created pursuant to Chapter 3358. of the Revised Code. | 4137<br>4138<br>4139<br>4140<br>4141<br>4142<br>4143 |
| <b>Sec. 5111.708.</b> (A) The director of job and family services, <del>after consulting with the medicaid buy-in advisory council,</del> shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement the medicaid buy-in for workers with disabilities program. The rules shall do all of the following:   | 4144<br>4145<br>4146<br>4147<br>4148                 |
| (1) Specify assets, asset values, and amounts to be disregarded in determining asset and income eligibility limits for the program;   | 4149<br>4150<br>4151                                 |
| (2) Establish meanings for the terms "earned income," "health insurance," "resources," "spouse," and "unearned income";   | 4152<br>4153   |
| (3) Establish additional eligibility requirements for the program that must be established for the United States secretary of health and human services to approve the program;   | 4154<br>4155<br>4156                                 |
| (4) For the purpose of division (B) of section 5111.704 of  | 4157   |

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

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

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

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

(C) Notwithstanding any other provision of law, ~~on and after~~ 4184  
~~January 30, 2004,~~ at least ten days prior to making any official, 4185  
public announcement that the governor intends to close one or more 4186  
developmental centers, the governor shall notify the general 4187  
assembly in writing that the governor intends to close one or more 4188

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

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

(1) The manner in which the closure of developmental centers 4212  
in general would affect the safety, health, well-being, and 4213  
lifestyle of the centers' residents and their family members and 4214  
would affect public safety and, if the governor's notice 4215  
identifies by name one or more developmental centers that the 4216  
governor intends to close, the manner in which the closure of each 4217  
center so identified would affect the safety, health, well-being, 4218  
and lifestyle of the center's residents and their family members 4219  
and would affect public safety; 4220

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| (2) The availability of alternate facilities;   | 4221   |
| (3) The cost effectiveness of the facilities identified for closure;  | 4222<br>4223                                 |
| (4) A comparison of the cost of residing at a facility identified for closure and the cost of new living arrangements;  | 4224<br>4225                                 |
| (5) The geographic factors associated with each facility and its proximity to other similar facilities;   | 4226<br>4227                                 |
| (6) The impact of collective bargaining on facility operations;   | 4228<br>4229                                 |
| (7) The utilization and maximization of resources;  | 4230   |
| (8) Continuity of the staff and ability to serve the facility population;   | 4231<br>4232                                 |
| (9) Continuing costs following closure of a facility;   | 4233   |
| (10) The impact of the closure on the local economy;  | 4234   |
| (11) Alternatives and opportunities for consolidation with other facilities;  | 4235<br>4236                                 |
| (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;  | 4237<br>4238<br>4239                         |
| (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. | 4240<br>4241<br>4242<br>4243<br>4244<br>4245 |
| (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  | 4246<br>4247<br>4248<br>4249                 |

governor intends to close one or more developmental centers as 4250  
described in division (C) of this section. The commission shall 4251  
provide a copy of the report to each member of the general 4252  
assembly who requests a copy of the report. 4253

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

~~(E)(1) A developmental disabilities developmental center 4268  
closure commission shall be created at the time and in the manner 4269  
specified in division (D) of this section. The closure commission 4270  
consists of six members. One member shall be the director of 4271  
developmental disabilities. One member shall be the director of 4272  
health. One member shall be a private executive with expertise in 4273  
facility utilization, in economics, or in both facility 4274  
utilization and economics, jointly appointed by the speaker of the 4275  
house of representatives and the president of the senate. The 4276  
member appointed for expertise in facility utilization, economics, 4277  
or both may not be a member of the general assembly and may not 4278  
have a developmental center identified for closure by the governor 4279  
in the county in which the member resides. One member shall be a 4280  
member of the board of the Ohio civil service employees' 4281~~

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

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

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

~~(b) If the recommendation described in division (E)(1)(a) of 4310  
this section is that one or more developmental centers should be 4311  
closed, which center or centers should be closed; 4312~~

~~(c) If the governor's notice described in division (C) of 4313~~

~~this section identifies by name one or more developmental centers 4314  
that the governor intends to close, whether the center or centers 4315  
so identified should be closed. 4316~~

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

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

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

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

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

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

(A) Transmit verbal or written information from any person or 4340  
organization associated with the institution or within the 4341  
community, that an advisory council considers important, to the 4342  
joint council on developmental disabilities created by section 4343

