

As Passed by the Senate

132nd General Assembly

Regular Session

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Sub. S. B. No. 144

Senator Burke

Cosponsors: Senators Yuko, Coley, Bacon, Beagle, Eklund, Hackett, Hite, Hoagland, Huffman, Lehner, Manning, Obhof, O'Brien, Tavares, Terhar, Wilson

A BILL

To amend sections 3304.22, 4141.04, and 4765.04, to
enact new sections 3304.12, 3304.13, and
3304.14, and to repeal sections 3303.41,
3304.12, 3304.13, 3304.14, and 3304.25 of the
Revised Code to abolish the Opportunities for
Ohioans with Disabilities Commission, Consumer
Advisory Committee, and Governor's Council on
People with Disabilities and to establish a
state rehabilitation services council known as
the Opportunities for Ohioans with Disabilities
Council.

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

Section 1. That sections 3304.22, 4141.04, and 4765.04 be
amended and new sections 3304.12, 3304.13, and 3304.14 of the
Revised Code be enacted to read as follows:

Sec. 3304.12. (A) There is hereby created a state
rehabilitation services council to be known as the opportunities
for Ohioans with disabilities council. The opportunities for
Ohioans with disabilities agency shall provide administrative

support to the council. The council shall consist of the 19
following members: 20

(1) An individual who represents a parent training and 21
information center established in accordance with the federal 22
"Individuals with Disabilities Education Act," 20 U.S.C. 1400; 23

(2) A full-time employee of a client assistance program 24
described in 34 C.F.R. 370.1; 25

(3) A vocational counselor who has knowledge of and 26
experience with vocational rehabilitation services; 27

(4) An individual who represents community rehabilitation 28
program service providers; 29

(5) Four individuals each representing business, industry, 30
or labor interests; 31

(6) An individual who represents an organization that 32
advocates on behalf of individuals with physical, cognitive, 33
sensory, or mental disabilities; 34

(7) An individual who represents individuals with 35
disabilities who are unable to represent or have difficulty 36
representing themselves; 37

(8) An individual who has applied for or received 38
vocational rehabilitation services; 39

(9) An individual who represents institutions of secondary 40
or higher education; 41

(10) An individual from the governor's executive workforce 42
board established by section 6301.04 of the Revised Code; 43

(11) An individual from the department of education with 44
knowledge of and experience with the "Individuals with 45

Disabilities Education Act"; 46

(12) An individual who represents the Ohio statewide 47
independent living council. 48

A majority of the members of the council shall be 49
individuals with disabilities who are not employed by the 50
opportunities for Ohioans with disabilities agency. 51

The executive director of the opportunities for Ohioans 52
with disabilities agency shall serve as a nonvoting member of 53
the council. If a member of the council is an employee of the 54
opportunities for Ohioans with disabilities agency, then that 55
member also shall serve as a nonvoting member of the council. 56

(B) (1) All council members shall be appointed by the 57
governor. The governor shall make initial appointments to the 58
council not later than sixty days after the effective date of 59
this section. Of the initial appointments, five shall be for 60
terms of three years, five for terms of two years, and five for 61
terms of one year. Thereafter, terms shall be three years. 62

(2) When a term expires or a vacancy occurs before a term 63
expires, a successor member shall be appointed. A member 64
appointed to fill a vacancy occurring before the expiration of a 65
term for which the member's predecessor was appointed shall hold 66
office for the remainder of that term. 67

(3) Except for the member described in division (A) (2) of 68
this section and the executive director of the opportunities for 69
Ohioans with disabilities agency, no person shall serve more 70
than two consecutive terms on the council. Terms shall be 71
considered consecutive unless they are separated by a period of 72
three or more years. In determining a person's eligibility to 73
serve on the council under this division, both of the following 74

shall apply: 75

(a) Time spent on the council while serving the remainder 76
of an unexpired term to which another person was first appointed 77
shall not be considered, provided that a period of at least 78
three years passed between the time, if any, in which the person 79
previously served on the council and the time the person is 80
appointed to fulfill the unexpired term. 81

(b) A person who is appointed to serve on the council at 82
the beginning of a term and resigns before completing that term 83
shall be considered to have served the full term. 84

