



# Ohio Legislative Service Commission

## Bill Analysis

Linda S. Crawford

### H.B. 495

128th General Assembly  
(As Introduced)

Reps. Book, Dodd

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## BILL SUMMARY

- Abolishes, retains, terminates, transfers, and modifies various agencies, in accordance with the Sunset Review Law six-year cycle for evaluation of agencies.
- Reestablishes the Sunset Review Committee during calendar years 2015 and 2016 to continue agency review in the 131st General Assembly.
- Repeals the Sunset Review Law on December 31, 2016.
- Retains the Workers' Compensation Council but eliminates its funding and requires the General Assembly to review the Council and its funding.
- Generally takes effect on the date that is three months after the date on which the bill becomes law.

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## CONTENT AND OPERATION

### SUNSET REVIEW LAW

#### Background and overview

The Sunset Review Law, established by Sub. H.B. 548 of the 123rd General Assembly, generally provides that if the General Assembly does not renew or transfer a state "agency" (see "**Definitions**" below) within an established timeframe, the agency expires by operation of law and the Office of Budget and Management is prohibited from authorizing the expenditure of any money for the agency on or after the expiration date. Under the Sunset Review Law's renewal procedures, an agency may be renewed by passage of a bill that continues the statutes creating and empowering the agency, that amends or repeals those statutes, or that enacts new statutes, to improve agency usefulness, performance, or effectiveness. (R.C. 101.83(B) and (D).)

The Sunset Review Law created the Sunset Review Committee (a bipartisan committee, consisting of three Senate members appointed by the President of the Senate, three House members appointed by the Speaker of the House of Representatives, and three individuals appointed by the Governor with the advice and consent of the Senate) to carry out a periodic review of those state boards, commissions, councils, committees, and other entities to which the Sunset Review Law applied and to determine whether those entities or their functions should be abolished, terminated, transferred, or continued. The Committee was to consider and evaluate state agencies and recommend, in bill form, the amendment, repeal, or continuation of the statutes creating and empowering the agency. When the Sunset Review Law first became effective, the Sunset Review Law, the Committee, and all state agencies under its review authority were scheduled to expire on December 31, 2004, unless renewed.

Since its inception, the Committee has operated on a periodic cycle of scheduled agency expiration subject to review and possible renewal. Accordingly, in Am. Sub. H.B. 516, the 125th General Assembly abolished, retained, and changed the names of various agencies evaluated by the Committee during 2003 and 2004. The Sunset Review Committee was reestablished with functions identical to those it exercised under former law and its operation was postponed until the 128th General Assembly when it again was scheduled to undertake agency review. Under current law, the Committee, the Sunset Review laws, and agencies subject to review by the Committee are scheduled to expire on December 31, 2010. (R.C. 101.83(B) and (D); Section 6 of Am. Sub. H.B. 516, 125th General Assembly.)

## Definitions

The application of the Sunset Review Law is determined by the following definitions, which the bill does not change (R.C. 101.82, not in the bill):

"Agency" generally means any board, commission, committee, or council, or any other similar state public body required to be established pursuant to state statutes for the exercise of any function of state government and to which members are appointed or elected.

"Agency" does *not* include the following: (1) the General Assembly, or any commission, committee, or other body composed entirely of members of the General Assembly, (2) any court, (3) any public body created by or directly pursuant to the Ohio Constitution, (4) the board of trustees of any institution of higher education financially supported in whole or in part by the state, (5) any public body that has the authority to issue bonds or notes or that has issued bonds or notes that have not been fully repaid, (6) the Public Utilities Commission of Ohio, (7) the Consumers' Council Governing Board, (8) the Ohio Board of Regents, (9) any state board or commission that has the authority to issue any final adjudicatory order that may be appealed to the court of common pleas under the Administrative Procedure Act, (10) any board of elections, (11) the Board of Directors of the Ohio Insurance Guaranty Association and the Board of Governors of the Ohio Fair Plan Underwriting Association, (12) the Ohio Public Employees Deferred Compensation Board, (13) the Ohio Retirement Study Council, (14) the Board of Trustees of the Ohio Police and Fire Pension Fund, Public Employees Retirement Board, School Employees Retirement Board, State Highway Patrol Retirement Board, and State Teachers Retirement Board, (15) the Industrial Commission, (16) the Parole Board, (17) the Board of Tax Appeals, (18) the Controlling Board, (19) the Release Authority of the Department of Youth Services, (20) the Environmental Review Appeals Commission, (21) the Ohio Ethics Commission, (22) the Ohio Public Works Commission, (23) the Self-Insuring Employers Evaluation Board, (24) the State Board of Deposit, (25) the State Employment Relations Board, and (26) the Workers' Compensation Council.

"Abolish" means to repeal the statutes creating and empowering an agency, remove its personnel, and transfer its records to the Department of Administrative Services pursuant to the State Records Program Law.

"Terminate" means to amend or repeal the statutes creating and empowering an agency, remove its personnel, and reassign its functions and records to another agency or officer designated by the General Assembly.

"Transfer" means to amend the statutes creating and empowering an agency so that its functions, records, and personnel are conveyed to another agency or officer.

"Renew" means to continue an agency, and may include amendment of the statutes creating and empowering the agency, or recommendations for changes in agency operation or personnel.

To summarize, when an agency is abolished, the agency and its functions are eliminated and its personnel are removed; when an agency is terminated, its functions are reassigned, but the agency and its personnel are removed; and, when an agency is transferred, its functions and personnel are conveyed to another entity.

## **Sunset Review Law renewal**

In accordance with the general pattern established for renewal of the Sunset Review laws and the Sunset Review Committee, the bill, in addition to abolishing, retaining, and changing the names of various agencies, continues the six-year cycle for evaluation of agencies. Without substantive amendment, the bill does all of the following:

- Reestablishes the Sunset Review Committee with functions identical to those it exercises under current law, while postponing its operation until the 131st General Assembly, during calendar years 2015 and 2016 (R.C. 101.84);
- Repeals the Sunset Review Law on December 31, 2016--i.e. following the reestablished Committee's conclusion of its functions (Section 6 of Am. Sub. H.B. 516 of the 125th General Assembly (repealed); Sections 4 and 6 of the bill);
- Revises the scheduled agency expiration dates by specifying that an agency in existence on January 1, 2011, expires on December 31, 2016, unless it is renewed in accordance with the Sunset Review Law procedures (R.C. 101.83(A)).