|   |      |
|---|------|
| <del>101.37 of the Revised Code and the director of developmental</del> | 4344 |
| <del>disabilities;</del>  | 4345 |
| (B) Review the records of all applicants to any unclassified            | 4346 |
| position at the institution, except for resident physician              | 4347 |
| positions filled under section 5123.11 of the Revised Code;             | 4348 |
| (C) Review and evaluate institutional employee training and             | 4349 |
| continuing education programs;  | 4350 |
| (D) On or before the thirty-first day of January of each                | 4351 |
| year, submit a written report to the <del>joint council on</del>        | 4352 |
| <del>developmental disabilities and the</del> director of developmental | 4353 |
| disabilities regarding matters affecting the institution                | 4354 |
| including, but not limited to, allegations of dehumanizing              | 4355 |
| practices and violations of individual or legal rights;                 | 4356 |
| (E) Review institutional budgets, programs, services, and               | 4357 |
| planning;   | 4358 |
| (F) Develop and maintain relationships within the community             | 4359 |
| with community mental retardation and developmental disabilities        | 4360 |
| organizations;  | 4361 |
| (G) Participate in the formulation of the institution's                 | 4362 |
| objectives, administrative procedures, program philosophy, and          | 4363 |
| long range goals;   | 4364 |
| (H) Bring any matter that an advisory council considers                 | 4365 |
| important to the attention of the joint council on developmental        | 4366 |
| disabilities and the director of developmental disabilities;            | 4367 |
| (I) Recommend to the director of developmental disabilities             | 4368 |
| persons for appointment to citizen's advisory councils;                 | 4369 |
| (J) Adopt any rules or procedures necessary to carry out this           | 4370 |
| section.  | 4371 |
| The chairperson of the advisory council or the chairperson's            | 4372 |
| designee shall be notified within twenty-four hours of any alleged      | 4373 |

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

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

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

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

**Sec. 20.** The amendments to section 184.02 that add the cross 4401  
references to sections 184.25 and 184.26 and enactments of 4402

sections ~~184.23, 184.231~~, 184.24, 184.25, and 184.26 of the 4403  
Revised Code are hereby repealed, effective June 30, 2011. 4404

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

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

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

| AGENCY NAME  | REVISED CODE OR<br>UNCODIFIED<br>SECTION |      |
|--|--|------|
| Academic Distress Commission   | 3302.10                                  | 4416 |
| Advisory Board of Governor's Office of<br>Faith-Based and Community Initiatives                            | 107.12                                   | 4417 |
| Advisory Board to Assist and Advise in the<br>Operation of the Ohio Center for Autism and Low<br>Incidence | 3323.33, 3323.34                         | 4418 |
| Advisory Council on Amusement Ride Safety  | 1711.51, 1711.52                         | 4419 |
| Advisory Council of Directors for Prison Labor   | 5145.162                                 | 4420 |
| Advisory Council for Wild, Scenic, or<br>Recreational River Area(s)  | 1547.84                                  | 4421 |
| Advisory Committee on Livestock Exhibitions  | 901.71                                   | 4422 |
| Agricultural Commodity Marketing Programs<br>Operating Committees  | 924.07                                   | 4423 |
| Agricultural Commodity Marketing Programs<br>Coordinating Committee  | 924.14                                   | 4424 |

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| Alternative Energy Advisory Committee   | 4928.64(D)                               | 4425 |
| AMBER Alert Advisory Committee  | 5502.521                                 | 4426 |
| Apprenticeship Council  | Chapter 4139.                            | 4427 |
| Armory Board of Control   | 5911.09, 5911.12                         | 4428 |
| Automated Title Processing Board  | 4505.09(C)(1)                            | 4429 |
| Backflow Advisory Board   | 3703.21                                  | 4430 |
| Banking Commission  | 1123.01                                  | 4431 |
| Board of Directors of the Great Lakes Protection Fund                                   | 1506.22<br>(6161.04)                     | 4432 |
| Board of Directors of the Medical Liability Underwriting Association Stabilization Fund | 3929.631                                 | 4433 |
| Board of Directors of the Ohio Appalachian Center for Higher Education                  | 3333.58                                  | 4434 |
| Board of Directors of the Ohio Health Reinsurance Program                               | 3924.08 -<br>3924.11                     | 4435 |
| Board of Governors of the Commercial Insurance Joint Underwriting Association           | 3930.03                                  | 4436 |
| Board of Governors of the Medical Liability Underwriting Association                    | 3929.64                                  | 4437 |
| Board of Voting Machines Examiners  | 3506.05                                  | 4438 |
| Budget Planning and Management Commission   | Section 509.10,<br>H.B. 1, 128th<br>G.A. | 4439 |
| Brain Injury Advisory Committee   | 3304.231                                 | 4440 |
| Bureau of Workers' Compensation Board of Directors                                      | 4121.12                                  | 4441 |
| Capitol Square Review and Advisory Board  | 105.41                                   | 4442 |
| Child Care Advisory Council   | 5104.08                                  | 4443 |
| Child Support Guideline Advisory Council  | 3119.024                                 | 4444 |
| Children's Trust Fund Board   | 3109.15 -<br>3109.17                     | 4445 |
| Citizen's Advisory Council  | 5123.092,<br>5123.093                    | 4446 |

