

As Introduced

**131st General Assembly
Regular Session
2015-2016**

S. B. No. 329

Senators Jordan, Faber

A BILL

To amend sections 101.82, 101.83, 101.86, 101.87, 1
128.02, 150.06, 901.13, 2108.35, 4740.14, 2
4928.58, and 5149.22; to amend, for the purpose 3
of adopting a new section number as indicated in 4
parentheses, section 101.86 (101.84); to enact 5
new section 101.85; to repeal sections 101.84 6
and 101.85 of the Revised Code; and to repeal 7
Section 5 of S.B. 171 of the 129th General 8
Assembly to abolish the Sunset Review Committee 9
and to revise Sunset Review Law to require 10
standing committees of the General Assembly to 11
establish a schedule for the periodic review and 12
sunset of state departments that are currently 13
in the Governor's cabinet, and to permit the 14
review of other state departments and boards. 15

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

Section 1. That sections 101.82, 101.83, 101.86, 101.87, 16
128.02, 150.06, 901.13, 2108.35, 4740.14, 4928.58, and 5149.22 17
be amended; section 101.86 (101.84) be amended for the purpose 18
of adopting a new section number as indicated in parentheses; 19
and new section 101.85 of the Revised Code be enacted to read as 20

follows: 21

Sec. 101.82. As used in sections 101.82 to 101.87 of the 22
Revised Code: 23

(A) ~~"Agency"~~ "Board" means any board, commission, 24
committee, or council, or any other similar state public body 25
required to be established pursuant to state statutes for the 26
exercise of any function of state government and to which 27
members are appointed or elected. ~~"Agency" does not include the~~ 28
~~following:~~ 29

~~(1) The general assembly, or any commission, committee, or~~ 30
~~other body composed entirely of members of the general assembly;~~ 31

~~(2) Any court;~~ 32

~~(3) Any public body created by or directly pursuant to the~~ 33
~~constitution of this state;~~ 34

~~(4) The board of trustees of any institution of higher~~ 35
~~education financially supported in whole or in part by the~~ 36
~~state;~~ 37

~~(5) Any public body that has the authority to issue bonds~~ 38
~~or notes or that has issued bonds or notes that have not been~~ 39
~~fully repaid;~~ 40

~~(6) The public utilities commission of Ohio;~~ 41

~~(7) The consumers' counsel governing board;~~ 42

~~(8) The Ohio board of regents;~~ 43

~~(9) Any state board or commission that has the authority~~ 44
~~to issue any final adjudicatory order that may be appealed to~~ 45
~~the court of common pleas under Chapter 119. of the Revised~~ 46
~~Code;~~ 47

(10) Any board of elections;	48
(11) The board of directors of the Ohio insurance guaranty association and the board of governors of the Ohio fair plan underwriting association;	49 50 51
(12) The Ohio public employees deferred compensation board;	52 53
(13) The Ohio retirement study council;	54
(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;	55 56 57 58
(15) The industrial commission;	59
(16) The parole board;	60
(17) The board of tax appeals;	61
(18) The controlling board;	62
(19) The release authority of department of youth services;	63 64
(20) The environmental review appeals commission;	65
(21) The Ohio ethics commission;	66
(22) The Ohio public works commission;	67
(23) The self-insuring employers evaluation board;	68
(24) The state board of deposit;	69
(25) The state employment relations board.	70
(B) "Abolish" means to repeal the statutes creating and empowering <u>an agency, a department or board</u> , remove its	71 72

personnel, and transfer its records to the department of 73
administrative services pursuant to division (E) of section 74
149.331 of the Revised Code. 75

(C) "Department" means an administrative department 76
enumerated under section 121.02 of the Revised Code, and any 77
agency, division, or office of state government. 78

(D) "Terminate" means to amend or repeal the statutes 79
creating and empowering an agency a department or board, 80
remove 81
its personnel, and reassign its functions and records to another 82
agency department, board, or officer designated by the general 83
assembly.

~~(D)~~(E) "Transfer" means to amend the statutes creating 84
and empowering an agency a department or board so that its 85
functions, records, and personnel are conveyed to another ~~agency~~ 86
department, board, or officer. 87

~~(E)~~(F) "Renew" means to continue an agency a department 88
or board, and may include amendment of the statutes creating and 89
empowering the ~~agency department or board,~~ or recommendations 90
for changes in agency department or board operation or 91
personnel. 92

Sec. 101.83. ~~(A) An agency in existence on January 1,~~ 93
~~2011, shall expire on December 31, 2016, unless the agency is~~ 94
~~renewed in accordance with division (D) of this section and, if~~ 95
~~so renewed, shall expire thereafter on the thirty first day of~~ 96
~~December of the fourth year after the year in which it was most~~ 97
~~recently renewed unless the agency is renewed in accordance with~~ 98
~~division (D) of this section. An agency created after January 1,~~ 99
~~2011, that is created on the thirty first day of December shall~~ 100
~~expire not later than four years after its creation, unless the~~ 101

~~agency is renewed in accordance with division (D) of this~~ 102
~~section. An agency created after January 1, 2011, that is~~ 103
~~created on any other date shall be considered for the purpose of~~ 104
~~this section to have been created on the preceding thirty-first~~ 105
~~day of December, and the agency shall expire not later than four~~ 106
~~years after the date it was considered to have been created,~~ 107
~~unless the agency is renewed in accordance with division (D) of~~ 108
~~this section. Any act creating or renewing an agency shall~~ 109
~~contain a distinct section providing a specific expiration date~~ 110
~~for the agency in accordance with this division. The departments~~ 111
~~enumerated in divisions (B) and (C) of this section shall~~ 112
~~periodically be reviewed by the general assembly as described in~~ 113
~~this chapter and, unless renewed, shall cease to operate~~ 114
~~according to the schedule provided in this section. If the~~ 115
~~general assembly does not renew a department that is scheduled~~ 116
~~to be reviewed and the department is not otherwise renewed~~ 117
~~before the department's expiration date, the department shall~~ 118
~~wind up operations, in accordance with section 126.29 of the~~ 119
~~Revised Code, during the two-year period before the department's~~ 120
~~expiration date and shall suspend all operations at midnight on~~ 121
~~the day after the expiration date.~~ 122