(c) Each member of the council shall serve without 85
compensation, except to the extent that serving on the council 86
is considered part of the member's regular duties of employment. 87
Each member shall be reimbursed for actual expenses incurred in 88
the performance of the member's official duties, including 89
expenses for travel and personal assistance services. 90

Sec. 3304.13. The opportunities for Ohioans with 91
disabilities council shall hold its first meeting at the call of 92
the governor. Regular meetings shall be held not less than four 93
times a year. Special meetings may be held with the approval of 94
the governor. Eight members constitute a quorum. 95

The council, by a majority vote, shall select one of its 96
members to serve as its chairperson. The member selected shall 97
serve as chairperson for one year, unless removed earlier by a 98
majority vote of the council. 99

The council shall establish standards for the conduct of 100
council business. 101

A council member who has a conflict of interest on a 102
matter before the council shall not participate in council 103

discussions and votes on the matter. 104

Sec. 3304.14. (A) The opportunities for Ohioans with 105
disabilities council, in collaboration with the governor's 106
office of workforce transformation, shall do all of the 107
following: 108

(1) Examine all of the following related to the state 109
vocational rehabilitation program: 110

(a) The process for determining eligibility, including the 111
order of selection; 112

(b) The extent, scope, and effectiveness of services 113
provided; 114

(c) The impact of state agency actions on the ability of 115
individuals with disabilities to achieve employment outcomes 116
through the program. 117

(2) Advise the opportunities for Ohioans with disabilities 118
agency regarding the examination described in division (A)(1) of 119
this section; 120

(3) In partnership with the opportunities for Ohioans with 121
disabilities agency and as required by 34 C.F.R. 361.29(c), 122
identify, develop, agree, and review state goals and priorities 123
relating to the vocational rehabilitation services portion of 124
the unified or combined state plan submitted in accordance with 125
the "Workforce Innovation and Opportunity Act of 2014," 29 126
U.S.C. 3102; 127

(4) In partnership with the opportunities for Ohioans with 128
disabilities agency and as required by 34 C.F.R. 361.29(e), 129
evaluate the effectiveness of the vocational rehabilitation 130
program and prepare and submit to the United States secretary of 131

education an annual report on the progress made in improving the 132
program's effectiveness as part of the unified or combined state 133
plan; 134

(5) Advise the opportunities for Ohioans with disabilities 135
agency regarding vocational rehabilitation program activities; 136

(6) Assist the opportunities for Ohioans with disabilities 137
agency in the preparation of the vocational rehabilitation 138
services portion of the unified or combined state plan, any 139
amendments to the plan, and any reports, needs assessments, or 140
evaluations required as part of the plan; 141

(7) To the extent feasible, evaluate the satisfaction that 142
individuals with disabilities served by the vocational 143
rehabilitation program have with and the effectiveness of the 144
following: 145

(a) The duties performed or services provided by the 146
opportunities for Ohioans with disabilities agency; 147

(b) The vocational rehabilitation services provided by 148
state agencies or other entities responsible for providing 149
vocational rehabilitation services to individuals under the 150
"Rehabilitation Act of 1973," 29 U.S.C. 701; 151

(c) The employment outcomes achieved under the vocational 152
rehabilitation services program, including the availability of 153
health and other employment benefits. 154

(8) Not later than ninety days after the end of each 155
federal fiscal year, prepare and submit to the governor and the 156
United States secretary of education a report concerning the 157
status of vocational rehabilitation programs available within 158
the state and make the report available to the public through 159
appropriate means; 160