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| Clean Ohio Trail Advisory Board  | 1519.06               | 4447 |
| Coastal Resources Advisory Council                                       | 1506.12               | 4448 |
| Commission on African-American Males                                     | 4112.12, 4112.13      | 4449 |
| Commission on Hispanic-Latino Affairs                                    | 121.31                | 4450 |
| Commission on Minority Health  | 3701.78               | 4451 |
| Committee on Prescriptive Governance                                     | 4723.49 -<br>4723.492 | 4452 |
| Commodity Advisory Commission  | 926.32                | 4453 |
| Consumer Advisory Committee to the Rehabilitation<br>Services Commission | 3304.24               | 4454 |
| Continuing Education Committee   | 109.80(B)             | 4455 |
| Council on Alcohol and Drug Addiction Services                           | 3793.09               | 4456 |
| Council on Unreclaimed Strip Mined Lands                                 | 1513.29               | 4457 |
| County Sheriff's Standard Car Marking and Uniform<br>Commission          | 311.25 - 311.27       | 4458 |
| Credential Review Board  | 3319.65               | 4459 |
| Credit Union Council   | 1733.329              | 4460 |
| Criminal Sentencing Advisory Committee                                   | 181.22                | 4461 |
| Data Collection and Analysis Group                                       | 3727.32               | 4462 |
| Dentist Loan Repayment Advisory Board                                    | 3702.92               | 4463 |
| Department Advisory Council(s)   | 107.18, 121.13        | 4464 |
| Development Financing Advisory Council                                   | 122.40, 122.41        | 4465 |
| Early Childhood Advisory Council   | 3301.90               | 4466 |
| Education Commission of the States (Interstate<br>Compact for Education) | 3301.48, 3301.49      | 4467 |
| Education Management Information System Advisory<br>Board                | 3301.0713             | 4468 |
| Educator Standards Board   | 3319.60               | 4469 |
| Electrical Safety Inspector Advisory Committee                           | 3783.08               | 4470 |
| Emergency Response Commission  | 3750.02               | 4471 |
| Engineering Experiment Station Advisory Committee                        | 3335.27               | 4472 |
| Environmental Education Council  | 3745.21               | 4473 |
| Environmental Protection Agency Advisory Board(s)                        | 121.13, 3704.03,      | 4474 |

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|  | 3745.01                                 |      |
| eTech Ohio Commission  | 3353.02 -                               | 4475 |
|  | 3353.04                                 |      |
| Ex-Offender Reentry Coalition  | 5120.07                                 | 4476 |
| Farmland Preservation Advisory Board   | 901.23                                  | 4477 |
| Financial Planning and Supervision Commission(s)<br>for Municipal Corporation, County, or Township   | 118.05                                  | 4478 |
| Financial Planning and Supervision Commission for<br>a school district                               | 3316.05                                 | 4479 |
| Forestry Advisory Council  | 1503.40                                 | 4480 |
| Governance Authority for a State University or<br>College  | 3345.75                                 | 4481 |
| Governor's Council on People with Disabilities   | 3303.41                                 | 4482 |
| Governor's Policy Information Working Group  | Section 313,<br>H.B. 420, 127th<br>G.A. | 4483 |
| Governor's Residence Advisory Commission   | 107.40                                  | 4484 |
| Grain Marketing Program Operating Committee  | 924.20 - 924.30                         | 4485 |
| Great Lakes Commission (Great Lakes Basin<br>Compact)  | 6161.01                                 | 4486 |
| Gubernatorial Transition Committee   | 107.29, 126.26                          | 4487 |
| Help Me Grow Advisory Council  | 3701.611                                | 4488 |
| Hemophilia Advisory Subcommittee of the Medically<br>Handicapped Children's Medical Advisory Council | 3701.0210                               | 4489 |
| Homeland Security Advisory Council   | 5502.011(E)                             | 4490 |
| Hospital Measures Advisory Council   | 3727.31                                 | 4491 |
| Housing Trust Fund Advisory Committee  | 174.06                                  | 4492 |
| Industrial Commission Nominating Council   | 4121.04                                 | 4493 |
| Industrial Technology and Enterprise Advisory<br>Council   | 122.29, 122.30                          | 4494 |
| Infant Hearing Screening Subcommittee  | 3701.507                                | 4495 |
| Infection Control Group  | 3727.312(D)                             | 4496 |
| Insurance Agent Education Advisory Council   | 3905.483                                | 4497 |