Accordingly (1) the members of the Sunset Review Committee must be appointed within 15 days after the commencement of the first regular session of the 131st General Assembly, and the Committee must meet not later than 30 days after the first day of the first regular session of the 131st General Assembly and throughout that General Assembly to perform its statutorily specified organizational and operational functions, (2) the Committee is required to schedule for review each agency in existence on January 1, 2015, not later than 60 days after its first meeting in that year, (3) the Committee must send its schedules for review for calendar years 2015 and 2016 to affected agencies and the Legislative Service Commission Director, who is required to publish each annual schedule of review in the Ohio Administrative Code and in the *Register of Ohio*, and (4) not later than six months prior to the date on which an agency in existence on January 1, 2015 is scheduled to expire, the Committee must hold hearings to evaluate agency effectiveness. (R.C. 101.84(A), 101.85(A) and (B), and 101.86(A).)



The bill also continues (without substantive amendment) other provisions of the Sunset Review Law dealing with the Committee's organization (its officers, quorum, etc.), with the Committee's preparation of a report of its findings and recommendations for an agency's (or its functions) abolition, termination, transfer, or continuation (including its presentation to the General Assembly of implementing recommendations "in bill form"), and with agency responsibilities in connection with their reviews (R.C. 101.84, 101.85, and 101.86; R.C. 101.87--not in the bill).

## Abolition of specific agencies

Agencies falling under the review jurisdiction of the Sunset Review Committee were to expire if not renewed by December 31, 2010, or otherwise within the statutorily prescribed period. The bill abolishes the agencies listed below:<sup>1</sup>

NAME OF AGENCY BEING ABOLISHED	REVISED CODE SECTION OR UNCODIFIED LAW SECTION AMENDED OR REPEALED
Ad Hoc Committee to Study Use of Alternative Dispute Resolution Procedure in Civil Service Appeals	Section 3, Sub. H.B. 187, 126th General Assembly
Adam Walsh Study Committee	Section 5, Am. Sub. S.B. 260, 126th General Assembly
Advisory Board to the Director of Natural Resources Concerning the Great Lakes-St. Lawrence River Basin Water Resources Compact	Section 3, Am. H.B. 416, 127th General Assembly (repeal effective September 8, 2010)
Advisory Committee to Consumer Finance Education Board	R.C. 1349.71
Advisory Committee on Eligibility and Real Time Claim Adjudication	Section 7, Sub. H.B. 125, 127th General Assembly
Advisory Council to Select the Neutral Third-Party Entity to Conduct Pavement Selection Analysis	Section 12, Am. Sub. H.B. 87, 125th General Assembly
Alzheimer's Disease and Related Disorders Task Force	R.C. 173.04
Biofuel and Renewable Energy Task Force	Section 25, Am. Sub. H.B. 87, 125th General Assembly
Bureau of Motor Vehicle Services-Related Study Group	Section 755.40, Am. Sub. H.B. 2, 128th General Assembly

<sup>1</sup> Outright repeals of Revised Code sections and outright repeals of uncodified law sections are listed in Sections 2, 7, and 7.01 of the bill.

NAME OF AGENCY BEING ABOLISHED	REVISED CODE SECTION OR UNCODIFIED LAW SECTION AMENDED OR REPEALED
Child Care Advisory Council	R.C. 5104.08 and 5104.39
Child-Centered Recruitment Task Force	Section 3, Sub. H.B. 7, 127th General Assembly
Child Support Guideline Advisory Council	R.C. 3119.024
Citizens Advisory Committee (BMV)	R.C. 4501.025
Coastal Resources Advisory Council	R.C. 1506.12
Commission on Cuyahoga County Government Reform	Section 703.30, Am. Sub. H.B. 562, 127th General Assembly
Commission on the Future of Health Care Education and Physician Retention in Northwest Ohio	Section 263.30.30, Am. Sub. H.B. 119, 127th General Assembly
Committee to Assist State Fire Marshal in Adopting Specified Fireworks Rules	R.C. 3743.54
Community Behavioral Health Services Study Group	Section 751.13, Am. Sub. H.B. 1, 128th General Assembly
Community Oversight Committee	R.C. 3311.71 and 3311.77
Compact with Ohio Cities Task Force	No express source of law; Section 8(B) of the bill
Compassionate Care Task Force	Section 3, Am. Sub. H.B. 474, 124th General Assembly
Construction and Demolition Debris Facility Study Committee	Section 513.03, Am. Sub. H.B. 66, 126th General Assembly, as amended by Am. Sub. H.B. 100, 126th General Assembly
Correctional Faith-Based Initiatives Task Force	Section 503.09, Am. Sub. H.B. 66, 126th General Assembly
Criminal Sentencing Advisory Committee	R.C. 181.22
Ohio Cystic Fibrosis Legislative Task Force	R.C. 101.38 and Section 4.01 of the bill (effective December 31, 2011)
Data Collection Group of Experts (Health)	R.C. 3727.32
Dentist Loan Repayment Advisory Board	R.C. 3702.92
Developmental Disabilities Developmental Center Closure Commission	R.C. 5123.032
Disability Medical Assistance Council	Section 206.66.43, Am. Sub. H.B. 66, 126th General Assembly



