

S. B. No. 96

As Introduced

\_\_\_\_\_ moved to amend as follows:

In line 1 of the title, after "sections" insert "121.08,"

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In line 5, after "sections" insert "121.08,"

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After line 7, insert:

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"Sec. 121.08. (A) There is hereby created in the  
department of commerce the position of deputy director of  
administration. This officer shall be appointed by the director  
of commerce, serve under the director's direction, supervision,  
and control, perform the duties the director prescribes, and  
hold office during the director's pleasure. The director of  
commerce may designate an assistant director of commerce to  
serve as the deputy director of administration. The deputy  
director of administration shall perform the duties prescribed  
by the director of commerce in supervising the activities of the  
division of administration of the department of commerce.

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(B) Except as provided in section 121.07 of the Revised  
Code, the department of commerce shall have all powers and  
perform all duties vested in the deputy director of

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administration, the state fire marshal, the superintendent of 18  
financial institutions, the superintendent of real estate and 19  
professional licensing, the superintendent of liquor control, 20  
the superintendent of industrial compliance, the superintendent 21  
of unclaimed funds, the superintendent of marijuana control, and 22  
the commissioner of securities, and shall have all powers and 23  
perform all duties vested by law in all officers, deputies, and 24  
employees of those offices. Except as provided in section 121.07 25  
of the Revised Code, wherever powers are conferred or duties 26  
imposed upon any of those officers, the powers and duties shall 27  
be construed as vested in the department of commerce. 28

(C) (1) There is hereby created in the department of 29  
commerce a division of financial institutions, which shall have 30  
all powers and perform all duties vested by law in the 31  
superintendent of financial institutions. Wherever powers are 32  
conferred or duties imposed upon the superintendent of financial 33  
institutions, those powers and duties shall be construed as 34  
vested in the division of financial institutions. The division 35  
of financial institutions shall be administered by the 36  
superintendent of financial institutions. 37

(2) All provisions of law governing the superintendent of 38  
financial institutions shall apply to and govern the 39  
superintendent of financial institutions provided for in this 40  
section; all authority vested by law in the superintendent of 41  
financial institutions with respect to the management of the 42  
division of financial institutions shall be construed as vested 43  
in the superintendent of financial institutions created by this 44  
section with respect to the division of financial institutions 45  
provided for in this section; and all rights, privileges, and 46  
emoluments conferred by law upon the superintendent of financial 47  
institutions shall be construed as conferred upon the 48

superintendent of financial institutions as head of the division 49  
of financial institutions. The director of commerce shall not 50  
transfer from the division of financial institutions any of the 51  
functions specified in division (C) (2) of this section. 52

(D) There is hereby created in the department of commerce 53  
a division of liquor control, which shall have all powers and 54  
perform all duties vested by law in the superintendent of liquor 55  
control. Wherever powers are conferred or duties are imposed 56  
upon the superintendent of liquor control, those powers and 57  
duties shall be construed as vested in the division of liquor 58  
control. The division of liquor control shall be administered by 59  
the superintendent of liquor control. 60

(E) The director of commerce shall not be interested, 61  
directly or indirectly, in any firm or corporation which is a 62  
dealer in securities as defined in sections 1707.01 and 1707.14 63  
of the Revised Code, or in any firm or corporation licensed 64  
under sections 1321.01 to 1321.19 of the Revised Code. 65

(F) The director of commerce shall not have any official 66  
connection with a savings and loan association, a savings bank, 67  
a bank, a bank holding company, a savings and loan association 68  
holding company, a consumer finance company, or a credit union 69  
that is under the supervision of the division of financial 70  
institutions, or a subsidiary of any of the preceding entities, 71  
or be interested in the business thereof. 72

(G) There is hereby created in the state treasury the 73  
division of administration fund. The fund shall receive 74  
assessments on the operating funds of the department of commerce 75  
in accordance with procedures prescribed by the director of 76  
commerce. All operating expenses of the division of 77  
administration shall be paid from the division of administration 78

fund.	79
(H) There is hereby created in the department of commerce	80
a division of real estate and professional licensing, which	81
shall be under the control and supervision of the director of	82
commerce. The division of real estate and professional licensing	83
shall be administered by the superintendent of real estate and	84
professional licensing. The superintendent of real estate and	85
professional licensing shall exercise the powers and perform the	86
functions and duties delegated to the superintendent under	87
Chapters 4735., 4763., 4764., 4767., and 4768. of the Revised	88
Code.	89
(I) There is hereby created in the department of commerce	90
a division of industrial compliance, which shall have all powers	91
and perform all duties vested by law in the superintendent of	92
industrial compliance. Wherever powers are conferred or duties	93
imposed upon the superintendent of industrial compliance, those	94
powers and duties shall be construed as vested in the division	95
of industrial compliance. The division of industrial compliance	96
shall be under the control and supervision of the director of	97
commerce and be administered by the superintendent of industrial	98
compliance.	99
(J) There is hereby created in the department of commerce	100
a division of unclaimed funds, which shall have all powers and	101
perform all duties delegated to or vested by law in the	102
superintendent of unclaimed funds. Wherever powers are conferred	103
or duties imposed upon the superintendent of unclaimed funds,	104
those powers and duties shall be construed as vested in the	105
division of unclaimed funds. The division of unclaimed funds	106
shall be under the control and supervision of the director of	107
commerce and shall be administered by the superintendent of	108

unclaimed funds. The superintendent of unclaimed funds shall 109  
exercise the powers and perform the functions and duties 110  
delegated to the superintendent by the director of commerce 111  
under section 121.07 and Chapter 169. of the Revised Code, and 112  
as may otherwise be provided by law. 113