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| Interstate Rail Passenger Advisory Council   | 4981.35                                   | 4498 |
| Joint Select Committee on Volume Cap   | 133.021                                   | 4499 |
| Labor-Management Government Advisory Council   | 4121.70                                   | 4500 |
| Legislative Programming Committee of the Ohio<br>Government Telecommunications Service | 3353.07                                   | 4501 |
| Legislative Task Force on Redistricting,<br>Reapportionment, and Demographic Research  | 103.51                                    | 4502 |
| Maternity and Newborn Advisory Council   | 3711.20, 3711.21                          | 4503 |
| Medically Handicapped Children's Medical Advisory<br>Council                           | 3701.025                                  | 4504 |
| Midwest Interstate Passenger Rail Compact<br>Commission                                | 4981.361                                  | 4505 |
| Milk Sanitation Board  | 917.03 - 917.032                          | 4506 |
| Mine Subsidence Insurance Governing Board  | 3929.51                                   | 4507 |
| Minority Development Financing Advisory Board  | 122.72, 122.73                            | 4508 |
| Multi-Agency Radio Communications System (MARCS)<br>Steering Committee                 | Section 15.02,<br>H.B. 640, 123rd<br>G.A. | 4509 |
| National Museum of Afro-American History and<br>Culture Planning Committee             | 149.303                                   | 4510 |
| New African Immigrants Commission  | 4112.31, 4112.32                          | 4511 |
| Ohio Accountability Task Force   | 3302.021(E)                               | 4512 |
| Ohio Advisory Council for the Aging  | 173.03                                    | 4513 |
| Ohio Agriculture License Plate Scholarship Fund<br>Board                               | 901.90                                    | 4514 |
| Ohio Arts Council  | Chapter 3379.                             | 4515 |
| Ohio Business Gateway Steering Committee   | 5703.57                                   | 4516 |
| Ohio Cemetery Dispute Resolution Commission  | 4767.05, 4767.06                          | 4517 |
| Ohio Civil Rights Commission Advisory Agencies<br>and Conciliation Councils            | 4112.04(B)(4)                             | 4518 |
| Ohio Commercial Market Assistance Plan Executive<br>Committee                          | 3930.02                                   | 4519 |
| Ohio Commission on Dispute Resolution and  | 179.02 - 179.04                           | 4520 |

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| Conflict Management  |  |      |
| Ohio Commission on Fatherhood  | 5101.34                                  | 4521 |
| Ohio Community Service Council   | 121.40 - 121.404                         | 4522 |
| Ohio Council for Interstate Adult Offender Supervision                         | 5149.22                                  | 4523 |
| Ohio Cultural Facilities Commission  | Chapter 3383.                            | 4524 |
| Ohio Cystic Fibrosis Legislative Task Force                                    | 101.38                                   | 4525 |
| Ohio Developmental Disabilities Council  | 5123.35                                  | 4526 |
| Ohio Expositions Commission  | 991.02                                   | 4527 |
| Ohio Family and Children First Cabinet Council                                 | 121.37                                   | 4528 |
| Ohio Geographically Referenced Information Program Council                     | 125.901, 125.902                         | 4529 |
| Ohio Geology Advisory Council  | 1501.11                                  | 4530 |
| Ohio Grape Industries Committee  | 924.51 - 924.55                          | 4531 |
| Ohio Historic Site Preservation Advisory Board                                 | 149.301                                  | 4532 |
| Ohio Historical Society Board of Trustees                                      | 149.30                                   | 4533 |
| Ohio Judicial Conference   | 105.91 - 105.97                          | 4534 |
| Ohio Lake Erie Commission  | 1506.21                                  | 4535 |
| Ohio Legislative Commission on the Education and Preservation of State History | Section 701.05,<br>H.B. 1, 128th<br>G.A. | 4536 |
| Ohio Medical Quality Foundation  | 3701.89                                  | 4537 |
| Ohio Parks and Recreation Council  | 1541.40                                  | 4538 |
| Ohio Peace Officer Training Commission   | 109.71, 109.72                           | 4539 |
| Ohio Private Investigation and Security Services Commission                    | 4749.021,<br>4743.01                     | 4540 |
| Ohio Public Defender Commission  | 120.01 - 120.03                          | 4541 |
| Ohio Public Library Information Network Board of Trustees                      | 3375.65, 3375.66                         | 4542 |
| Ohio Quarter Horse Development Commission                                      | 3769.086                                 | 4543 |
| Ohio Small Government Capital Improvements Commission                          | 164.02(C)(D)                             | 4544 |
| Ohio Soil and Water Conservation Commission                                    | 1515.02                                  | 4545 |