<b>NAME OF AGENCY BEING ABOLISHED</b>	<b>REVISED CODE SECTION OR UNCODIFIED LAW SECTION AMENDED OR REPEALED</b>
Early Childhood Financing Workgroup <sup>2</sup>	Section 265.70.20, Am. Sub. H.B. 1, 128th General Assembly
Foreign Language Advisory Council	Section 3, Am. Sub. S.B. 311, 126th General Assembly
Fuel Production Task Force	Section 1, Sub. H.B. 371, 126th General Assembly
Great Lakes-St. Lawrence River Basin Water Resources Compact Advisory Board	Section 3, Am. H.B. 416, 127th General Assembly
Head Start Partnership Study Council	Section 41.35, Am. Sub. H.B. 95, 125th General Assembly
Higher Education Funding Study Council	Section 209.63.58, Am. Sub. H.B. 66, 126th General Assembly
Household Sewage and Small Flow On-Site Sewage Treatment System Study Commission	R.C. 3718.03; Sections 737.11 and 737.12, Am. Sub. H.B. 119, 127th General Assembly
Insurance Agent Education Advisory Council	R.C. 3905.04, 3905.481, 3905.483, 3905.484, 3905.485, 3905.486, and 3905.88
Inter-University Council Committee to Develop Guidelines and Standards for Colleges and Universities Concerning Governance of Officers and Employees	Section 4, Sub. H.B. 187, 126th General Assembly
Joint Committee to Study Court Costs and Filing Fees	Section 6, Sub. H.B. 336, 126th General Assembly, as amended by Am. Sub. S.B. 155, 127th General Assembly
Joint Council on Developmental Disabilities	R.C. 101.37 and 5123.093
Joint Legislative Study Commission on Most Favored Nation Clauses in Health Care Contracts	Section 6, Sub. H.B. 125, 127th General Assembly
Legislative Committee on the Future Funding of the Bureau for Children with Medical Handicaps	Section 206.42.12, Am. Sub. H.B. 66, 126th General Assembly

<sup>2</sup> Although the Early Childhood Financing Workgroup is listed in Section 7 as being abolished, Section 14 of the bill states that the Early Childhood Advisory Council (R.C. 3301.90) supersedes the Early Childhood Financing Workgroup and succeeds to all the duties, powers, and obligations of the Early Childhood Financing Workgroup.

NAME OF AGENCY BEING ABOLISHED	REVISED CODE SECTION OR UNCODIFIED LAW SECTION AMENDED OR REPEALED
Legislative Task Force to Study Eminent Domain and Its Use and Application in the State	Section 3, Am. Sub. S.B. 167, 126th General Assembly
Lima Correctional Institution Study Committee	Section 377.20, Am. Sub. H.B. 119, 27th General Assembly
Local Government and Library Revenue Distribution Task Force	Section 503.12, Am. Sub. H.B. 66, 126th General Assembly
MARCS Task Force	Section 755.80, Am. Sub. H.B. 2, 128th General Assembly
Maternal and Child Health Council	R.C. 3701.025
Medicaid Administrative Study Council	Section 206.66.53, Am. Sub. H.B. 66, 126th General Assembly, as amended by S.B. 87, 126th General Assembly
Medicaid Buy-in Advisory Council	R.C. 5111.708, 5111.709, and 5111.710
Medication Aide Advisory Council	R.C. 4723.61, 4723.62, 4723.621, 4723.63, and 4723.69
Military Activation Task Force	R.C. 5902.15
MR/DD Futures Study Committee	Section 337.20.20, Am. Sub. H.B. 119, 127th General Assembly
Multidisciplinary Council to Advise on Voluntary Clean-up Standards (EPA)	R.C. 3746.03 and 3746.04
Muskingum River Advisory Council	R.C. 1501.25
North East Ohio Universities Collaboration and Innovation Study Commission	Section 235.60.70, Am. Sub. H.B. 699, 126th General Assembly
Nursing Facility Rate Transition Advisory Council	Section 206.66.24, Am. Sub. H.B. 66, 126th General Assembly
Ohio Aerospace and Defense Advisory Council	R.C. 122.98 and 122.981
Ohio Agriculture to Chemicals, Polymers, and Advanced Materials Task Force	Section 2, Sub. H.B. 233, 127th General Assembly
Ohio Autism Task Force	Section 152, Am. Sub. H.B. 95, 125th General Assembly, as amended by Am. Sub. S.B. 2, 125th General Assembly
Ohio Beekeepers Task Force	Section 709.10, Am. Sub. H.B. 1, 128th General Assembly



NAME OF AGENCY BEING ABOLISHED	REVISED CODE SECTION OR UNCODIFIED LAW SECTION AMENDED OR REPEALED
Ohio Commission on Local Government Reform and Collaboration	Section 701.20, Am. Sub. H.B. 562, 127th General Assembly, as amended by Am. Sub. H.B. 1, 128th General Assembly
Ohio Commission to Reform Medicaid	Section 59.29, Am. Sub. H.B. 95, 125th General Assembly, as amended by Am. Sub. S.B. 189, 125th General Assembly
Ohio Court Appointed Special Advocate/Guardian Ad Litem (CASA/GAL) Study Committee	R.C. 2151.282
Ohio Family and Children First Cabinet Council Advisory Board	R.C. 121.374
Ohio Family and Children First Cabinet Council Committee to Evaluate the Implementation of Specified Laws Regarding TANF Youth Diversion Programs and County Service Coordination Processes	Section 5, Sub. H.B. 57, 124th General Assembly
Ohio Hepatitis C Advisory Commission	R.C. 3701.92
Ohio Lake Erie Commission	R.C. 1506.21
Ohio Lake Erie Fishing Regulatory Reform Task Force	Section 4, Am. Sub. S.B. 77, 127th General Assembly
Ohio Medical Malpractice Commission	Section 4, Am. Sub. S.B. 281, 124th General Assembly; Section 3, Am. Sub. S.B. 86, 125th General Assembly
Ohio Military Reserve Homeland Security Study Commission	Section 560.03, Am. Sub. H.B. 66, 126th General Assembly
Ohio Privacy/Public Record Access Study Committee	Section 3, Sub. H.B. 204, 125th General Assembly
Ohio Public Library Information Network Board	Section 69, H.B. 117, 121st General Assembly, as amended by H.B. 284, 121st General Assembly
Ohio State Highway Patrol Mission Review Task Force	Section 756.40, Am. Sub. H.B. 2, 128th General Assembly
Ohio Subrogation Rights Commission	R.C. 2323.44
Ohio Teacher Education and Licensure Advisory Commission	No express source of law; Section 8(E) of the bill
Ohio Thoroughbred Racing Advisory Committee	R.C. 3769.084