(9) Coordinate efforts with other entities to increase the number of individuals receiving vocational rehabilitation services, including the following: the Ohio statewide independent living council; the advisory panel established under section 3323.06 of the Revised Code; the Ohio developmental disabilities council created by section 5123.35 of the Revised Code; the entity serving as this state's state mental health planning council, as described in the "Public Health Services Act," 42 U.S.C. 300x-3; the governor's executive workforce board established by section 6301.04 of the Revised Code; and the entities performing activities under the "Assistive Technology Act of 1998," 29 U.S.C. 3001 et seq.; 161
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(10) Engage in efforts to improve coordination and establish relationships between the opportunities for Ohioans with disabilities agency, the Ohio statewide independent living council, and the centers for independent living; 173
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(11) Perform any other functions consistent with the purposes of the "Rehabilitation Act of 1973," 29 U.S.C. 701, and the duties of the council. 177
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(B) The opportunities for Ohioans with disabilities agency shall assist the opportunities for Ohioans with disabilities council in performing its duties and shall collaborate with the council in developing a resource plan in compliance with federal law. 180
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Sec. 3304.22. No officer or employee of the opportunities for Ohioans with disabilities ~~commission~~ council, the opportunities for Ohioans with disabilities agency, or any person engaged in the administration of a vocational rehabilitation services program sponsored by or affiliated with the state shall use or permit the use of any vocational 185
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rehabilitation services program for the purpose of interfering 191
with an election for any partisan political purpose; solicit or 192
receive money for a partisan political purpose; or require any 193
other person to contribute any service or money for a partisan 194
political purpose. Whoever violates this section shall be 195
removed from the officer's or employee's office or employment. 196

Sec. 4141.04. The director of job and family services 197
shall maintain or ensure the existence of public employment 198
offices that are free to the general public. These offices shall 199
exist in such number and in such places as are necessary for the 200
proper administration of this chapter, to perform such duties as 201
are within the purview of the act of congress entitled "an act 202
to provide for the establishment of a national employment system 203
and for cooperation with the states in the promotion of such 204
system, and for other purposes," approved June 6, 1933, as 205
amended, which is known as the "Wagner-Peyser Act." The director 206
shall cooperate with any official or agency of the United States 207
having powers or duties under that act of congress and shall do 208
and perform all things necessary to secure to this state the 209
benefits of that act of congress in the promotion and 210
maintenance of a system of public employment offices. That act 211
of congress is hereby accepted by this state, in conformity with 212
that act of congress and Title III of the "Social Security Act," 213
and the "Federal Unemployment Tax Act," 26 U.S.C.A. 3301, as 214
amended, and this state will observe and comply with the 215
requirements thereof. The department of job and family services 216
is hereby designated and constituted the agency of this state 217
for the purposes of that act of congress. 218

The director may cooperate with or enter into agreements 219
with the railroad retirement board with respect to the 220
establishment, maintenance, and use of employment service 221

facilities that are free to the general public. 222

All moneys received by this state under the act of 223
congress known as the Wagner-Peyser Act shall be deposited into 224
the state treasury to the credit of the special employment 225
service account in the federal operating fund, which is hereby 226
created. Those moneys are hereby made available to the director 227
to be expended as provided by this section and by that act of 228
congress. For the purpose of establishing and maintaining public 229
employment offices that are free to the general public, the 230
director may enter into agreements with the railroad retirement 231
board or any other agency of the United States charged with the 232
administration of an unemployment compensation law, with any 233
political subdivision of this state, or with any private, 234
nonprofit organization and as a part of any such agreement the 235
director may accept moneys, services, or quarters as a 236
contribution to the employment service account. 237

The director shall maintain labor market information and 238
employment statistics as necessary for the administration of 239
this chapter. 240

~~The director shall appoint an employee of the department 241
to serve as an ex officio member of the governor's council to 242
maintain a liaison between the department and the governor's 243
council on people with disabilities. 244~~

Sec. 4765.04. (A) The firefighter and fire safety 245
inspector training committee of the state board of emergency 246
medical, fire, and transportation services is hereby created and 247
shall consist of the members of the board who are chiefs of fire 248
departments, and the members of the board who are emergency 249
medical technicians-basic, emergency medical technicians- 250
intermediate, and emergency medical technicians-paramedic 251

appointed from among persons nominated by the Ohio association 252
of professional fire fighters or the northern Ohio fire fighters 253
and from among persons nominated by the Ohio state firefighter's 254
association. Each member of the committee, except the 255
chairperson, may designate a person with fire experience to 256
serve in that member's place. The members of the committee or 257
their designees shall select a chairperson from among the 258
members or their designees. 259

The committee may conduct investigations in the course of 260
discharging its duties under this chapter. In the course of an 261
investigation, the committee may issue subpoenas. If a person 262
subpoenaed fails to comply with the subpoena, the committee may 263
authorize its chairperson to apply to the court of common pleas 264
in the county where the person to be subpoenaed resides for an 265
order compelling compliance in the same manner as compliance 266
with a subpoena issued by the court is compelled. 267