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| Ohio Standardbred Development Commission  | 3769.085               | 4546 |
| Ohio Subrogation Rights Commission  | 2323.44                | 4547 |
| Ohio Thoroughbred Racing Advisory Committee   | 3769.084               | 4548 |
| Ohio Transportation Finance Commission  | 5531.12(B) to<br>(D)   | 4549 |
| Ohio Tuition Trust Authority  | 3334.03, 3334.08       | 4550 |
| Ohio University College of Osteopathic Medicine<br>Advisory Committee               | 3337.10, 3337.11       | 4551 |
| Ohio Vendors Representative Committee   | 3304.34, 20 USC<br>107 | 4552 |
| Ohio War Orphans Scholarship Board  | 5910.02 -<br>5910.06   | 4553 |
| Ohio Water Advisory Council   | 1521.031               | 4554 |
| Ohio Water Resources Council Advisory Group   | 1521.19                | 4555 |
| Ohio Water Resources Council  | 1521.19                | 4556 |
| Oil and Gas Commission  | 1509.35                | 4557 |
| Operating Committee of the Oil and Gas Marketing<br>Program                         | 1510.06, 1510.11       | 4558 |
| Organized Crime Investigations Commission   | 177.01                 | 4559 |
| Pharmacy and Therapeutics Committee of the<br>Department of Job and Family Services | 5111.084               | 4560 |
| Physician Assistant Policy Committee of the State<br>Medical Board                  | 4730.05, 4730.06       | 4561 |
| Physician Loan Repayment Advisory Board   | 3702.81                | 4562 |
| Power Siting Board  | 4906.02                | 4563 |
| Prequalification Review Board   | 5525.07                | 4564 |
| Private Water Systems Advisory Council  | 3701.346               | 4565 |
| Public Health Council   | 3701.33, 3701.34       | 4566 |
| Public Utilities Commission Nominating Council                                      | 4901.021               | 4567 |
| Public Utility Property Tax Study Committee   | 5727.85(K)             | 4568 |
| Radiation Advisory Council  | 3748.20                | 4569 |
| Reclamation Commission  | 1513.05                | 4570 |
| Reclamation Forfeiture Fund Advisory Board  | 1513.182               | 4571 |

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| Recreation and Resources Commission   | 1501.04                                       | 4572 |
| Recycling and Litter Prevention Advisory Council  | 1502.04                                       | 4573 |
| School and Ministerial Lands Divestiture<br>Committee   | 501.041                                       | 4574 |
| Savings and Loan Associations and Savings Banks<br>Board                                      | 1181.16                                       | 4575 |
| Second Chance Trust Fund Advisory Committee   | 2108.35                                       | 4576 |
| Service Coordination Workgroup  | Section 751.20,<br>H.B. 1, 128th<br>G.A.      | 4577 |
| Ski Tramway Board   | 4169.02                                       | 4578 |
| Small Business Stationary Source Technical and<br>Environmental Compliance Assistance Council | 3704.19                                       | 4579 |
| Solid Waste Management Advisory Council   | 3734.51                                       | 4580 |
| Special Commission to Consider the Suspension of<br>Local Government Officials                | 3.16  | 4581 |
| Speed to Scale Task Force   | Section<br>375.60.80, H.B.<br>119, 128th G.A. | 4582 |
| State Agency Coordinating Group   | 1521.19                                       | 4583 |
| State Audit Committee   | 126.46  | 4584 |
| State Council of Uniform State Laws   | 105.21 - 105.27                               | 4585 |
| State Criminal Sentencing Commission  | 181.22 - 181.26                               | 4586 |
| State Fire Council  | 3737.81                                       | 4587 |
| State Library Board   | 3375.01                                       | 4588 |
| State Victims Assistance Advisory Council   | 109.91(B) and<br>(C)                          | 4589 |
| Statewide Consortium of County Law Library<br>Resource Boards                                 | 3375.481                                      | 4590 |
| STEM Committee  | 3326.02                                       | 4591 |
| Student Tuition Recovery Authority  | 3332.081                                      | 4592 |
| Sunset Review Committee   | 101.84 - 101.87                               | 4593 |
| Tax Credit Authority  | 122.17(M)                                     | 4594 |

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| Technical Advisory Committee to Assist Director<br>of the Ohio Coal Development Office  | 1551.35              | 4595   |
| Technical Advisory Council on Oil and Gas   | 1509.38              | 4596   |
| Transportation Review Advisory Council  | 5512.07 -<br>5512.09 | 4597   |
| Unemployment Compensation Advisory Council  | 4141.08              | 4598   |
| Unemployment Compensation Review Commission   | 4141.06              | 4599   |
| Veterans Advisory Committee   | 5902.02(K)           | 4600   |
| Volunteer Fire Fighters' Dependents Fund Boards<br>(private volunteer)  | 146.02 - 146.06      | 4601   |
| Volunteer Fire Fighters' Dependents Fund Boards<br>(public)   | 146.02 - 146.06      | 4602   |
| Water and Sewer Commission  | 1525.11(C)           | 4603   |
| Waterways Safety Council  | 1547.73              | 4604   |
| Wildlife Council  | 1531.03 -<br>1531.05 | 4605   |
| Workers' Compensation Board of Directors<br>Nominating Committee  | 4121.123             | 4606   |
| <b>Section 5.</b> That sections 101.82, 101.83, 101.84, 101.85,<br>101.86, and 101.87 of the Revised Code are hereby repealed on<br>December 31, 2016.  |                      | 4607<br>4608<br>4609                         |
| <b>Section 6.01.</b> That Section 513.03 of Am. Sub. H.B. 66 of the<br>126th General Assembly, as amended by Am. Sub. H.B. 100 of the<br>126th General Assembly, be amended to read as follows:   |                      | 4610<br>4611<br>4612                         |
| <b>Sec. 513.03.</b> (A) Notwithstanding any provision of law to the<br>contrary and during the period beginning July 1, 2005, and ending<br>May 1, 2006, or the effective date of H.B. 397 of the 126th<br>General Assembly, whichever is earlier, the Director of<br>Environmental Protection or a board of health as defined in<br>section 3714.01 of the Revised Code shall not issue a license to |                      | 4613<br>4614<br>4615<br>4616<br>4617<br>4618 |