NAME OF AGENCY BEING ABOLISHED	REVISED CODE SECTION OR UNCODIFIED LAW SECTION AMENDED OR REPEALED
Ohio Transportation Task Force	Section 755.03, Am. Sub. H.B. 530, 126th General Assembly, as amended by Am. Sub. H.B. 67, 127th General Assembly
Oil and Gas Advisory Council	Section 8, Sub. H.B. 299, 125th General Assembly
Preconstruction Rules Working Group	Section 3, Sub. S.B. 393, 126th General Assembly
Public-Private Collaborative Commission to Issue Recommendations for Promoting Greater Incidence of Student Success	Section 8, Am. Sub. S.B. 311, 126th General Assembly, as amended by H.B. 190, 127th General Assembly
State Agency Coordinating Group (of the Ohio Water Resources Council)	R.C. 1521.19
School Health Services Advisory Council	R.C. 3319.70 and 3319.71
School Physical Fitness and Wellness Advisory Council	Section 206.10.12, Am. Sub. H.B. 66, 126th General Assembly
State Highway Patrol Funding Task Force	Section 555.17, Am. Sub. H.B. 67, 127th General Assembly
State Park and Recreational Area Study Committee	Section 715.50, Am. Sub. H.B. 562, 127th General Assembly
Task Force on Implementing the Federal Domestic Violence Option in the Ohio Works First Program	Section 6, Am. Sub. S.B. 238, 126th General Assembly, as amended by Am. Sub. H.B. 461, 126th General Assembly
Task Force to Eliminate Health Services Duplication	Section 153, Am. Sub. H.B. 95, 125th General Assembly
Utility Radiological Safety Board	R.C. 119.01, 4937.01, 4937.02, 4937.03, 4937.04, and 4937.05
Vehicle Management Commission (DAS)	R.C. 125.833
Work Group to Advise the Director of Health on Shaken Baby Syndrome Educational Materials	R.C. 3701.63

### Termination or transfer of specific agencies

When an agency falling under the review jurisdiction of the Sunset Review Committee is to be terminated or transferred, the functions of the agency generally continue but are assigned to another agency. According to the controlling definitions, the difference between an agency being terminated and being transferred is a matter of

whether agency personnel are retained or removed. The bill terminates or transfers the following agencies and reassigns the functions as listed below:

<b>NAME OF AGENCY BEING TERMINATED OR TRANSFERRED</b>	<b>NAME OF AGENCY TO WHICH FUNCTIONS ARE ASSIGNED</b>	<b>REVISED CODE SECTION OR UNCODIFIED SECTION OF LAW</b>
<ol style="list-style-type: none"> <li>1. Advisory Boards to EPA for Air Pollution</li> <li>2. Advisory Boards to EPA for Water Pollution Control</li> </ol>	Advisory Boards to EPA for Air and Water Pollution Control	No express source of law; Section 8(C) of the bill
Advisory Committee to Board of Trustees of the Ohio State University on the Engineering Experiment Station	Director of the Engineering Experiment Station	R.C. 3335.27
<ol style="list-style-type: none"> <li>1. Banking Commission</li> <li>2. Savings and Loan Associations and Savings Banks Board</li> <li>3. Credit Union Council</li> </ol>	Financial Consumer Council	R.C. 1121.12, 1121.18, 1121.29, 1123.01, 1123.02, 1123.03, 1123.04, 1155.13, 1163.16, 1181.11, 1181.16, 1181.17, 1315.122, 1733.32, 1733.329, 1733.3210, and Section 11 of the bill
<ol style="list-style-type: none"> <li>1. Data Collection and Analysis Group</li> <li>2. Infection Control Group</li> <li>3. Group of Experts in Pediatric Medicine</li> </ol>	Hospital Measures Advisory Council	R.C. 3727.312, 3727.313, 3727.32, 3727.321, 3727.322, 3727.39, 3727.41, and Section 12 of the bill
Directors of the Medical Liability Underwriting Association Stabilization Reserve Fund	Board of Governors of the Medical Liability Underwriting Association	R.C. 3929.631, 3929.64, 3929.68, and Section 15 of the bill
Interagency Council on Hispanic-Latino Affairs	Commission on Hispanic-Latino Affairs	R.C. 121.32 and Section 13 of the bill
Ohio Agriculture License Plate Scholarship Fund Board	Director of Agriculture	R.C. 901.90 and 4503.77
Ohio Commercial Market Assistance Plan Executive Committee	Ohio Commercial Insurance Joint Underwriting Association Board of Governors	R.C. 3930.02, 3930.03, and Section 17 of the bill
<ol style="list-style-type: none"> <li>1. Ohio Lake Erie Commission</li> <li>2. Coastal Resources Advisory Council</li> </ol>	Great Lakes State Commission	R.C. 1506.12, 1506.21, 1506.22 (6161.04), 1506.23 (6161.05), 1506.24 (6161.06), 4503.52, 6161.021, and Section 9 of the bill

NAME OF AGENCY BEING TERMINATED OR TRANSFERRED	NAME OF AGENCY TO WHICH FUNCTIONS ARE ASSIGNED	REVISED CODE SECTION OR UNCODIFIED SECTION OF LAW
<ol style="list-style-type: none"> <li>1. Ohio Quarter Horse Development Commission</li> <li>2. Ohio Standardbred Development Commission</li> <li>3. Ohio Thoroughbred Racing Advisory Committee</li> </ol>	State Racing Commission	R.C. 3769.083, 3769.084, 3769.085, 3769.086, and Section 18 of the bill
<ol style="list-style-type: none"> <li>1. Physician Loan Repayment Advisory Board</li> <li>2. Dentist Loan Repayment Advisory Board</li> </ol>	Medical Loan Repayment Advisory Board	R.C. 3702.79, 3702.80, 3702.81, 3702.85, 3702.86, 3702.92, 3702.93, 3702.94, and Sections 10 and 10.01 of the bill
Ski Tramway Board	Division of Labor, Department of Commerce	R.C. 121.084, 4169.02, 4169.03, 4169.04, 4169.05, and 4169.06
<ol style="list-style-type: none"> <li>1. Third Frontier Biomedical Advisory Board</li> <li>2. Third Frontier Bioproducts Advisory Board</li> </ol>	Third Frontier Biomedical and Bioproducts Advisory Board	R.C. 184.21, 184.23, 184.231, and Section 16 of the bill