~~(B) If the general assembly does not renew or transfer an~~ 123
~~agency on or before its expiration date, it shall expire on that~~ 124
~~date. The following departments shall be reviewed during each~~ 125
~~even-numbered general assembly, and expire at the end of the~~ 126
~~thirty-first day of December of the second year of the~~ 127
~~subsequent odd-numbered general assembly, unless the department~~ 128
~~is renewed in accordance with division (F) of this section:~~ 129

(1) The office of budget and management; 130

(2) The department of administrative services; 131

<u>(3) The department of agriculture;</u>	132
<u>(4) The department of health;</u>	133
<u>(5) The department of public safety;</u>	134
<u>(6) The department of developmental disabilities;</u>	135
<u>(7) The development services agency;</u>	136
<u>(8) The department of rehabilitation and correction;</u>	137
<u>(9) The department of aging;</u>	138
<u>(10) The department of medicaid;</u>	139
<u>(11) The office of the adjutant general; and</u>	140
<u>(12) The department of higher education.</u>	141
<u>(C) The following departments shall be reviewed during</u>	142
<u>each odd-numbered general assembly, and expire at the end of the</u>	143
<u>thirty-first day of December of the second year of the</u>	144
<u>subsequent even-numbered general assembly, unless the department</u>	145
<u>is renewed in accordance with division (F) of this section:</u>	146
<u>(1) The department of commerce;</u>	147
<u>(2) The department of transportation;</u>	148
<u>(3) The department of natural resources;</u>	149
<u>(4) The department of job and family services;</u>	150
<u>(5) The department of mental health and addiction</u>	151
<u>services;</u>	152
<u>(6) The department of insurance;</u>	153
<u>(7) The department of youth services;</u>	154
<u>(8) The environmental protection agency;</u>	155

<u>(9) The department of veterans services;</u>	156
<u>(10) The office of health transformation;</u>	157
<u>(11) The public utilities commission;</u>	158
<u>(12) The department of taxation; and</u>	159
<u>(13) The bureau of workers' compensation.</u>	160
<u>(D) The director of budget and management shall not</u>	161
<u>authorize the expenditure of any moneys for any agency-</u>	162
<u>department on or after the date of its expiration.</u>	163
(C) <u>(E) The general assembly may provide by law for the</u>	164
<u>orderly, efficient, and expeditious conclusion of an agency's a</u>	165
<u>department's business and operation. The rules, orders,</u>	166
<u>licenses, contracts, and other actions made, taken, granted, or</u>	167
<u>performed by the agency department shall continue in effect</u>	168
<u>according to their terms notwithstanding the agency's-</u>	169
<u>department's abolition, unless the general assembly provides</u>	170
<u>otherwise by law. The general assembly may provide by law for</u>	171
<u>the temporary or permanent transfer of some or all of a</u>	172
<u>terminated or transferred agency's department's functions and</u>	173
<u>personnel to a successor agency department, board, or officer.</u>	174
<u>The abolition, termination, or transfer of an agency a</u>	175
<u>department shall not cause the termination or dismissal of any</u>	176
<u>claim pending against the agency department by any person, or</u>	177
<u>any claim pending against any person by the agency department.</u>	178
<u>Unless the general assembly provides otherwise by law for the</u>	179
<u>substitution of parties, the attorney general shall succeed the</u>	180
<u>agency department with reference to any pending claim.</u>	181
(D) An agency <u>(F) A department</u> may be renewed by passage	182
of a bill that continues the statutes creating and empowering	183

~~the agency, that amends or repeals those statutes, or that~~ 184
~~enacts new statutes, to improve agency usefulness, performance,~~ 185
~~or effectiveness~~ department. The amendment of a statute creating 186
and empowering a department that is subject to review under 187
division (B) or (C) of this section that is amended between the 188
time the department was last reviewed and the time it is next 189
scheduled to be reviewed does not change the next scheduled 190
review date of the department. The next scheduled review date of 191
a department changes only if the amendment expressly so 192
provides. 193

Sec. ~~101.86~~ 101.84. (A) Not later than ~~six~~ three months 194
~~prior to~~ after the date on which an agency in existence on 195
~~January 1, 2015,~~ commencement of a general assembly during which 196
a department is scheduled to ~~expire~~ be reviewed under division 197
~~(A)~~ (B) or (C) of section 101.83 of the Revised Code, the ~~sunset~~ 198
~~review committee~~ president of the senate and the speaker of the 199
house of representatives each shall direct a standing committee 200
of the senate and of the house of representatives, respectively, 201
to hold hearings to receive the testimony of the public and of 202
the chief executive officer of ~~each agency scheduled for review~~ 203
the department and otherwise shall review, consider, and 204
evaluate the usefulness, performance, and effectiveness of the 205
~~agency~~ department. The president of the senate and the speaker 206
of the house of representatives may defer the review of a 207
department until the next general assembly during which the 208
department is subject to review. The deferral does not prevent 209
the expiration of a department. A department's renewal in 210
accordance with division (F) of section 101.83 of the Revised 211
Code is necessary to continue the statutes creating and 212
empowering the department regardless of whether the department's 213
review has occurred or has been deferred. A department whose 214

review has been deferred shall be reviewed, without the option 215
for deferment, during the next general assembly during which the 216
department is subject to review under division (B) or (C) of 217
section 101.83 of the Revised Code. 218