(K) There is hereby created in the department of commerce 114  
a division of marijuana control, which shall have all powers and 115  
perform all duties vested by law in the superintendent of 116  
marijuana control. Wherever powers are conferred or duties are 117  
imposed upon the superintendent of marijuana control, those 118  
powers and duties shall be construed as vested in the division 119  
of marijuana control. The division of marijuana control shall be 120  
under the control and supervision of the director of commerce 121  
and be administered by the superintendent of marijuana control. 122

(L) The department of commerce or a division of the 123  
department created by the Revised Code that is acting with 124  
authorization on the department's behalf may request from the 125  
bureau of criminal identification and investigation pursuant to 126  
section 109.572 of the Revised Code, or coordinate with 127  
appropriate federal, state, and local government agencies to 128  
accomplish, criminal records checks for the persons whose 129  
identities are required to be disclosed by an applicant for the 130  
issuance or transfer of a permit, license, certificate of 131  
registration, or certification issued or transferred by the 132  
department or division. At or before the time of making a 133  
request for a criminal records check, the department or division 134  
may require any person whose identity is required to be 135  
disclosed by an applicant for the issuance or transfer of such a 136  
license, permit, certificate of registration, or certification 137  
to submit to the department or division valid fingerprint 138  
impressions in a format and by any media or means acceptable to 139

the bureau of criminal identification and investigation and, 140  
when applicable, the federal bureau of investigation. The 141  
department or division may cause the bureau of criminal 142  
identification and investigation to conduct a criminal records 143  
check through the federal bureau of investigation only if the 144  
person for whom the criminal records check would be conducted 145  
resides or works outside of this state or has resided or worked 146  
outside of this state during the preceding five years, or if a 147  
criminal records check conducted by the bureau of criminal 148  
identification and investigation within this state indicates 149  
that the person may have a criminal record outside of this 150  
state. 151

In the case of a criminal records check under section 152  
109.572 of the Revised Code, the department or division shall 153  
forward to the bureau of criminal identification and 154  
investigation the requisite form, fingerprint impressions, and 155  
fee described in division (C) of that section. When requested by 156  
the department or division in accordance with this section, the 157  
bureau of criminal identification and investigation shall 158  
request from the federal bureau of investigation any information 159  
it has with respect to the person who is the subject of the 160  
requested criminal records check and shall forward the requisite 161  
fingerprint impressions and information to the federal bureau of 162  
investigation for that criminal records check. After conducting 163  
a criminal records check or receiving the results of a criminal 164  
records check from the federal bureau of investigation, the 165  
bureau of criminal identification and investigation shall 166  
provide the results to the department or division. 167

The department or division may require any person about 168  
whom a criminal records check is requested to pay to the 169  
department or division the amount necessary to cover the fee 170

charged to the department or division by the bureau of criminal 171  
identification and investigation under division (C) (3) of 172  
section 109.572 of the Revised Code, including, when applicable, 173  
any fee for a criminal records check conducted by the federal 174  
bureau of investigation. 175

(M) The director of commerce, or the director's designee, 176  
may adopt rules to enhance compliance with statutes pertaining 177  
to, and rules adopted by, divisions under the direction, 178  
supervision, and control of the department or director by 179  
offering incentive-based programs that ensure safety and 180  
soundness while promoting growth and prosperity in the state. 181

(N) (1) The director of commerce shall publish on the 182  
department of commerce's public web site information on employee 183  
rights, including information on all of the following laws: 184

(a) The minor labor law under Chapter 4109. of the Revised 185  
Code; 186

(b) The minimum fair wage standards law under Chapter 187  
4111. of the Revised Code; 188

(c) The civil rights law under Chapter 4112. of the 189  
Revised Code; 190

(d) The prevailing wage law under sections 4115.03 to 191  
4115.21 of the Revised Code; 192

(e) The workers' compensation law under Chapters 4121., 193  
4123., 4127., and 4131. of the Revised Code; 194

(f) The public employment risk reduction program law under 195  
Chapter 4167. of the Revised Code; 196

(g) Any other information regarding employee rights that 197  
the director determines to be appropriate. 198