### Termination or transfer-related changes

In connection with the termination or transfer of the agencies listed above, the bill makes the changes described below to facilitate the functioning of the following agencies:

**Financial Consumer Council.** The bill creates the 12-member Financial Consumer Council in the Division of Financial Institutions; the Council supersedes the Banking Commission, Savings and Loan Associations and Savings Banks Board, and the Credit Union Council. The Deputy Superintendent for Banks, the Deputy Superintendent for Savings and Loan Associations and Savings Banks, and the Deputy Superintendent for Credit Unions serve on the Council ex officio and the Governor, with the advice and consent of the Senate, appoints the remaining nine members, who must be representative of the banking industry as a whole, including savings and loan associations, savings banks, credit unions, and representatives of financial institutions of various asset sizes. The bill generally retains the tasks of each agency existing under current law, including making recommendations concerning amendments to laws or rules governing the respective institutions. (R.C. 1121.12, 1121.18, 1121.29, 1123.01,

1123.02, 1123.03, 1123.04, 1155.13, 1163.16, 1181.11, 1181.16, 1181.17, 1315.122, 1733.32, 1733.329, and 1733.3210; Section 11 of the bill.)

**Medical Loan Repayment Advisory Board.** In combining the Physician Loan Repayment Advisory Board and the Dentist Loan Repayment Advisory Board into the Medical Loan Repayment Advisory Board, the governing board has a total of 14 members; as under current law for the respective boards, the Governor appoints five members representing various medical fields and the Board of Regents, and four members representing the dental profession. The bill specifies the timeframe within which the Governor must make appointments to the reconstituted board. (R.C. 3702.79, 3702.80, 3702.81, 3702.85, 3702.86, 3702.92, 3702.93, and 3702.94; Sections 10 and 10.01 of the bill.)

**Third Frontier Biomedical and Bioproducts Advisory Board.** In combining the Third Frontier Biomedical Advisory Board and the Third Frontier Bioproducts Advisory Board, the bill generally retains the tasks and governing structure of each board, but establishes a nine-member board (rather than seven). (R.C. 184.21, 184.23, and 184.231; Section 16 of the bill.)

**Board of Governors of the Medical Liability Underwriting Association.** In replacing the Directors of the Medical Liability Underwriting Association Stabilization Reserve Fund (13 members) with the Board of Governors of the Medical Liability Underwriting Association (9 members), the bill adds two more physicians and one more representative from an in-state hospital to the Board, bringing the total membership of the Board to 12. (R.C. 3929.631, 3929.64, and 3929.68; Section 15 of the bill.)

**Ohio Commercial Insurance Joint Underwriting Association Board of Governors.** In replacing the Ohio Commercial Market Assistance Plan Executive Committee with the Ohio Commercial Insurance Joint Underwriting Association Board of Governors, the bill expands the Board of Governors to include 13 (rather than 11) members appointed by the Superintendent of Insurance. Seven (rather than eight) of the members must be selected from the members of the Joint Underwriting Association, four (rather than five) must be selected from commercial insurers domiciled in this state, three members must continue to be selected from commercial insurers domiciled outside this state, four (rather than one) must be insurance agents (two of whom must be representatives from excess surplus lines brokers and one of whom must be licensed and writing commercial insurance in this state), and two members must continue to be commercial insurance policyholders with no relationship to an insurance company or agent except as purchasers of commercial insurance. (R.C. 3930.02 and 3930.03; Section 17 of the bill.)

## Renewal of specific agencies

Agencies falling under the review jurisdiction of the Sunset Review Committee were to expire if not renewed by December 31, 2010, or otherwise within the statutorily prescribed period. The bill renews the agencies listed below and specifies that they will expire on December 31, 2016, unless they are again renewed by legislation (Section 3 of the bill):

NAME OF AGENCY BEING RENEWED	REVISED CODE SECTION OR UNCODIFIED LAW SECTION AUTHORITY
Academic Distress Commission	R.C. 3302.10
Advisory Board of Governor's Office of Faith-Based and Community Initiatives	R.C. 107.12
Advisory Board to Assist and Advise in the Operation of the Ohio Center for Autism and Low Incidence	R.C. 3323.33, 3323.34
Advisory Council on Amusement Ride Safety	R.C. 1711.51, 1711.52
Advisory Council of Directors for Prison Labor	R.C. 5145.162
Advisory Council to Select Medicaid Drug Managers	No express source of law; Section 8(D) of the bill
Advisory Council for Wild, Scenic, or Recreational River Area(s)	R.C. 1547.84
Advisory Committee on Livestock Exhibitions	R.C. 901.71
Agricultural Commodity Marketing Programs Operating Committee	R.C. 924.07
Agricultural Commodity Marketing Programs Coordinating Committee	R.C. 924.14
Alternative Energy Advisory Committee	R.C. 4928.64(D)
AMBER Alert Advisory Committee	R.C. 5502.521
Apprenticeship Council	R.C. Chapter 4139.
Armory Board of Control	R.C. 5911.09, 5911.12
Automated Title Processing Board	R.C. 4505.09(C)(1)
Backflow Advisory Board	R.C. 3703.21
Board of Directors of the Great Lakes Protection Fund	R.C. 1506.22 (6161.04)