(B) A department or board that is not scheduled to be 219
reviewed under division (B) or (C) of section 101.83 of the 220
Revised Code is not subject to automatic expiration under this 221
chapter. The president of the senate and the speaker of the 222
house of representatives may direct a standing committee of the 223
senate and of the house of representatives, respectively, to 224
hold hearings to receive the testimony of the public and of the 225
chief executive officer of the department or board and otherwise 226
may review, consider, and evaluate the usefulness, performance, 227
and effectiveness of the department or board. 228

(C) Each ~~agency~~ department that is scheduled for review 229
and each department or board that is identified to be reviewed 230
by a standing committee shall submit to the standing committee a 231
report that contains all of the following information: 232

(1) The ~~agency's~~ department's or board's primary purpose 233
and its various goals and objectives; 234

(2) The ~~agency's~~ department's or board's past and 235
anticipated workload, the number of staff required to complete 236
that workload, and the ~~agency's~~ total number of staff; 237

(3) The ~~agency's~~ department's or board's past and 238
anticipated budgets and its sources of funding; 239

(4) The number of members of its governing board or other 240
governing entity and their compensation, if any. 241

~~(C)~~ (D) Each ~~agency~~ department or board shall have the 242
burden of demonstrating to the standing committee a public need 243

for its continued existence. In determining whether ~~an agency a~~ 244
department or board has demonstrated that need, the standing 245
committee shall consider, as relevant, all of the following: 246

(1) Whether or not the public could be protected or served 247
in an alternate or less restrictive manner; 248

(2) Whether or not the department or board serves the 249
public interest rather than a specific interest; 250

(3) Whether or not rules adopted by the department or 251
board are consistent with the legislative mandate of the 252
department or board as expressed in the statutes that created 253
and empowered the department or board; 254

(4) The extent to which the department's or board's 255
jurisdiction and programs overlap or duplicate those of other 256
departments or boards, the extent to which the department or 257
board coordinates with those other departments or boards, and 258
the extent to which the department's or board's programs could 259
be consolidated with the programs of other state departments or 260
boards; 261

(5) Whether or not continuation of the department or board 262
is necessary to protect the health, safety, or welfare of the 263
public, and if so, whether or not the department's or board's 264
authority is narrowly tailored to protect against present, 265
recognizable, and significant harms to the health, safety, or 266
welfare of the public; 267

(6) The amount of regulation exercised by the department 268
or board compared to such regulation, if any, in other states; 269

(7) Whether or not private contractors could be used, in 270
an effective and efficient manner, either to assist the 271
department or board in the performance of its duties or to 272

<u>perform these duties instead of the department or board;</u>	273
<u>(8) Whether or not the operation of the department or board has inhibited economic growth, reduced efficiency, or increased the cost of government;</u>	274 275 276
<u>(9) An assessment of the authority of the department or board regarding fees, inspections, enforcement, and penalties;</u>	277 278
<u>(10) The extent to which the agency department or board has permitted qualified applicants to serve the public;</u>	279 280
(2) <u>(11) The cost-effectiveness of the agency department or board in terms of number of employees, services rendered, and administrative costs incurred, both past and present;</u>	281 282 283
(3) The extent to which the agency has operated in the public interest, and whether its <u>(12) Whether or not the department's or board's operation has been impeded or enhanced by existing statutes and procedures and by budgetary, resource, and personnel practices;</u>	284 285 286 287 288
(4) <u>(13) Whether the agency department or board has recommended statutory changes to the general assembly that would benefit the public as opposed to the persons regulated by the agency department or board, if any, and whether its recommendations and other policies have been adopted and implemented;</u>	289 290 291 292 293 294
(5) <u>(14) Whether the agency department or board has required any persons it regulates to report to it the impact of agency department or board rules and decisions on the public as they affect service costs and service delivery;</u>	295 296 297 298
(6) <u>(15) Whether persons regulated by the agency department or board, if any, have been required to assess</u>	299 300

problems in their business operations that affect the public; 301

~~(7)~~ (16) Whether the ~~agency~~ department or board has 302
encouraged public participation in its rule-making and decision- 303
making; 304

~~(8)~~ (17) The efficiency with which formal public 305
complaints filed with the ~~agency~~ department or board have been 306
processed to completion; 307

~~(9)~~ (18) Whether the programs or services of the ~~agency~~ 308
department or board duplicate or overlap those of other ~~agencies~~ 309
departments or boards; 310

~~(10)~~ (19) Whether the purpose for which the ~~agency~~ 311
department or board was created has been fulfilled, has changed, 312
or no longer exists; 313

~~(11)~~ (20) Whether federal law requires that the ~~agency~~ 314
department or board be renewed in some form; 315

~~(12)~~ (21) An assessment of the administrative hearing 316
process of a department or board if the department or board has 317
an administrative hearing process; 318

(22) Any applicable criteria under division (D) of this 319
section; 320

(23) Changes needed in the enabling laws of the ~~agency~~ 321
department or board in order for it to comply with the criteria 322
suggested by the considerations listed in divisions (C) (1) to 323
~~(11)~~ (22) of this section. 324

~~(D)~~ (E) In the review of a department or board that issues 325
a license to practice a trade or profession, the standing 326
committee shall consider all of the following: 327

