

133rd General Assembly  
Regular Session  
2019-2020

Sub. H.B. No. 80

**A BILL**

To amend sections 4123.038 and 4131.03 of the Revised Code to make changes to the Workers' Compensation Law, to make appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2019, and ending June 30, 2021, and to provide authorization and conditions for the operation of the Bureau's programs.

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

**Section 1.** All items in this act are hereby appropriated out of any moneys in the state treasury to the credit of the designated fund. For all appropriations made in this act, those in the first column are for fiscal year 2020, and those in the second column are for fiscal year 2021. The appropriations made in this act are in addition to any other appropriations made for the biennium beginning July 1, 2019, and ending June 30, 2021.

BWC BUREAU OF WORKERS' COMPENSATION

Dedicated Purpose Fund Group						
7023 855407	Claims, Risk and	\$ 120,939,816	\$ 124,329,031			
	Medical Management					
7023 855408	Fraud Prevention	\$ 14,095,916	\$ 14,231,413			
7023 855409	Administrative	\$ 117,250,236	\$ 116,025,396			
	Services					
7023 855410	Attorney General	\$ 4,621,850	\$ 4,621,850			

		Payments				
8220	855606	Coal Workers' Fund	\$	186,632	\$	188,487
8230	855608	Marine Industry	\$	78,188	\$	78,698
8250	855605	Disabled Workers	\$	193,419	\$	195,709
		Relief Fund				
8260	855609	Safety and Hygiene	\$	24,079,350	\$	23,745,661
		Operating				
8260	855610	Safety Grants	\$	20,000,000	\$	20,000,000
8260	855611	Health and Safety	\$	6,000,000	\$	6,000,000
		Initiative				
8260	855612	Safety Campaign	\$	1,500,000	\$	1,500,000
8260	855613	Research Grants	\$	2,000,000	\$	2,000,000
8260	855618	Substance Use	\$	5,000,000	\$	10,000,000
		Recovery and Workplace Safety Program				
8260	855619	Safety and Health	\$	2,000,000	\$	0
		Center of Excellence				
TOTAL DPF		Dedicated Purpose Fund	\$	317,945,407	\$	322,916,245
		Group				
		Federal Fund Group				32
3490	855601	OSHA Enforcement	\$	1,676,000	\$	1,676,000
3FW0	855614	BLS SOII Grant	\$	195,104	\$	195,104
3FW0	855615	NIOSH Grant	\$	24,995	\$	0
TOTAL FED		Federal Fund Group	\$	1,896,099	\$	1,871,104
TOTAL ALL BUDGET FUND GROUPS			\$	319,841,506	\$	324,787,349

WORKERS' COMPENSATION FRAUD UNIT 38

Of the foregoing appropriation item 855410, Attorney General 39  
 Payments, \$828,200 in each fiscal year shall be used to fund the 40  
 expenses of the Workers' Compensation Fraud Unit within the 41  
 Attorney General's Office. These payments shall be processed at 42  
 the beginning of each quarter of each fiscal year and deposited 43

into the Workers' Compensation Section Fund (Fund 1950) used by 44  
the Attorney General. 45

SAFETY AND HYGIENE 46

Notwithstanding section 4121.37 of the Revised Code, the 47  
Treasurer of State shall remit \$24,080,000 cash in fiscal year 48  
2020 and \$23,746,000 cash in fiscal year 2021 from the State 49  
Insurance Fund to the state treasury to the credit of the Safety 50  
and Hygiene Fund (Fund 8260). 51

SAFETY GRANTS 52

Notwithstanding section 4121.37 of the Revised Code, the 53  
Treasurer of State shall remit \$20,000,000 in cash in fiscal year 54  
2020 and \$20,000,000 in cash in fiscal year 2021 from the State 55  
Insurance Fund to the state treasury to the credit of the Safety 56  
and Hygiene Fund (Fund 8260) to be used for Safety Grants. 57

HEALTH AND SAFETY INITIATIVE 58

Notwithstanding section 4121.37 of Revised Code, the 59  
Treasurer of State shall remit \$6,000,000 in cash in fiscal year 60  
2020 and \$6,000,000 in cash in fiscal year 2021 from the State 61  
Insurance Fund to the state treasury to the credit of the Safety 62  
and Hygiene Fund (Fund 8260). These amounts shall be used under 63  
appropriation item 855611, Health and Safety Initiative, for the 64  
purpose of creating and operating a health and wellness program. 65