(B) The trauma committee of the state board of emergency 268
medical, fire, and transportation services is hereby created and 269
shall consist of the following members appointed by the director 270
of public safety: 271

(1) A physician who is certified by the American board of 272
surgery or American osteopathic board of surgery and actively 273
practices general trauma surgery, appointed from among three 274
persons nominated by the Ohio chapter of the American college of 275
surgeons, three persons nominated by the Ohio state medical 276
association, and three persons nominated by the Ohio osteopathic 277
association; 278

(2) A physician who is certified by the American board of 279
surgery or the American osteopathic board of surgery and 280
actively practices orthopedic trauma surgery, appointed from 281

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| among three persons nominated by the Ohio orthopedic society and | 282 |
| three persons nominated by the Ohio osteopathic association; | 283 |
| (3) A physician who is certified by the American board of | 284 |
| neurological surgeons or the American osteopathic board of | 285 |
| surgery and actively practices neurosurgery on trauma victims, | 286 |
| appointed from among three persons nominated by the Ohio state | 287 |
| neurological society and three persons nominated by the Ohio | 288 |
| osteopathic association; | 289 |
| (4) A physician who is certified by the American board of | 290 |
| surgeons or American osteopathic board of surgeons and actively | 291 |
| specializes in treating burn victims, appointed from among three | 292 |
| persons nominated by the Ohio chapter of the American college of | 293 |
| surgeons and three persons nominated by the Ohio osteopathic | 294 |
| association; | 295 |
| (5) A dentist who is certified by the American board of | 296 |
| oral and maxillofacial surgery and actively practices oral and | 297 |
| maxillofacial surgery, appointed from among three persons | 298 |
| nominated by the Ohio dental association; | 299 |
| (6) A physician who is certified by the American board of | 300 |
| physical medicine and rehabilitation or American osteopathic | 301 |
| board of rehabilitation medicine and actively provides | 302 |
| rehabilitative care to trauma victims, appointed from among | 303 |
| three persons nominated by the Ohio society of physical medicine | 304 |
| and rehabilitation and three persons nominated by the Ohio | 305 |
| osteopathic association; | 306 |
| (7) A physician who is certified by the American board of | 307 |
| surgery or American osteopathic board of surgery with special | 308 |
| qualifications in pediatric surgery and actively practices | 309 |
| pediatric trauma surgery, appointed from among three persons | 310 |

nominated by the Ohio chapter of the American academy of 311
pediatrics and three persons nominated by the Ohio osteopathic 312
association; 313

(8) A physician who is certified by the American board of 314
emergency medicine or American osteopathic board of emergency 315
medicine, actively practices emergency medicine, and is actively 316
involved in emergency medical services, appointed from among 317
three persons nominated by the Ohio chapter of the American 318
college of emergency physicians and three persons nominated by 319
the Ohio osteopathic association; 320

(9) A physician who is certified by the American board of 321
pediatrics, American osteopathic board of pediatrics, or 322
American board of emergency medicine, is sub-boarded in 323
pediatric emergency medicine, actively practices pediatric 324
emergency medicine, and is actively involved in emergency 325
medical services, appointed from among three persons nominated 326
by the Ohio chapter of the American academy of pediatrics, three 327
persons nominated by the Ohio chapter of the American college of 328
emergency physicians, and three persons nominated by the Ohio 329
osteopathic association; 330

(10) A physician who is certified by the American board of 331
surgery, American osteopathic board of surgery, or American 332
board of emergency medicine and is the chief medical officer of 333
an air medical organization, appointed from among three persons 334
nominated by the Ohio association of air medical services; 335

(11) A coroner or medical examiner appointed from among 336
three people nominated by the Ohio state coroners' association; 337

(12) A registered nurse who actively practices trauma 338
nursing at an adult or pediatric trauma center, appointed from 339

among three persons nominated by the Ohio association of trauma 340
nurse coordinators; 341

(13) A registered nurse who actively practices emergency 342
nursing and is actively involved in emergency medical services, 343
appointed from among three persons nominated by the Ohio chapter 344
of the emergency nurses' association; 345