(1) Whether the requirement for the license serves a meaningful, defined public interest and provides the least restrictive form of regulation that adequately protects the public interest; 328
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(2) The extent to which the objective of licensing may be achieved through market forces, private or industry certification and accreditation programs, or enforcement of other existing laws; 332
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(3) The extent to which licensing ensures that practitioners have occupational skill sets or competencies that correlate with a public interest, and the impact that those criteria have on applicants for a license, particularly those with moderate or low incomes, seeking to enter the occupation or profession; and 336
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(4) The extent to which the requirement for the license stimulates or restricts competition, affects consumer choice, and affects the cost of services. 342
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As used in division (D) of this section, "license" means a license certificate, permit, or other authorization issued or conferred by a department or board under which a person may engage in a profession, occupation, or occupational activity. 345
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For division (D) of this section, a government regulatory requirement is in the public interest if it provides protection from present, recognizable, and significant harms to the health, safety, or welfare of the public. 349
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(F) In its ~~initial~~ review of ~~each agency~~ a board, the standing committee, whenever possible, shall realign ~~agency~~ board titles to conform to the following descriptions: 353
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(1) Commission: ~~an~~ a board that conducts administrative 356

appeals or hearing <u>agency hearings</u> ;	357
(2) Authority: an agency <u>a board</u> empowered to issue bonds or notes;	358 359
(3) Board: an agency <u>a board</u> having a licensing function only;	360 361
(4) Council: an advisory body to a major agency <u>board</u> or department;	362 363
(5) Committee: an advisory body to a minor agency <u>board</u> or department.	364 365
<u>Sec. 101.85.</u> <u>The president of the senate and the speaker of the house of representatives shall notify the chief of the common sense initiative office, established under section 107.61 of the Revised Code, when a department or board is identified under division (A) or (B) of section 101.84 of the Revised Code to be reviewed by a standing committee. The chief or the chief's designee shall appear and testify before the standing committee, with respect to the department or board, and shall testify on at least all of the following:</u>	366 367 368 369 370 371 372 373 374
<u>(A) Whether or not the common sense initiative office has, within the previous five years, received commentary related to the department or board through the comment system established under section 107.62 of the Revised Code;</u>	375 376 377 378
<u>(B) Whether or not the common sense initiative office has, within the previous five years, received advice from the small business advisory council with respect to rules of the department or board; and</u>	379 380 381 382
<u>(C) Any other information the chief believes will elucidate the effectiveness and efficiency of the department or</u>	383 384

board and in particular the quality of customer service provided 385
by the department or board. 386

Sec. 101.87. (A) After the completion of the ~~evaluation~~ 387
~~review of all agencies~~ a department or board under section 388
~~101.86-101.84~~ of the Revised Code, the ~~sunset review~~ standing 389
~~committee shall that~~ conducted the review may prepare and 390
publish a report of its findings and recommendations. ~~The~~ A 391
standing committee may include in a single report its findings 392
and recommendations regarding more than one department or board. 393
If the standing committee prepares and publishes a report, the 394
committee shall furnish a copy of the report to the president of 395
the senate, the speaker of the house of representatives, the 396
governor, and each affected ~~agency~~ department or board. ~~The~~ Any 397
published report shall be made available to the public in the 398
offices of the house and senate clerks during reasonable hours. 399
As part of ~~the~~ a report, the standing committee ~~shall~~ may 400
recommend to the general assembly, in bill form, one or more of 401
the following: 402

(1) Amendment or repeal of the statutes that created and 403
empowered ~~an agency~~ a department or board, to abolish or 404
terminate the ~~agency~~ department or board; 405

(2) Amendment or repeal of the statutes that created and 406
empowered ~~an agency~~ a department or board, or enactment of new 407
statutes, to terminate the ~~agency~~ department or board, to 408
transfer the ~~agency~~ department or board, or to improve the 409
~~agency's~~ department's or board's usefulness, performance, or 410
effectiveness; 411

(3) Amendment or repeal of the statutes that created and 412
empowered two or more ~~agencies~~ departments or boards, or 413
enactment of new statutes, to reorganize or transfer them and 414

thereby improve ~~agency-department or board~~ usefulness, 415
performance, or effectiveness; 416

(4) Amendment or continuation of the statutes that created 417
and empowered ~~an-a department or~~ agency, or enactment of new 418
statutes, to renew the department or agency. 419

(B) Recommendations made by the standing committee shall 420
indicate how or whether their implementation will do each of the 421
following: 422

(1) Promote economy in the operation of state government; 423

(2) Improve efficiency in the management of state 424
government; 425

(3) Improve services rendered to citizens of the state; 426

(4) Simplify and improve preparation of the state budget; 427

(5) Conserve the natural resources of the state; 428

(6) Promote the orderly growth of the state and its 429
government; 430

(7) Improve the effectiveness of the services performed by 431
the service departments of the state, ~~including the office of-~~ 432
~~budget and management and the department of administrative-~~ 433
~~services;~~ 434

(8) Avoid duplication of effort by ~~state agencies-~~ 435
departments or boards; 436

(9) Improve the organization and coordination of the state 437
government in one or more of the ways listed in divisions (B) (1) 438
to (8) of this section. 439

(C) The office of budget and management, department of 440
administrative services, auditor of state, legislative service 441

commission, and any other state agency shall supply, upon the 442
standing committee's request, the standing committee with 443
material, information, and reports needed for the preparation of 444
the report and its recommendations. 445

Sec. 128.02. (A) (1) There is hereby created the statewide 446
emergency services internet protocol network steering committee, 447
consisting of the following ten members: 448

(a) The state chief information officer or the officer's 449
designee; 450

(b) Two members of the house of representatives appointed 451
by the speaker, one from the majority party and one from the 452
minority party; 453

(c) Two members of the senate appointed by the president, 454
one from the majority party and one from the minority party; 455

(d) Five members appointed by the governor. 456

(2) In appointing the five members under division (A) (1) 457
(d) of this section, the governor shall appoint two 458
representatives of the county commissioners' association of Ohio 459
or a successor organization, two representatives of the Ohio 460
municipal league or a successor organization, and one 461
representative of the Ohio township association or a successor 462
organization. For each of these appointments, the governor shall 463
consider a nominee proposed by the association or successor 464
organization. The governor may reject any of the nominees and 465
may request that a nominating entity submit alternative 466
nominees. 467

(3) Initial appointments shall be made not later than ten 468
days after September 28, 2012. 469

(B) (1) The state chief information officer or the 470
officer's designee shall serve as the chairperson of the 471
steering committee and shall be a nonvoting member. All other 472
members shall be voting members. 473