SAFETY CAMPAIGN 66

Notwithstanding section 4121.37 of the Revised Code, the 67  
Treasurer of State shall remit \$1,500,000 in cash in fiscal year 68  
2020 and \$1,500,000 in cash in fiscal year 2021 from the State 69  
Insurance Fund to the state treasury to the credit of the Safety 70  
and Hygiene Fund (Fund 8260). These amounts shall be used under 71  
appropriation item 855612, Safety Campaign, for the purpose of 72  
creating and operating a statewide safety awareness and education 73

campaign.	74
FEDERAL GRANT PROGRAMS	75
The foregoing appropriation item 855609, Safety and Hygiene Operating, may be used to provide the state match for federal grant funding received by the Division of Safety and Hygiene.	76 77 78
VOCATIONAL REHABILITATION	79
The Bureau of Workers' Compensation and the Opportunities for Ohioans with Disabilities Agency may enter into an interagency agreement for the provision of vocational rehabilitation services and staff to mutually eligible clients. The Bureau may provide funds from the State Insurance Fund to fund vocational rehabilitation services and staff in accordance with the interagency agreement.	80 81 82 83 84 85 86
RESEARCH GRANTS	87
Notwithstanding section 4121.37 of the Revised Code, the Treasurer of State shall remit \$2,000,000 in cash in fiscal year 2020 and \$2,000,000 in cash in fiscal year 2021 from the State Insurance Fund to the state treasury to the credit of the Safety and Hygiene Fund (Fund 8260). These amounts shall be used under appropriation item 855613, Research Grants, for the purpose of creating and operating the occupational safety and health research program.	88 89 90 91 92 93 94 95
SUBSTANCE USE RECOVERY AND WORKPLACE SAFETY PROGRAM	96
Notwithstanding section 4121.37 of the Revised Code, the Treasurer of State shall remit \$5,000,000 in cash in fiscal year 2020 and \$10,000,000 in cash in fiscal year 2021 from the State Insurance Fund to the state treasury to the credit of the Safety and Hygiene Fund (Fund 8260). These amounts shall be used under appropriation item 855618, Substance Use Recovery and Workplace Safety Program, for the purpose of creating and operating the	97 98 99 100 101 102 103

opioid workplace safety program. 104

SAFETY AND HEALTH CENTER OF EXCELLENCE 105

Notwithstanding section 4121.37 of the Revised Code, the 106  
Treasurer of State shall remit \$2,000,000 in cash in fiscal year 107  
2020 from the State Insurance Fund to the state treasury to the 108  
credit of the Safety and Hygiene Fund (Fund 8260). These amounts 109  
shall be used under appropriation item 855619, Safety and Health 110  
Center of Excellence, for the purpose of creating a center of 111  
excellence at the Ohio Center of Occupational Safety and Health. 112

ADMINISTRATIVE COST FUND 113

Notwithstanding section 4123.341 of the Revised Code, the 114  
Treasurer of State shall remit up to \$25,000,000 cash in fiscal 115  
year 2020 and \$25,000,000 cash in fiscal year 2021 from the State 116  
Insurance Fund to the state treasury to the credit of the Workers' 117  
Compensation (Fund 7023). 118

**Section 2.** DEPUTY INSPECTOR GENERAL FOR BWC AND OIC FUNDING 119

To pay for the FY 2020 costs related to the Deputy Inspector 120  
General for the Bureau of Workers' Compensation and Industrial 121  
Commission, on July 1, 2019, and January 1, 2020, or as soon as 122  
possible thereafter, the Director of Budget and Management shall 123  
transfer \$212,500 in cash from the Workers' Compensation Fund 124  
(Fund 7023) to the Deputy Inspector General for the Bureau of 125  
Workers' Compensation and Industrial Commission Fund (Fund 5FT0). 126

To pay for the FY 2021 costs related to the Deputy Inspector 127  
General for the Bureau of Workers' Compensation and Industrial 128  
Commission, on July 1, 2020, and January 1, 2021, or as soon as 129  
possible thereafter, the Director of Budget and Management shall 130  
transfer \$212,500 in cash from the Workers' Compensation Fund 131  
(Fund 7023) to the Deputy Inspector General for the Bureau of 132  
Workers' Compensation and Industrial Commission Fund (Fund 5FT0). 133

If additional amounts are needed, the Inspector General may 134  
seek Controlling Board approval for additional transfers of cash 135  
and to increase the amount appropriated in appropriation item 136  
965604, Deputy Inspector General for the Bureau of Workers' 137  
Compensation and Industrial Commission. 138

**Section 3.** Law contained in the Main Operating Appropriations 139  
Act of the 133rd General Assembly that applies generally to the 140  
appropriations made in that act also applies generally to the 141  
appropriations made in this act. 142