(14) The chief trauma registrar of an adult or pediatric 346
trauma center, appointed from among three persons nominated by 347
the alliance of Ohio trauma registrars; 348

(15) The administrator of an adult or pediatric trauma 349
center, appointed from among three persons nominated by ~~OHA; the~~ 350
Ohio hospital association for hospitals and health systems, 351
three persons nominated by the Ohio osteopathic association, 352
three persons nominated by the association of Ohio children's 353
hospitals, and three persons nominated by the health forum of 354
Ohio; 355

(16) The administrator of a hospital that is not a trauma 356
center and actively provides emergency care to adult or 357
pediatric trauma patients, appointed from among three persons 358
nominated by ~~OHA; the Ohio hospital association for hospitals~~ 359
~~and health systems,~~ three persons nominated by the Ohio 360
osteopathic association, three persons nominated by the 361
association of Ohio children's hospitals, and three persons 362
nominated by the health forum of Ohio; 363

(17) The operator of an ambulance company that actively 364
provides trauma care to emergency patients, appointed from among 365
three persons nominated by the Ohio ambulance association; 366

(18) The chief of a fire department that actively provides 367
trauma care to emergency patients, appointed from among three 368

persons nominated by the Ohio fire chiefs' association; 369

(19) An EMT or paramedic who is certified under this 370
chapter and actively provides trauma care to emergency patients, 371
appointed from among three persons nominated by the Ohio 372
association of professional firefighters, three persons 373
nominated by the northern Ohio fire fighters, three persons 374
nominated by the Ohio state firefighters' association, and three 375
persons nominated by the Ohio association of emergency medical 376
services; 377

(20) A person who actively advocates for trauma victims, 378
appointed from three persons nominated by the Ohio brain injury 379
association ~~and three persons nominated by the governor's~~ 380
~~council on people with disabilities;~~ 381

(21) A physician or nurse who has substantial 382
administrative responsibility for trauma care provided in or by 383
an adult or pediatric trauma center, appointed from among three 384
persons nominated by ~~OHA: the~~ Ohio hospital ~~association for~~ 385
~~hospitals and health systems,~~ three persons nominated by the 386
Ohio osteopathic association, three persons nominated by the 387
association of Ohio children's hospitals, and three persons 388
nominated by the health forum of Ohio; 389

(22) Three representatives of hospitals that are not 390
trauma centers and actively provide emergency care to trauma 391
patients, appointed from among three persons nominated by ~~OHA:~~ 392
the Ohio hospital ~~association for hospitals and health systems,~~ 393
three persons nominated by the Ohio osteopathic association, 394
three persons nominated by the association of Ohio children's 395
hospitals, and three persons nominated by the health forum of 396
Ohio. The representatives may be hospital administrators, 397
physicians, nurses, or other clinical professionals. 398

Members of the committee shall have substantial experience 399
in the categories they represent, shall be residents of this 400
state, and may be members of the state board of emergency 401
medical, fire, and transportation services. In appointing 402
members of the committee, the director shall attempt to include 403
members representing urban and rural areas, various geographical 404
areas of the state, and various schools of training. The 405
director shall not appoint to the committee more than one member 406
who is employed by or practices at the same hospital, health 407
system, or emergency medical service organization. 408

The director may refuse to appoint any of the persons 409
nominated by an organization or organizations under this 410
division. In that event, the organization or organizations shall 411
continue to nominate the required number of persons until the 412
director appoints to the committee one or more of the persons 413
nominated by the organization or organizations. 414

Initial appointments to the committee shall be made by the 415
director not later than ninety days after November 3, 2000. 416
Members of the committee shall serve at the pleasure of the 417
director, except that any member of the committee who ceases to 418
be qualified for the position to which the member was appointed 419
shall cease to be a member of the committee. Vacancies on the 420
committee shall be filled in the same manner as original 421
appointments. 422

The members of the committee shall serve without 423
compensation but shall be reimbursed for actual and necessary 424
expenses incurred in carrying out duties as members of the 425
committee. 426