(2) A member of the steering committee appointed from the 474
membership of the senate or the house of representatives shall 475
serve during the member's term as a member of the general 476
assembly and until a successor is appointed and qualified, 477
notwithstanding adjournment of the general assembly or the 478
expiration of the member's term as a member of the general 479
assembly. 480

(3) The initial terms of one of the representatives of the 481
county commissioners' association of Ohio, one of the 482
representatives of the Ohio municipal league, and the 483
representative of the Ohio township association shall all expire 484
on December 31, 2016. The initial terms of the other 485
representatives of the county commissioners' association of Ohio 486
and the Ohio municipal league shall expire on December 31, 2014. 487
Thereafter, terms of the members appointed by the governor shall 488
be for four years, with each term ending on the same day of the 489
same month as the term it succeeds. Each member appointed by the 490
governor shall hold office from the date of the member's 491
appointment until the end of the term for which the member was 492
appointed, and may be reappointed. A member appointed by the 493
governor shall continue in office after the expiration date of 494
the member's term until the member's successor takes office or 495
until a period of sixty days has elapsed, whichever occurs 496
first. Members appointed by the governor shall serve without 497
compensation and shall not be reimbursed for expenses. 498

(4) A vacancy in the position of any member of the 499

steering committee shall be filled for the unexpired term in the same manner as the original appointment.

(C) The steering committee shall generally advise the state on the implementation, operation, and maintenance of a statewide emergency services internet protocol network that would support state and local government ~~next-generation~~ next generation 9-1-1 and the dispatch of emergency service providers. The steering committee shall do all of the following:

(1) On or before May 15, 2013, deliver an initial report to the speaker of the house of representatives, the president of the senate, and the governor providing recommendations for the state to address the development of a statewide emergency services internet protocol network, which recommendations shall include a review of the current funding model for this state's 9-1-1 systems and may include a recommendation for a reduction in wireless 9-1-1 charges;

(2) Examine the readiness of the state's current technology infrastructure for a statewide emergency services internet protocol network;

(3) Research legislative authority with regard to governance and funding of a statewide emergency services internet protocol network, and provide recommendations on best practices to limit duplicative efforts to ensure an effective transition to ~~next-generation~~ next generation 9-1-1;

(4) Make recommendations for consolidation of public-safety-answering-point operations in this state, including recommendations for accelerating the consolidation schedule established in section 128.571 of the Revised Code, to accommodate ~~next-generation~~ next generation 9-1-1 technology and

to facilitate a more efficient and effective emergency services system; 529
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(5) Recommend policies, procedures, and statutory or regulatory authority to effectively govern a statewide emergency services internet protocol network; 531
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(6) Designate a ~~next-generation~~ next generation 9-1-1 statewide coordinator to serve as the primary point of contact for federal initiatives; 534
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(7) Coordinate with statewide initiatives and associations such as the state interoperable executive committee, the Ohio geographically referenced information program council, the Ohio multi-agency radio communications system steering committee, and other interested parties; 537
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(8) Serve as the entity responsible for the administration of Chapter 128. of the Revised Code. 542
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(D) (1) A 9-1-1 service provider shall provide to the steering committee: 544
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(a) The aggregate number of access lines that the provider maintains within the state of Ohio; 546
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(b) The aggregate amount of costs and cost recovery associated with providing 9-1-1 service, including coverage under tariffs and bill and keep arrangements within this state; 548
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(c) Any other information requested by the steering committee deemed necessary to support the transition to next generation 9-1-1. 551
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(2) Any political subdivision or governmental entity operating a public safety answering point shall provide to the steering committee: 554
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(a) The geographic location and population of the area for which the planning committee is responsible;	557 558
(b) Statistics detailing the number of 9-1-1 calls received;	559 560
(c) A report of expenditures made from disbursements for 9-1-1;	561 562
(d) An inventory of and the technical specifications for the current 9-1-1 network and equipment;	563 564
(e) Any other information requested by the steering committee that is deemed necessary to support the transition to next generation 9-1-1.	565 566 567
(3) The information requested under divisions (D)(1) and (2) of this section shall be provided by the 9-1-1 service provider, political subdivision, or governmental entity within forty-five days of the request of the steering committee.	568 569 570 571
(E) The steering committee shall hold its inaugural meeting not later than thirty days after September 28, 2012. Thereafter, the steering committee shall meet at least once a month, either in person or utilizing telecommunication-conferencing technology. A majority of the voting members shall constitute a quorum.	572 573 574 575 576 577
(F)(1) The steering committee shall have a permanent technical-standards subcommittee and a permanent public-safety-answering-point-operations subcommittee, and may, from time to time, establish additional subcommittees, to advise and assist the steering committee based upon the subcommittees' areas of expertise.	578 579 580 581 582 583
(2) The membership of subcommittees shall be determined by	584

the steering committee. 585

(a) The technical-standards subcommittee shall include one 586
member representing a wireline or wireless service provider that 587
participates in the state's 9-1-1 system, one representative of 588
the Ohio academic resources network, one representative of the 589
Ohio multi-agency radio communications system steering 590
committee, one representative of the Ohio geographically 591
referenced information program, and one member representing each 592
of the following associations selected by the steering committee 593
from nominations received from that association: 594

(i) The Ohio telephone association; 595

(ii) The Ohio chapter of the association of public-safety 596
communications officials; 597

(iii) The Ohio chapter of the national emergency number 598
association. 599

(b) The public-safety-answering-point-operations 600
subcommittee shall include one member representing the division 601
of emergency management of the department of public safety, one 602
member representing the state highway patrol, two members 603
recommended by the county commissioners' association of Ohio who 604
are managers of public safety answering points, two members 605
recommended by the Ohio municipal league who are managers of 606
public safety answering points, and one member from each of the 607
following associations selected by the steering committee from 608
nominations received from that association: 609

(i) The buckeye state sheriffs' association; 610

(ii) The Ohio association of chiefs of police; 611

(iii) The Ohio association of fire chiefs; 612

(iv) The Ohio chapter of the association of public-safety communications officials; 613
614