**Section 4.** The provisions of law contained in this act, and 143  
their applications, are severable. If any provision of law 144  
contained in this act, or if any application of any provision of 145  
law contained in this act, is held invalid, the invalidity does 146  
not affect other provisions of law contained in this act and their 147  
applications that can be given effect without the invalid 148  
provision or application. 149

**Section 5.** Sections 1 to 5 of this act are exempt from the 150  
referendum under Ohio Constitution, Article II, Section 1d and 151  
section 1.471 of the Revised Code and therefore take effect 152  
immediately when this act becomes law. 153

**Section 6.** That sections 4123.038 and 4131.03 of the Revised 154  
Code be amended to read as follows: 155

**Sec. 4123.038.** As used in this section and section 4123.039 156  
of the Revised Code: 157

(A) "Apprentice" and "apprenticeship agreement" have the 158  
meaning defined in section ~~4111.25~~ 4139.01 of the Revised Code. 159

(B) "Related and supplemental instructions" means training 160  
offered, conducted, supervised, or given under the sponsorship of 161

any joint apprenticeship committee or other sponsoring 162  
organization to apprentices, which training is given in addition 163  
to the approved schedule of work experience through employment, 164  
and which is to be credited towards the minimum hours of related 165  
and supplemental instructions required by section 4139.01 of the 166  
Revised Code. 167

(C) "Pre-apprentice" means a person who receives formal 168  
classroom training designed to provide the person with the basic 169  
education, attitudes, skills, trade knowledge, and motivation 170  
necessary to enter a formal apprenticeship program. 171

(D) "Entry-level trainee" means a person who possesses 172  
experience that would qualify the person as a journeyperson but 173  
for the existence of certain other disqualifying conditions and 174  
who receives on-the-job training accompanied by classroom 175  
instruction outside of normal working hours. 176

(E) "Journeyperson trainee" means a person with journeyperson 177  
status in a given trade who receives classroom and laboratory 178  
training for the purpose of broadening the person's skills and 179  
acquainting the person with new techniques and ideas in the trade. 180

**Sec. 4131.03.** (A) For the relief of persons who are entitled 181  
to receive benefits by virtue of the federal act, there is hereby 182  
established a coal-workers pneumoconiosis fund, which shall be 183  
separate from the funds established and administered pursuant to 184  
Chapter 4123. of the Revised Code. The fund shall consist of 185  
premiums and other payments thereto by subscribers who elect to 186  
subscribe to the fund to insure the payment of benefits required 187  
by the federal act. 188

(B) The coal-workers pneumoconiosis fund shall be in the 189  
custody of the treasurer of state. The bureau of workers' 190  
compensation shall make disbursements from the fund to those 191  
persons entitled to payment therefrom and in the amounts required 192

pursuant to sections 4131.01 to 4131.06 of the Revised Code. All 193  
investment earnings of the fund shall be credited to the fund. 194

The director of natural resources annually may request the 195  
administrator of workers' compensation to transfer a portion of 196  
the funds from the net position of the coal-workers pneumoconiosis 197  
fund to the mining regulation and safety fund created in section 198  
1513.30 of the Revised Code for the purposes specified in that 199  
section. If the administrator receives a request, the 200  
administrator may transfer an amount not to exceed one million 201  
dollars on the first day of July or as soon as possible 202  
thereafter. 203

The administrator, with the advice and consent of the bureau 204  
of workers' compensation board of directors, shall adopt rules in 205  
accordance with Chapter 119. of the Revised Code governing the 206  
transfer to ensure the solvency of the coal-workers pneumoconiosis 207  
fund. For that purpose, the administrator may establish tests in 208  
the rules based on measures of net assets, liabilities, expenses, 209  
interest, dividend income, or other factors that the administrator 210  
determines appropriate that may be applied before a transfer. 211

(C) The administrator shall have the same powers to invest 212  
any of the surplus or reserve belonging to the coal-workers 213  
pneumoconiosis fund as are delegated to the administrator under 214  
section 4123.44 of the Revised Code with respect to the state 215  
insurance fund. 216

(D) If the administrator determines that reinsurance of the 217  
risks of the coal-workers pneumoconiosis fund is necessary to 218  
assure solvency of the fund, the administrator may: 219

(1) Enter into contracts for the purchase of reinsurance 220  
coverage of the risks of the fund with any company or agency 221  
authorized by law to issue contracts of reinsurance; 222

(2) Pay the cost of reinsurance from the fund; 223

(3) Include the costs of reinsurance as a liability and 224  
estimated liability of the fund. 225

**Section 7.** That existing sections 4123.038 and 4131.03 of the 226  
Revised Code are hereby repealed. 227