<u>(2) The director shall publish the information required by</u>	199
<u>this division in English, Spanish, Portuguese, Chinese, Arabic,</u>	200
<u>and German. "</u>	201
In line 8, strike through "(A)" and insert " <u>(A) (1)</u> "	202
In line 12, after "chapter." insert " <u>The director shall include</u>	203
<u>information on how employees may access the web site containing</u>	204
<u>information on employee rights published in accordance with division (N)</u>	205
<u>of section 121.08 of the Revised Code on the abstract."</u>	206
In line 15, delete " <u>(1)</u> " and insert " <u>(a)</u> "	207
In line 18, delete " <u>(2)</u> " and insert " <u>(b)</u> "	208
After line 19, insert:	209
<u>"(2) If an employer chooses to post the list and abstract</u>	210
<u>on the internet, the employer shall post a notice in the manner</u>	211
<u>described in division (A) (1) (a) of this section that provides</u>	212
<u>information on how employees may access the list and abstract on</u>	213
<u>the internet."</u>	214
In line 47, delete " <u>(A)</u> " and insert " <u>(A) (1)</u> "	215
In line 53, delete " <u>(1)</u> " and insert " <u>(a)</u> "	216
In line 55, delete " <u>(2)</u> " and insert " <u>(b)</u> "	217
After line 56, insert:	218
<u>"(2) If an employer chooses to post the summary on the</u>	219
<u>internet, the employer shall post a notice in the manner</u>	220
<u>described in division (A) (1) (a) of this section that provides</u>	221
<u>information on how employees may access the summary on the</u>	222
<u>internet."</u>	223
In line 62, after "Constitution." insert " <u>The director shall include</u>	224
<u>information on how employees may access the web site containing</u>	225



information on employee rights published in accordance with division (N) 226  
of section 121.08 of the Revised Code on the summary." 227

In line 72, after "chapter." insert "The commission shall include 228  
information on how employees may access the web site containing 229  
information on employee rights published in accordance with division (N) 230  
of section 121.08 of the Revised Code on the notice. 231

If a person chooses to post the notice on the internet, 232  
the person shall post a separate notice in a conspicuous place 233  
on the person's premises that provides information on how the 234  
notice may be accessed on the internet." 235

In line 106, after "contract." insert "The statement shall include 236  
information on how employees may access the web site containing 237  
information on employee rights published in accordance with division (N) 238  
of section 121.08 of the Revised Code. 239

If a contractor or subcontractor chooses to post the 240  
statement on the internet, the contractor or subcontractor shall 241  
post a notice in a prominent and accessible place on the site of 242  
the work that provides information on how the statement may be 243  
accessed on the internet." 244

In line 233, after "self-insurance." insert "The written notice 245  
required by division (B) of this section shall include information on how 246  
employees may access the web site containing information on employee 247  
rights published in accordance with division (N) of section 121.08 of the 248  
Revised Code." 249

After line 236, insert: 250

"If an employer chooses to post the notice on the 251  
internet, the employer shall post a separate notice 252  
conspicuously in the employer's place or places of employment 253

that provides information on how employees may access the notice 254  
on the internet." 255

In line 468, after "due." insert "The notice shall include 256  
information on how employees may access the web site containing 257  
information on employee rights published in accordance with division (N) 258  
of section 121.08 of the Revised Code." 259

After line 472, insert: 260

"If an employer chooses to post the notice on the 261  
internet, the employer shall post a separate notice 262  
conspicuously in the employer's place or places of employment 263  
that provides information on how employees may access the notice 264  
on the internet." 265

In line 498, after "employees." insert "The rule shall require an 266  
employer who chooses to post a notice on the internet to post a separate 267  
notice conspicuously in the employer's place or places of employment that 268  
provides information on how employees can access the notice on the 269  
internet. The rule shall require any notice to contain information on how 270  
employees may access the web site containing information on employee 271  
rights published in accordance with division (N) of section 121.08 of the 272  
Revised Code." 273

In line 518, after "sections" insert "121.08," 274

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS 275

**Physical posting on how to access internet postings** 276

<b>R.C. 4109.08, 4111.09, 4112.07, 4115.07, 4123.54, 4123.83,</b>	277
<b>and 4167.11</b>	278
Requires, if an employer chooses to post a notice on the	279
internet as allowed under the bill, the employer to physically	280
post a separate notice that provides information on how	281
employees can access the notice on the internet.	282
<b>Employee rights information</b>	283
<b>R.C. 121.08, 4109.08, 4111.09, 4112.07, 4115.07, 4123.54,</b>	284
<b>4123.83, and 4167.11</b>	285
Requires the Director of Commerce to publish on the	286
Department of Commerce's public web site information on employee	287
rights under the laws covered by the bill's internet posting	288
provisions and other information regarding employee rights that	289
the Director determines to be appropriate.	290
Requires the Director to publish the information in	291
English, Spanish, Portuguese, Chinese, Arabic, and German.	292
Requires the postings covered by the bill's internet	293
posting provisions to include information on how employees can	294
access the public web site containing the information the	295
Director of Commerce must publish under this amendment.	296