(v) The Ohio chapter of the national emergency number association. 615
616

(G) ~~The committee is not an agency, as defined in section 101.82 of the Revised Code, for purposes of~~ subject to sections 101.82 to 101.87 of the Revised Code. 617
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(H) As used in this section, "9-1-1 system," "wireless service provider," "wireline service provider," "emergency service provider," and "public safety answering point" have the same meanings as in section 128.01 of the Revised Code. 620
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(I) As used in this section, "bill and keep arrangements" has the same meaning as in 47 C.F.R. 51.713. 624
625

Sec. 150.06. (A) ~~The authority is not an agency as defined in section 101.82 of the Revised Code for purposes of divisions (A) and (B) of section 101.83~~ subject to sections 101.82 to 101.87 of the Revised Code. 626
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(B) The selection of a program administrator and the entering into an agreement under section 150.05 of the Revised Code do not constitute a purchase of services under Chapter 125. of the Revised Code. 630
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(C) Notwithstanding section 121.22 of the Revised Code, the authority may hold an executive session for either of the following purposes, but only after a majority of a quorum of the authority determines, by a roll call vote, to hold the session, and only at a regular or special meeting: 634
635
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637
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(1) Presenting, reviewing, or discussing proprietary information relating to any person unless that person has 639
640

consented in writing to disclosure of such information by the 641
authority; 642

(2) Preparing for, conducting, or reviewing negotiating 643
sessions with any private, for-profit investment fund for the 644
purpose of selecting a program administrator and entering into 645
an agreement under section 150.05 of the Revised Code. 646

Sec. 901.13. (A) As used in this section: 647

(1) "Ethanol" has the same meaning as in section 5733.46 648
of the Revised Code. 649

(2) "Facility" means an ethanol production plant that will 650
be located in this state. 651

(B) There is hereby created the ethanol incentive board. 652
The board shall consist of the following five members: the 653
director of agriculture, who shall serve as chairperson of the 654
board, the director of development, the executive director of 655
the Ohio air quality development authority, one member appointed 656
by the speaker of the house of representatives, and one member 657
appointed by the president of the senate. Initial appointments 658
to the board shall be made within thirty days of ~~the effective~~ 659
~~date of this section~~ March 21, 2002. Vacancies shall be filled 660
in the same manner provided for original appointments. Members 661
of the board shall serve without compensation. The board shall 662
meet and conduct its business as directed by the chairperson. 663
The board shall cease to exist January 1, 2014. 664

(C) The board's sole duty is to review any application 665
that is submitted to it under this section. The board shall 666
approve an application only if it determines, by the affirmative 667
vote of all members of the board, that the applicant's business 668
plan for a facility meets the requirements established by 669

division (D) of this section. 670

(D) The owner of a facility may apply to the board, on an 671
application provided by the director of agriculture, for 672
approval of the facility's business plan under this section. 673
Within sixty days of receipt of an application, the board shall 674
determine whether the applicant's business plan meets the 675
following requirements: 676

(1) The business plan is for the construction and 677
operation of a facility. 678

(2) The business plan contains detailed information 679
regarding: 680

(a) The availability and price of corn in the area where 681
the facility will be located; 682

(b) The availability and cost of energy needed for 683
operation of the facility; 684

(c) The availability of water and waste disposal systems 685
in the area where the facility will be located; 686

(d) The availability of labor and a qualified site manager 687
for the facility. 688

(3) The business plan analyzes any proposed marketing 689
agreements for the products produced by the facility. 690

(4) The facility to be constructed and operated under the 691
business plan is majority-owned by Ohio farmers or will be prior 692
to the first day the facility commences production. 693

(5) The business plan meets any other requirements 694
established by the board under rules adopted in accordance with 695
division (G) of this section. 696

The board shall issue a certificate of approval for each 697
application approved under this section, and any taxpayer that 698
invests money in the facility for which a business plan has been 699
approved may claim a tax credit for such investment under 700
section 5733.46 or 5747.75 of the Revised Code. 701

(E) Any business plan submitted to the board under this 702
section is not a public record subject to section 149.43 of the 703
Revised Code. 704

(F) The board shall notify the tax commissioner of any 705
certificate of approval issued under this section, within ten 706
days of its issuance. 707

(G) The director of agriculture, in consultation with the 708
director of development and in accordance with Chapter 119. of 709
the Revised Code, shall adopt rules necessary to implement this 710
section, including rules prescribing procedures and forms for 711
administering this section. 712

(H) The ethanol incentive board created by this section is 713
~~not an agency for purposes of section~~ subject to sections 101.82 714
to 101.87 of the Revised Code. 715

Sec. 2108.35. (A) There is hereby created within the 716
department of health the second chance trust fund advisory 717
committee, consisting of thirteen members. The members shall 718
include the following: 719

(1) The chairs of the standing committees of the house of 720
representatives and senate with primary responsibilities for 721
health legislation; 722

(2) One representative of each of the following appointed 723
by the director of health: 724

(a) An Ohio organ procurement organization that is a member of the Organ Procurement and Transplantation Network;	725 726
(b) An Ohio tissue bank that is an accredited member of the American association of tissue banks;	727 728
(c) An Ohio eye bank that is certified by the eye bank association of America;	729 730
(d) The Ohio solid organ transplantation consortium;	731
(e) A hospital to which both of the following apply:	732
(i) It is a member of the Ohio hospital association.	733
(ii) It has a transplant program or a facility that has been verified as a level I or level II trauma center by the American college of surgeons.	734 735 736
(f) The department of health.	737
(3) Three members of the public appointed by the director who are not affiliated with procurement organizations;	738 739
(4) Two members appointed by the director who are either affiliated with procurement organizations or members of the public.	740 741 742
(B) Of the members first appointed under division (A) (2) of this section, the representatives of the organ procurement organization, tissue procurement organization, and eye bank shall serve terms of three years; the representatives of the department of health and Ohio solid organ transplantation consortium shall serve terms of two years; and the member representing the Ohio hospital association shall serve a term of one year. Thereafter, all members shall serve terms of three years.	743 744 745 746 747 748 749 750 751