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

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

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

(B) The moratorium established by division (A) of this 4647  
section does not apply to an application for a license to 4648  
establish a construction and demolition debris facility pending 4649

before a board of health or the Director of Environmental 4650  
Protection, as applicable, prior to July 1, 2005, and such an 4651  
application shall be reviewed and the license shall be issued or 4652  
denied in accordance with Chapter 3714. of the Revised Code, if 4653  
all of the following apply to the applicant for the license: 4654

(1) The applicant has acquired an interest in the property on 4655  
which the facility will be located on or before May 1, 2005. 4656

(2) The applicant has begun a hydrogeologic investigation 4657  
pursuant to section 3745-400-09 of the Ohio Administrative Code 4658  
prior to submitting the application. 4659

(3) The applicant has begun the engineering plans for the 4660  
facility prior to submitting the application. 4661

(4) The application submitted by the applicant would have 4662  
been determined to be complete if the moratorium had not been in 4663  
effect. 4664

The director shall determine whether this division applies to 4665  
an applicant within forty-five days after receiving an applicant's 4666  
request for a determination under this division. 4667

~~(C)(1) There is hereby created the Construction and 4668  
Demolition Debris Facility Study Committee composed of the 4669  
following thirteen members: 4670~~

~~(a) Three members of the House of Representatives appointed 4671  
by the Speaker of the House of Representatives; 4672~~

~~(b) Three members of the Senate appointed by the President of 4673  
the Senate; 4674~~

~~(c) The Director of Environmental Protection or the 4675  
Director's designee; 4676~~

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

~~(e) Three members representing the construction and 4679~~

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

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

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

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

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

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

~~(c) Licensing requirements; 4699~~

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

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

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

~~(g) Fees; 4704~~

~~(h) The regulation of construction and demolition debris from 4705  
sources inside and outside the state; 4706~~

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

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

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

**Section 6.02.** That existing 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 is hereby repealed.

**Section 6.03.** That Section 5 of Sub. H.B. 125 of the 127th  
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 4738  
participating provider's contractual reimbursement rates with 4739  
other contracting entities. 4740

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

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

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

(D) This section does not apply to and does not prohibit the 4760  
continued use of a most favored nation clause in a health care 4761  
contract that is between a contracting entity and a hospital and 4762  
that is in existence on the effective date of Sub. H.B. 125 of the 4763  
127th General Assembly even if the health care contract is 4764  
materially amended with respect to any provision of the health 4765  
care contract other than the most favored nation clause during the 4766  
two-year period specified in this section or during any extended 4767  
period of time as provided in Section 6 of Sub. H.B. 125 of the 4768  
127th General Assembly. 4769

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

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

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

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

~~(B) An ad hoc committee shall be formed to review, study, and encourage greater awareness of the use of alternate dispute resolution procedures, such as mediation, in appeals to the State Personnel Board of Review and to municipal and civil service township civil service commissions. The committee shall consist of representatives of labor organizations, counties, cities, the State Personnel Board of Review, the State Employment Relations Board, the Office of Collective Bargaining of the Department of Administrative Services, the Ohio Commission on Dispute Resolution and Conflict Management, the American Arbitration Association, and~~

~~the Federal Mediation and Conciliation Service. Professors on the 4800  
faculty of Ohio law schools, a professional arbitrator with 4801  
experience in public sector disputes, and a plaintiff's lawyer 4802  
with experience in civil service disputes also should be members 4803  
of the committee. The committee shall report its findings and 4804  
recommendations to the General Assembly within six months after 4805  
the effective date of this act. 4806~~

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

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

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

**Section 9.** The following Sections are repealed: 4821

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

Sections 755.80 and 756.40 of Am. Sub. H.B. 2 of the 128th 4824  
General Assembly 4825