<b>NAME OF AGENCY BEING RENEWED</b>	<b>REVISED CODE SECTION OR UNCODIFIED LAW SECTION AUTHORITY</b>
Board of Directors of the Ohio Appalachian Center for Higher Education	R.C. 3333.58
Board of Directors of the Ohio Health Reinsurance Program	R.C. 3924.08 - 3924.11
Board of Voting Machines Examiners	R.C. 3506.05
Budget Planning and Management Commission	Section 509.10, H.B. 1, 128th General Assembly
Brain Injury Advisory Committee	R.C. 3304.231
Bureau of Workers' Compensation Board of Directors	R.C. 4121.12
Capitol Square Review and Advisory Board	R.C. 105.41
Children's Trust Fund Board	R.C. 3109.15 - 3109.17
Citizen's Advisory Council	R.C. 5123.092, 5123.093
Clean Ohio Trail Advisory Board	R.C. 1519.06
Commission on African-American Males	R.C. 4112.12, 4112.13
Commission on Minority Health	R.C. 3701.78
Committee on Prescriptive Governance	R.C. 4723.49 - 4723.492
Committee to Study Publicly Funded Child Care Services	Section 309.40.70, H.B. 1, 128th General Assembly
Commodity Advisory Commission	R.C. 926.32
Consumer Advisory Committee to the Rehabilitation Services Commission	R.C. 3304.24
Credential Review Board	R.C. 3319.65
Consumer Finance Education Board	R.C. 1349.71, 1349.72
Continuing Education Committee	R.C. 109.80(B)
Council on Alcohol and Drug Addiction Services	R.C. 3793.09
Council on Unreclaimed Strip Mined Lands	R.C. 1513.29
County Sheriff's Standard Car Marking and Uniform Commission	R.C. 311.25 - 311.27
Department Advisory Council(s)	R.C. 107.18, 121.13
Development Financing Advisory Council	R.C. 122.40, 122.41

<b>NAME OF AGENCY BEING RENEWED</b>	<b>REVISED CODE SECTION OR UNCODIFIED LAW SECTION AUTHORITY</b>
Early Childhood Advisory Council <sup>3</sup>	R.C. 3301.90
Education Commission of the States (Interstate Compact for Education)	R.C. 3301.48, 3301.49
Education Management Information System Advisory Board	R.C. 3301.0713
Educator Standards Board	R.C. 3319.60
Electrical Safety Inspector Advisory Committee	R.C. 3783.08
Emergency Response Commission	R.C. 3750.02
Environmental Education Council	R.C. 3745.21
Environmental Protection Agency Advisory Board(s)	R.C. 121.13, 3704.03, 3745.01
eTech Ohio Commission	R.C. 3353.02 - 3353.04
Ex-Offender Reentry Coalition	R.C. 5120.07
Farmland Preservation Advisory Board	R.C. 901.23
Financial Planning and Supervision Commission(s)	R.C. 118.05 - 118.09
Financial Planning and Supervision Commission for (name of school district)	R.C. 3316.05 - 3316.07
Forestry Advisory Council	R.C. 1503.40
Governance Authority for a State University or College	R.C. 3345.75
Governor's Council on People with Disabilities	R.C. 3303.41
Governor's Policy Information Working Group	Section 313, H.B. 420, 127th General Assembly
Governor's Residence Advisory Commission	R.C. 107.40
Grain Marketing Program Operating Committee	R.C. 924.20 - 924.30
Gubernatorial Transition Committee	R.C. 107.29, 126.26

<sup>3</sup> In addition, Section 14 of the bill states that the Early Childhood Advisory Council (R.C. 3301.90) supersedes the Early Childhood Financing Workgroup and succeeds to all the duties, powers, and obligations of the Early Childhood Financing Workgroup.



<b>NAME OF AGENCY BEING RENEWED</b>	<b>REVISED CODE SECTION OR UNCODIFIED LAW SECTION AUTHORITY</b>
Help Me Grow Advisory Council	R.C. 3701.611
Hemophilia Advisory Subcommittee of the Medically Handicapped Children's Medical Advisory Council	R.C. 3701.0210
Homeland Security Advisory Council	R.C. 5502.011(E)
Harmon Commission	R.C. 3306.50
Housing Trust Fund Advisory Committee	R.C. 174.06
Industrial Commission Nominating Council	R.C. 4121.04
Industrial Technology and Enterprise Advisory Council	R.C. 122.29, 122.30
Infant Hearing Screening Subcommittee	R.C. 3701.507
Joint Select Committee on Volume Cap	R.C. 133.021
Labor-Management Government Advisory Council	R.C. 4121.70
Legal Rights Service Commission	R.C. 5123.60
Legislative Programming Committee of the Ohio Government Telecommunications Service	R.C. 3353.07
Legislative Task Force on Redistricting, Reapportionment, and Demographic Research	R.C. 103.51
Maternity and Newborn Advisory Council	R.C. 3711.20, 3711.21
Medically Handicapped Children's Medical Advisory Council	R.C. 3701.025
Milk Sanitation Board	R.C. 917.03 - 917.032
Mine Subsidence Insurance Governing Board	R.C. 3929.51
Minority Development Financing Advisory Board	R.C. 122.72, 122.73
Multi-Agency Radio Communications System (MARCS) Steering Committee	Section 15.02, H.B. 640, 123rd General Assembly
National Museum of Afro-American History and Culture Planning Committee	R.C. 149.303
New African Immigrants Commission	R.C. 4112.31, 4112.32
Ohio Accountability Task Force	R.C. 3302.021(E)