(C) Members appointed under division (A) (2), (3), or (4) 752
of this section shall be geographically and demographically 753
representative of the state. No more than a total of three 754
members appointed under divisions (A) (2), (3), and (4) of this 755
section shall be affiliated with the same procurement 756
organization or group of procurement organizations. Procurement 757
organizations that recover only one type of organ, tissue, or 758
part, as well as procurement organizations that recover more 759
than one type of organ, tissue, or part, shall be represented. 760

No individual appointed under division (A) (2), (3), or (4) 761
of this section shall serve more than two consecutive terms, 762
regardless of whether the terms were full or partial terms. Each 763
member shall serve from the date of appointment until the 764
member's successor is appointed. All vacancies on the committee 765
shall be filled for the balance of the unexpired term in the 766
same manner as the original appointment. 767

(D) The committee shall annually elect a chairperson from 768
among its members and shall establish procedures for the 769
governance of its operations. The committee shall meet at least 770
semiannually. It shall submit an annual report of its activities 771
and recommendations to the director of health. 772

(E) Committee members shall serve without compensation, 773
but shall be reimbursed from the second chance trust fund for 774
all actual and necessary expenses incurred in the performance of 775
official duties. 776

(F) The committee shall do all of the following: 777

(1) Make recommendations to the director of health for 778
projects for funding from the second chance trust fund; 779

(2) Consult with the registrar of motor vehicles in 780

formulating proposed rules under division (C) (1) of section 781
2108.23 of the Revised Code; 782

(3) As requested, consult with the registrar or director 783
on other matters related to organ donation; 784

(4) Approve brochures, written materials, and electronic 785
media regarding anatomical gifts and anatomical gift procedures 786
for use in driver training schools pursuant to section 4508.021 787
of the Revised Code. 788

(G) The committee is not subject to ~~section 101.84~~ 789
sections 101.82 to 101.87 of the Revised Code. 790

Sec. 4740.14. (A) There is hereby created within the 791
department of commerce the residential construction advisory 792
committee consisting of nine persons the director of commerce 793
appoints. The advisory committee shall be made up of the 794
following members: 795

(1) Three shall be general contractors who have recognized 796
ability and experience in the construction of residential 797
buildings. 798

(2) Two shall be building officials who have experience 799
administering and enforcing a residential building code. 800

(3) One, chosen from a list of three names the Ohio fire 801
chief's association submits, shall be from the fire service 802
certified as a fire safety inspector who has at least ten years 803
of experience enforcing fire or building codes. 804

(4) One shall be a residential contractor who has 805
recognized ability and experience in the remodeling and 806
construction of residential buildings. 807

(5) One shall be an architect registered pursuant to 808

Chapter 4703. of the Revised Code, with recognized ability and 809
experience in the architecture of residential buildings. 810

(6) One, chosen from a list of three names the Ohio 811
municipal league submits to the director, shall be a mayor of a 812
municipal corporation in which the Ohio residential building 813
code is being enforced in the municipal corporation by a 814
certified building department. 815

(B) Terms of office shall be for three years, with each 816
term ending on the date three years after the date of 817
appointment. Each member shall hold office from the date of 818
appointment until the end of the term for which the member was 819
appointed. Vacancies shall be filled in the manner provided for 820
initial appointments. Any member appointed to fill a vacancy in 821
an unexpired term shall hold office for the remainder of that 822
term. 823

(C) The advisory committee shall do all of the following: 824

(1) Recommend to the board of building standards a 825
building code for residential buildings. The committee shall 826
recommend a code that it may model on a residential building 827
code a national model code organization issues, with adaptations 828
necessary to implement the code in this state. If the board of 829
building standards decides not to adopt a code the committee 830
recommends, the committee shall revise the code and resubmit it 831
until the board adopts a code the committee recommends as the 832
state residential building code; 833

(2) Advise the board regarding the establishment of 834
standards for certification of building officials who enforce 835
the state residential building code; 836

(3) Assist the board in providing information and guidance 837

to residential contractors and building officials who enforce 838
the state residential building code; 839

(4) Advise the board regarding the interpretation of the 840
state residential building code; 841

(5) Provide other assistance the committee considers 842
necessary; 843

(6) Provide the board with a written report of the 844
committee's findings for each consideration required by division 845
(D) of this section. 846

(D) The committee shall not make its recommendation to the 847
board pursuant to divisions (C) (1), (2), and (4) of this section 848
until the advisory committee has considered all of the 849
following: 850

(1) The impact that the state residential building code 851
may have upon the health, safety, and welfare of the public; 852

(2) The economic reasonableness of the residential 853
building code; 854

(3) The technical feasibility of the residential building 855
code; 856

(4) The financial impact that the residential building 857
code may have on the public's ability to purchase affordable 858
housing. 859

(E) The advisory committee may provide the board with any 860
rule the committee recommends to update or amend the state 861
residential building code or any rule that the committee 862
recommends to update or amend the state residential building 863
code after receiving a petition described in division (A) (2) of 864
section 3781.12 of the Revised Code. 865

(F) Members of the advisory committee shall receive no 866
salary for the performance of their duties as members, but shall 867
receive their actual and necessary expenses incurred in the 868
performance of their duties as members of the advisory committee 869
and shall receive a per diem for each day in attendance at an 870
official meeting of the committee, to be paid from the 871
industrial compliance operating fund in the state treasury, 872
using fees collected in connection with residential buildings 873
pursuant to division (F) (2) of section 3781.102 of the Revised 874
Code and deposited in that fund. 875