The committee shall select a chairperson and vice- 427
chairperson from among its members. A majority of all members of 428

the committee shall constitute a quorum. No action shall be 429
taken without the concurrence of a majority of all members of 430
the committee. The committee shall meet at the call of the 431
chair, upon written request of five members of the committee, 432
and at the direction of the state board of emergency medical, 433
fire, and transportation services. The committee shall not meet 434
at times or locations that conflict with meetings of the board. 435
The executive director and medical director of the state board 436
of emergency medical, fire, and transportation services may 437
participate in any meeting of the committee and shall do so at 438
the request of the committee. 439

The committee shall advise and assist the state board of 440
emergency medical, fire, and transportation services in matters 441
related to adult and pediatric trauma care and the establishment 442
and operation of the state trauma registry. In matters relating 443
to the state trauma registry, the board and the committee shall 444
consult with trauma registrars from adult and pediatric trauma 445
centers in the state. The committee may appoint a subcommittee 446
to advise and assist with the trauma registry. The subcommittee 447
may include persons with expertise relevant to the trauma 448
registry who are not members of the board or committee. 449

(C) (1) The medical transportation committee of the state 450
board of emergency medical, fire, and transportation services is 451
hereby created. The committee shall consist of members appointed 452
by the board in accordance with rules adopted by the board. In 453
appointing members of the committee, the board shall attempt to 454
include members representing urban and rural areas and various 455
geographical areas of the state, and shall ensure the members 456
have substantial experience in the transportation of patients, 457
including addressing the unique issues of mobile intensive care 458
and air medical services. The members of the committee shall be 459

residents of this state and may be members of the board. The 460
members of the committee shall serve without compensation but 461
shall be reimbursed for actual and necessary expenses incurred 462
in carrying out duties as members of the committee. The 463
committee shall select a chairperson and vice-chairperson from 464
among its members. A majority of all members of the committee 465
shall constitute a quorum. No action shall be taken without the 466
concurrence of a majority of all members of the committee. The 467
committee shall meet at the call of the chair and at the 468
direction of the board. The committee shall not meet at times or 469
locations that conflict with meetings of the board. The 470
committee shall advise and assist the board in matters related 471
to the licensing of nonemergency medical service, emergency 472
medical service, and air medical service organizations in this 473
state. 474

(2) There is hereby created the critical care subcommittee 475
of the medical transportation committee. The membership of the 476
subcommittee and the conduct of the subcommittee's business 477
shall conform to rules adopted by the board. The subcommittee 478
shall advise and assist the committee and board in matters 479
relating to mobile intensive care and air medical service 480
organizations in this state. 481

(D) The state board of emergency medical, fire, and 482
transportation services may appoint other committees and 483
subcommittees as it considers necessary. 484

(E) The state board of emergency medical, fire, and 485
transportation services, and any of its committees or 486
subcommittees, may request assistance from any state agency. The 487
board and its committees and subcommittees may permit persons 488
who are not members of those bodies to participate in 489

deliberations of those bodies, but no person who is not a member 490
of the board shall vote on the board and no person who is not a 491
member of a committee created under division (A), (B), or (C) of 492
this section shall vote on that committee. 493

(F) Sections 101.82 to 101.87 of the Revised Code do not 494
apply to the committees established under divisions (A), (B), 495
and (C) of this section. 496

Section 2. That existing sections 3304.22, 4141.04, and 497
4765.04 and sections 3303.41, 3304.12, 3304.13, 3304.14, and 498
3304.25 of the Revised Code are hereby repealed. 499

Section 3. Notwithstanding the repeal by this act of 500
sections 3304.12, 3304.13, and 3304.14 of the Revised Code, the 501
Opportunities for Ohioans with Disabilities Commission that 502
existed prior to the effective date of this act shall continue 503
to perform its duties, as provided in those sections, until the 504
Governor's appointment of all of the initial members of the 505
Opportunities for Ohioans with Disabilities Council created by 506
this act. In addition to those members, each member of the 507
former Commission shall serve on the Council created by this act 508
for the remaining period of the member's term, unless earlier 509
removed by the Governor for good cause. While serving on the 510
Council, each member of the former Commission shall be 511
reimbursed for travel and necessary expenses incurred in the 512
conduct of the member's duties and shall receive an amount fixed 513
pursuant to division (J) of section 124.15 of the Revised Code 514
while actually engaged in attendance at meetings or the 515
performance of those duties. A member of the former Commission 516
shall not be reappointed to the Council. 517