<b>NAME OF AGENCY BEING RENEWED</b>	<b>REVISED CODE SECTION OR UNCODIFIED LAW SECTION AUTHORITY</b>
Ohio Advisory Council for the Aging	R.C. 173.03
Ohio Arts Council	R.C. Chapter 3379.
Ohio Business Gateway Steering Committee	R.C. 5703.57
Ohio Cemetery Dispute Resolution Commission	R.C. 4767.05, 4767.06
Ohio Civil Rights Commission Advisory Agencies and Conciliation Councils	R.C. 4112.04(B)(4)
Ohio Commission on Dispute Resolution and Conflict Management	R.C. 179.02 - 179.04
Ohio Community Service Council	R.C. 121.40 - 121.404
Ohio Council for Interstate Adult Offender Supervision	R.C. 5149.22
Ohio Cultural Facilities Commission	R.C. Chapter 3383.
Ohio Developmental Disabilities Council	R.C. 5123.35
Ohio Expositions Commission	R.C. 991.02
Ohio Family and Children First Cabinet Council	R.C. 121.37
Ohio Geographically Referenced Information Program Council	R.C. 125.901, 125.902
Ohio Historic Site Preservation Advisory Board	R.C. 149.301
Ohio Geology Advisory Council	R.C. 1501.11
Ohio Grape Industries Committee	R.C. 924.51 - 924.55
Ohio Historical Society Board of Trustees	R.C. 149.30
Ohio Judicial Conference	R.C. 105.91 - 105.97
Ohio Legislative Commission on the Education and Preservation of State History	Section 701.05, H.B. 1, 128th General Assembly
Ohio Medical Quality Foundation	R.C. 3701.89
Ohio Parks and Recreation Council	R.C. 1541.40
Ohio Peace Officer Training Commission	R.C. 109.71, 109.72
Ohio Private Investigation and Security Services Commission	R.C. 4749.021, 4743.01
Ohio Public Defender Commission	R.C. 120.01 - 120.03

NAME OF AGENCY BEING RENEWED	REVISED CODE SECTION OR UNCODIFIED LAW SECTION AUTHORITY
Ohio Public Library Information Network Board of Trustees	R.C. 3375.65, 3375.66
Ohio Small Government Capital Improvements Commission	R.C. 164.02(C) and (D)
Ohio Soil and Water Conservation Commission	R.C. 1515.02
Ohio Steel Industry Advisory Council	R.C. 122.97, 122.971
Ohio Transportation Finance Commission	R.C. 5531.12(B) to (D)
Ohio Tuition Trust Authority	R.C. 3334.03, 3334.08
Ohio University College of Osteopathic Medicine Advisory Committee	R.C. 3337.10, 3337.11
Ohio Vendors Representative Committee	R.C. 3304.34, 20 U.S.C. 107
Ohio War Orphans Scholarship Board	R.C. 5910.02 - 5910.06
Ohio Water Advisory Council	R.C. 1521.031
Ohio Water Resources Council Advisory Group	R.C. 1521.19
Ohio Water Resources Council	R.C. 1521.19
Ohioana Library Association, Martha Kinney Cooper Memorial, Board of Trustees	R.C. 3375.61, 3375.62
Oil and Gas Commission	R.C. 1509.35
Operating Committee of the Oil and Gas Marketing Program	R.C. 1510.06, 1510.11
Organized Crime Investigations Commission	R.C. 177.01
Pharmacy and Therapeutics Committee of the Department of Job and Family Services	R.C. 5111.084
Physician Assistant Policy Committee of the State Medical Board	R.C. 4730.05, 4730.06
Power Siting Board	R.C. 4906.02
Prequalification Review Board	R.C. 5525.07
Private Water Systems Advisory Council	R.C. 3701.346
Public Health Council	R.C. 3701.33, 3701.34
Public Schools Health Care Advisory Committee	R.C. 9.901



<b>NAME OF AGENCY BEING RENEWED</b>	<b>REVISED CODE SECTION OR UNCODIFIED LAW SECTION AUTHORITY</b>
Public Utilities Commission Nominating Council	R.C. 4901.021
Public Utility Property Tax Study Committee	R.C. 5727.85(K)
Radiation Advisory Council	R.C. 3748.20
Reclamation Commission	R.C. 1513.05
Reclamation Forfeiture Fund Advisory Board	R.C. 1513.182
Recreation and Resources Commission	R.C. 1501.04
Recycling and Litter Prevention Advisory Council	R.C. 1502.04
School and Ministerial Lands Divestiture Committee	R.C. 501.041
School Employees Health Care Board	R.C. 9.901
School Funding Advisory Council	R.C. 3306.29
Second Chance Trust Fund Advisory Committee	R.C. 2108.35
Service Coordination Workgroup	Section 751.20, H.B. 1, 128th General Assembly
Small Business Stationary Source Technical and Environmental Compliance Assistance Council	R.C. 3704.19
Solid Waste Management Advisory Council	R.C. 3734.51
Special Commission to Consider the Suspension of Local Government Officials	R.C. 3.16
Speed to Scale Task Force	Section 375.60.80, H.B. 119, 128th General Assembly
State Audit Committee	R.C. 126.46
State Council of Uniform State Laws	R.C. 105.21 - 105.27
State Criminal Sentencing Commission	R.C. 181.21 - 181.26
State Fire Commission	R.C. 3737.81
State Library Board	R.C. 3375.01
State Regional Alliance Advisory Board	R.C. 3312.11, 3312.12
State Victims Assistance Advisory Committee	R.C. 109.91(B) and (C)

NAME OF AGENCY BEING RENEWED	REVISED CODE SECTION OR UNCODIFIED LAW SECTION AUTHORITY
Statewide Consortium of County Law Library Resource Boards	R.C. 3375.481
STEM Committee	R.C. 3326.02
Student Tuition Recovery Authority	R.C. 3332.081
Sunset Review Committee	R.C. 101.84 - 101.87
Tax Credit Authority	R.C. 122.17(M)
Technical Advisory Committee to Assist Director of the Ohio Coal Development Office	R.C. 1551.35
Technical Advisory Council on Oil and Gas	R.C. 1509.38
Transportation Review Advisory Council	R.C. 5512.07 - 5512.09
Unemployment Compensation Advisory Council	R.C. 4141.08
Unemployment Compensation Review Commission	R.C. 4141.06
Unified Long-Term Care Budget Work Group	Section 209.40, Am. Sub. H.B. 1, 128th General Assembly
Veterans Advisory Committee	R.C. 5902.02(K)
Volunteer Fire Fighters' Dependents Fund Boards (private volunteer)	R.C. 146.02 - 146.06
Volunteer Fire Fighters' Dependents Fund Boards (public)	R.C. 146.02 - 146.06
Water and Sewer Commission	R.C. 1525.11(C)
Waterways Safety Council	R.C. 1547.73
Wildlife Council	R.C. 1531.03 - 1531.05
Workers' Compensation Board of Directors Nominating Committee	R.C. 4121.123
Workers' Compensation Council <sup>4</sup>	R.C. 4121.75 - 4121.78

<sup>4</sup> The bill lists the Workers' Compensation Council as a retained agency; however, under the controlling definitions, the Council is not an agency for purposes of the Sunset Review Law under R.C. 101.82.