(G) The advisory committee is not subject to ~~divisions (A)~~ 876
~~and (B) of section 101.84~~ sections 101.82 to 101.87 of the 877
Revised Code. 878

Sec. 4928.58. (A) There is hereby created the public 879
benefits advisory board, which has the purpose of ensuring that 880
energy services be provided to low-income consumers in this 881
state in an affordable manner consistent with the policy 882
specified in section 4928.02 of the Revised Code. The advisory 883
board shall consist of twenty-one members as follows: the 884
director of development, the chairperson of the public utilities 885
commission, the consumers' counsel, and the director of the air 886
quality development authority, each serving ex officio and 887
represented by a designee at the official's discretion; two 888
members of the house of representatives appointed by the speaker 889
of the house of representatives, neither of the same political 890
party, and two members of the senate appointed by the president 891
of the senate, neither of the same political party; and thirteen 892
members appointed by the governor with the advice and consent of 893
the senate, consisting of one representative of suppliers of 894
competitive retail electric service; one representative of the 895
residential class of electric utility customers; one 896

representative of the industrial class of electric utility 897
customers; one representative of the commercial class of 898
electric utility customers; one representative of agricultural 899
or rural customers of an electric utility; two customers 900
receiving assistance under one or more of the low-income 901
customer assistance programs, to represent customers eligible 902
for any such assistance, including senior citizens; one 903
representative of the general public; one representative of 904
local intake agencies; one representative of a community-based 905
organization serving low-income customers; one representative of 906
environmental protection interests; one representative of 907
lending institutions; and one person considered an expert in 908
energy efficiency or renewables technology. Initial appointments 909
shall be made not later than November 1, 1999. 910

(B) Initial terms of six of the appointed members shall 911
end on June 30, 2003, and initial terms of the remaining seven 912
appointed members shall end on June 30, 2004. Thereafter, terms 913
of appointed members shall be for three years, with each term 914
ending on the same day of the same month as the term it 915
succeeds. Each member shall hold office from the date of the 916
member's appointment until the end of the term for which the 917
member was appointed. Members may be reappointed. 918

Vacancies shall be filled in the manner provided for 919
original appointments. Any member appointed to fill a vacancy 920
occurring prior to the expiration date of the term for which the 921
member's predecessor was appointed shall hold office as a member 922
for the remainder of that term. A member shall continue in 923
office after the expiration date of the member's term until the 924
member's successor takes office or until a period of sixty days 925
has elapsed, whichever occurs first. 926

(C) Board members shall be reimbursed for their actual and 927
necessary expenses incurred in the performance of board duties. 928
The reimbursements constitute, as applicable, administrative 929
costs of the low-income customer assistance programs for the 930
purpose of division (A) of section 4928.51 of the Revised Code 931
or administrative costs of the advanced energy program for the 932
purpose of division (A) of section 4528.61 of the Revised Code. 933

(D) The advisory board shall select a chairperson from 934
among its members. Only board members appointed by the governor 935
with the advice and consent of the senate shall be voting 936
members of the board; each shall have one vote in all 937
deliberations of the board. A majority of the voting members 938
constitute a quorum. 939

(E) The duties of the advisory board shall be as follows: 940

(1) Advise the director in the administration of the 941
universal service fund and the low-income customer assistance 942
programs and advise the director on the director's 943
recommendation to the commission regarding the appropriate level 944
of the universal service rider; 945

(2) Advise the director on the administration of the 946
advanced energy program and the advanced energy fund under 947
sections 4928.61 to 4928.63 of the Revised Code. 948

(F) The advisory board is not ~~an agency for purposes of~~ 949
subject to sections 101.82 to 101.87 of the Revised Code. 950

Sec. 5149.22. There is hereby established the Ohio council 951
for interstate adult offender supervision pursuant to Article IV 952
of the interstate compact for adult offender supervision. The 953
council shall be comprised of at least twelve members. One 954
member shall be the compact administrator for this state for the 955

interstate compact for adult offender supervision or the 956
administrator's designee. The speaker of the house of 957
representatives shall appoint one member, who shall be of the 958
house of representatives. The president of the senate shall 959
appoint one member, who shall be a member of the senate. The 960
chief justice of the supreme court shall appoint three members, 961
two of whom shall be members of the judiciary. The governor 962
shall appoint five members, including a representative of a 963
crime victim's organization, a member of the executive branch, a 964
prosecuting attorney, a member of the state public defender's 965
office, and a chief probation officer. The attorney general 966
shall appoint one member, who shall be from the bureau of 967
criminal identification and investigation. The director of 968
rehabilitation and correction shall appoint as many additional 969
members as the director considers necessary to fulfill the 970
mission of the compact. The Ohio council for interstate adult 971
offender supervision is not subject to ~~section 101.84~~ sections
101.82 to 101.87 of the Revised Code. 972
973

Each appointee to the state council shall be appointed in 974
consultation with the department of rehabilitation and 975
correction and shall serve at the pleasure of the appointing 976
authority. The members of the council shall serve without 977
compensation, but each member shall be reimbursed for the 978
member's actual and necessary expenses incurred in the 979
performance of the member's official duties on the council. 980

The compact administrator for this state for the 981
interstate compact for adult offender supervision, or the 982
administrator's designee, shall serve as commissioner of the 983
state council and as this state's representative to the 984
interstate commission established under Article III of that 985
compact. 986

Section 2. That existing sections 101.82, 101.83, 101.86, 101.87, 128.02, 150.06, 901.13, 2108.35, 4740.14, 4928.58, and 5149.22 and sections 101.84 and 101.85 of the Revised Code are hereby repealed.

Section 3. Section 5 of S.B. 171 of the 129th General Assembly is repealed. The intent of this repeal is to remove the limitation placed by that section on the continued operation of sections 101.82, 101.83, 101.84, 101.85, 101.86, and 101.87 of the Revised Code. This intent is not affected by the rule of interpretation stated in section 1.57 of the Revised Code.