Section 3 of Sub. H.B. 7 of the 127th General Assembly 4826

Section 555.17 of Am. Sub. H.B. 67 of the 127th General 4827  
Assembly 4828

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| Sections 263.30.30, 337.20.20, 377.20, and 737.11 of Am. Sub. H.B. 119 of the 127th General Assembly                                 | 4829<br>4830         |
| Sections 6 and 7 of Sub. H.B. 125 of the 127th General Assembly  | 4831<br>4832         |
| Section 2 of Sub. H.B. 233 of the 127th General Assembly   | 4833                 |
| Sections 703.30 and 715.50 of Am. Sub. H.B. 562 of the 127th General Assembly  | 4834<br>4835         |
| Section 4 of Am. Sub. S.B. 77 of the 127th General Assembly  | 4836                 |
| Sections 206.10.12, 206.42.12, 206.66.24, 206.66.43, 209.63.58, 503.09, and 503.12 of Am. Sub. H.B. 66 of the 126th General Assembly | 4837<br>4838<br>4839 |
| Section 4 of Sub. H.B. 187 of the 126th General Assembly   | 4840                 |
| Section 1 of Sub. H.B. 371 of the 126th General Assembly   | 4841                 |
| Section 235.60.70 of Am. Sub. H.B. 699 of the 126th General Assembly   | 4842<br>4843         |
| Section 3 of Am. Sub. S.B. 167 of the 126th General Assembly   | 4844                 |
| Section 5 of Am. Sub. S.B. 260 of the 126th General Assembly   | 4845                 |
| Section 3 of Sub. S.B. 393 of the 126th General Assembly   | 4846                 |
| Sections 12 and 25 of Am. Sub. H.B. 87 of the 125th General Assembly   | 4847<br>4848         |
| Sections 41.35 and 153 of Am. Sub. H.B. 95 of the 125th General Assembly   | 4849<br>4850         |
| Section 8 of Sub. H.B. 299 of the 125th General Assembly   | 4851                 |
| Section 3 of Am. Sub. S.B. 86 of the 125th General Assembly  | 4852                 |
| Section 3 of Sub. H.B. 230 of the 124th General Assembly   | 4853                 |
| Section 3 of Am. Sub. H.B. 474 of the 124th General Assembly   | 4854                 |
| Section 4 of Am. Sub. S.B. 281 of the 124th General Assembly   | 4855                 |

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| Section 3 of Am. H.B. 416 of the 127th General Assembly, as amended by Am. Sub. S.B. 110 of the 128th General Assembly   | 4856<br>4857                                 |
| Section 701.20 of Am. Sub. H.B. 562 of the 127th General Assembly, as subsequently amended by Sub. H.B. 393 of the 128th General Assembly  | 4858<br>4859<br>4860                         |
| Section 206.66.53 of Am. Sub. H.B. 66 of the 126th General Assembly, as amended by S.B. 87 of the 126th General Assembly   | 4861<br>4862                                 |
| Section 6 of Sub. H.B. 336 of the 126th General Assembly, as amended by Am. Sub. S.B. 155 of the 127th General Assembly  | 4863<br>4864                                 |
| Section 755.03 of Am. Sub. H.B. 530 of the 126th General Assembly, as amended by Am. Sub. H.B. 67 of the 127th General Assembly  | 4865<br>4866<br>4867                         |
| Section 6 of Am. Sub. S.B. 238 of the 126th General Assembly, as amended by Am. Sub. H.B. 461 of the 126th General Assembly  | 4868<br>4869                                 |
| Section 152 of Am. Sub. H.B. 95 of the 125th General Assembly, as amended by Am. Sub. S.B. 2 of the 125th General Assembly   | 4870<br>4871<br>4872                         |
| Section 59.29 of Am. Sub. H.B. 95 of the 125th General Assembly, as amended by Am. Sub. S.B. 189 of the 125th General Assembly   | 4873<br>4874<br>4875                         |
| <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: | 4876<br>4877<br>4878<br>4879<br>4880<br>4881 |
| (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  | 4882<br>4883<br>4884<br>4885                 |

to the Committee's jurisdiction; 4886

(B) By the termination, through amendments to relevant 4887  
codified sections of law and through outright repeals of codified 4888  
or uncodified sections of law, of several agencies, as defined in 4889  
section 101.82 of the Revised Code, that were subject to the 4890  
Committee's jurisdiction; 4891

(C) By the transfer, through the amendment of codified or 4892  
uncodified sections of law, of several agencies, as defined in 4893  
section 101.82 of the Revised Code, that were subject to the 4894  
Committee's jurisdiction; 4895

(D) By the renewal, through the amendment or enactment of 4896  
codified or uncodified sections of law, of the existence of 4897  
numerous agencies, as defined in section 101.82 of the Revised 4898  
Code, that were subject to the Committee's jurisdiction. 4899

**Section 11.** The hospital measures advisory council shall 4900  
supersede the group of experts in pediatric medicine and their 4901  
members and succeed to and have and perform all the duties, 4902  
powers, and obligations pertaining to the duties, powers, and 4903  
obligations of the group of experts in pediatric medicine and 4904  
their members. All rules, actions, determinations, commitments, 4905  
resolutions, decisions, and agreements pertaining to those duties, 4906  
powers, obligations, functions, and rights in force or in effect 4907  
on the effective date of this section shall continue in force and 4908  
effect subject to any further lawful action thereon by the 4909  
hospital measures advisory council. Wherever the group of experts 4910  
in pediatric medicine are referred to in any provision of law, or 4911  
in any agreement or document that pertains to those duties, 4912  
powers, obligations, functions, and rights, the reference is to 4913  
the hospital measures advisory council. 4914