## Renewal-related changes

In connection with the renewal of the agencies listed above, the bill makes changes to current law to facilitate the functioning of the following agencies:

**Early Childhood Advisory Council.** This agency is created by the Governor under current law and generally serves functions as described in federal law. The bill imposes an additional duty, requiring the agency to develop recommendations that explore the implementation of a single financing system for early care and education programs that includes aligned payment mechanisms and consistent eligibility and copayment policies. The Council must submit its recommendations to the Governor. (R.C. 3301.90.)

**Ohio Advisory Council for the Aging.** The bill revises the transition between members of the governing board, compensation, and conflict of interest. Under current law any member may continue in office subsequent to the expiration date of the member's term until a successor takes office and is compensated for the period served between the expiration of the member's term and the beginning of the successor's term; under the bill, no member continues in office subsequent to the expiration date of the member's term unless reappointed and no member may serve more than three consecutive terms on the Council.

Under current law, Council members are compensated at the rate of \$50 for each day actually employed in the discharge of official duties, up to \$2,000 per year, and in addition are allowed actual and necessary expenses. The bill eliminates the payments of \$50 per day, up to \$2,000 per year, and allows the Director of Aging to reimburse a member for actual and necessary traveling and other expenses incurred in the discharge of official duties, but the reimbursement must be made in the manner, and at rates that do not exceed those, prescribed by the Director of Budget and Management for any officer, member, or employee of, or consultant to, any state agency.

Current law prohibits Council members from having any direct or indirect interest in any contract awarded by the Department of Aging. The bill allows the Department to award grants to or enter into contracts with a Council member if either (1) the Department determines that the Council member is capable of providing the goods or services specified under the terms of the grant or contract or (2) the Council member has not taken part in any discussion or vote of the Council related to whether the Council should recommend that the Department award the grant to or enter into the contract with the Council member. Additionally, the bill specifies that a Council member who receives an approved grant or contract award is not in violation of the Ethics Law (Chapter 102.) or of the law that prohibits having an unlawful interest in a public contract. (R.C. 173.03.)

**Ohio Historic Site Preservation Advisory Board.** The bill renews the Ohio Historic Site Preservation Advisory Board, but transfers from it to the Ohio Historical Society the function, pursuant to the application of a person owning or in possession of a homestead or tract of land that has been in the person's family for 100 years or more, of authenticating and recording the homestead or tract of land in a register maintained by the Society. (R.C. 149.301.)

## **OTHER MATTERS**

### **Workers' Compensation Council**

The Workers' Compensation Council was created in 2007 by Am. Sub. H.B. 100 of the 127th General Assembly for the purpose of reviewing the soundness of the workers' compensation system and legislation involving or affecting the workers' compensation system. The bill generally retains the Workers' Compensation Council but eliminates its funding and requires the General Assembly to review the Council and its funding. (Sections 3 and 5.01 of the bill.)

The bill removes a requirement of current law for the administrative costs of the Council to be borne by the public and private employers subject to the Worker's Compensation Law and for the costs to be allocated among those entities that are assessed (R.C. 4123.341, 4123.342, and 4123.35). The bill also makes corresponding changes, eliminating references to the Director of the Workers' Compensation Council preparing and submitting a budget and also eliminating the Director's authority to enter into a contract with an actuary (R.C. 4121.03, 4121.121, 4121.77, and 4121.79; Sections 5.01 and 5.02 of the bill; Section 512.45 of Am. Sub. H.B. 100 of the 127th General Assembly, as amended by Am. Sub. H.B. 15 of the 128th General Assembly).

The bill eliminates two funds, the Workers' Compensation Council Fund (consisting of all money transferred into it by the Administrator of Workers' Compensation from employer assessments and used to pay the expenses of the Council) and the Workers' Compensation Remuneration Fund (R.C. 127.14 and 4121.79). As soon as possible after the Workers' Compensation Council Fund has been abolished, the bill requires the Administrator of Workers' Compensation to refund to employers unexpended, unencumbered amounts that were originally collected as an assessment for costs attributable to the activities of the Workers' Compensation Council (Section 5.01 of the bill).

### **Rail compact representatives**

As part of its existing membership in the Interstate High Speed Intercity Rail Passenger Network Compact, Ohio is required to appoint two representatives to serve on the Interstate Rail Passenger Advisory Council. The bill requires the Governor to

appoint (1) one representative who must be a member of the private sector and must hold a Bachelor of Science degree in either engineering or transportation science and (2) one representative who must be either the Director of Transportation or the chairperson of the Ohio Rail Development Commission.

Under current law, Ohio also is a member of the Midwest Interstate Passenger Rail Compact and is required to appoint four members of the governing commission; the Governor appoints two members and the Speaker of the House of Representatives and the President of the Senate each make one appointment. The bill requires the Governor's appointments to the Commission to be the same persons as the Governor appoints to the Interstate Rail Passenger Advisory Council and further specifies that the appointments fulfill the Midwest Interstate Passenger Rail Compact requirements for an Ohio representative who is a member of the private sector and an Ohio representative who is the Governor's designee. (R.C. 4981.361.)

### **Corrective changes**

The bill removes references to the Partnership for Continued Learning, which was abolished by Am. Sub. H.B. 1, 128th General Assembly (R.C. 3313.6013 and 3345.062; Section 3 of Am. Sub. S.B. 311 of the 126th General Assembly).

The bill removes references to a Council to advise the Director of Health on the establishment and implementation of the birth defects information system; the Council was abolished by Sub. H.B. 534 of the 123rd General Assembly (R.C. 3705.35 and 3705.36).

### **EFFECTIVE DATE**

The bill generally takes effect on the date that is three months after the date on which the bill becomes law (Section 19 of the bill).

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### **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	04-15-10

H0495-I-128.docx/jc