All authorized obligations and supplements thereto of the 4915  
group of experts in pediatric medicine and their members 4916

pertaining to the duties, powers, and obligations transferred are 4917  
binding on the hospital measures advisory council, and nothing in 4918  
this act impairs the obligations or rights thereunder or under any 4919  
contract. The abolition of the group of experts in pediatric 4920  
medicine and the transfer of their duties, powers, and obligations 4921  
do not affect the validity of agreements or obligations made by 4922  
the group of experts in pediatric medicine and their members 4923  
pursuant to Chapters 4121., 4123., 4125., 4127., 4131., and 4167. 4924  
of the Revised Code or any other provisions of law. 4925

In connection with the transfer of duties, powers, 4926  
obligations, functions, and rights and abolition of the group of 4927  
experts in pediatric medicine, all real property and interest 4928  
therein, documents, books, money, papers, records, machinery, 4929  
furnishings, office equipment, furniture, and all other property 4930  
over which the group of experts in pediatric medicine have control 4931  
pertaining to the duties, powers, and obligations transferred and 4932  
the rights of the group of experts in pediatric medicine to 4933  
enforce or receive any of the aforesaid is automatically 4934  
transferred to the hospital measures advisory council without 4935  
necessity for further action on the part of the hospital measures 4936  
advisory council. Additionally, all appropriations or 4937  
reappropriations made to the group of experts in pediatric 4938  
medicine for the purposes of the performance of their duties, 4939  
powers, and obligations, are transferred to the hospital measures 4940  
advisory council to the extent of the remaining unexpended or 4941  
unencumbered balance thereof, whether allocated or unallocated, 4942  
and whether obligated or unobligated. 4943

**Section 12.** The commission on Hispanic-Latino affairs shall 4944  
supersede the interagency council on Hispanic-Latino affairs and 4945  
its members and succeed to and have and perform all the duties, 4946  
powers, and obligations pertaining to the duties, powers, and 4947  
obligations of the interagency council on Hispanic-Latino affairs 4948

and its members. All rules, actions, determinations, commitments, 4949  
resolutions, decisions, and agreements pertaining to those duties, 4950  
powers, obligations, functions, and rights in force or in effect 4951  
on the effective date of this section shall continue in force and 4952  
effect subject to any further lawful action thereon by the 4953  
commission on Hispanic-Latino affairs. Wherever the interagency 4954  
council on Hispanic-Latino affairs is referred to in any provision 4955  
of law, or in any agreement or document that pertains to those 4956  
duties, powers, obligations, functions, and rights, the reference 4957  
is to the commission on Hispanic-Latino affairs. 4958

All authorized obligations and supplements thereto of the 4959  
interagency council on Hispanic-Latino affairs and its members 4960  
pertaining to the duties, powers, and obligations transferred are 4961  
binding on the commission on Hispanic-Latino affairs, and nothing 4962  
in this act impairs the obligations or rights thereunder or under 4963  
any contract. The abolition of the interagency council on 4964  
Hispanic-Latino affairs and the transfer of their duties, powers, 4965  
and obligations do not affect the validity of agreements or 4966  
obligations made by the interagency council on Hispanic-Latino 4967  
affairs and its members pursuant to Chapters 4121., 4123., 4125., 4968  
4127., 4131., and 4167. of the Revised Code or any other 4969  
provisions of law. 4970

In connection with the transfer of duties, powers, 4971  
obligations, functions, and rights and abolition of the 4972  
interagency council on Hispanic-Latino affairs, all real property 4973  
and interest therein, documents, books, money, papers, records, 4974  
machinery, furnishings, office equipment, furniture, and all other 4975  
property over which the interagency council on Hispanic-Latino 4976  
affairs has control pertaining to the duties, powers, and 4977  
obligations transferred and the rights of the interagency council 4978  
on Hispanic-Latino affairs to enforce or receive any of the 4979  
aforesaid is automatically transferred to the commission on 4980

Hispanic-Latino affairs without necessity for further action on 4981  
the part of the commission on Hispanic-Latino affairs. 4982  
Additionally, all appropriations or reappropriations made to the 4983  
interagency council on Hispanic-Latino affairs for the purposes of 4984  
the performance of their duties, powers, and obligations, are 4985  
transferred to the commission on Hispanic-Latino affairs to the 4986  
extent of the remaining unexpended or unencumbered balance 4987  
thereof, whether allocated or unallocated, and whether obligated 4988  
or unobligated. 4989

**Section 13.** This act is an emergency measure necessary for 4990  
the immediate preservation of the public peace, health, and 4991  
safety. The sunset review law is scheduled to operate on July 1, 4992  
2011, as a matter of law. And if the sunset review law operates 4993  
before the effective date of this act, uncertainty and confusion, 4994  
with respect to the authority for certain agencies to operate, 4995  
could result. Therefore, this act goes into immediate effect. 4996