

S. B. No. 33
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) 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

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

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

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

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

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

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

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

In line 18, after " <u>chapter.</u> " insert " <u>The director shall include</u>	199
<u>information on how employees may access the web site containing</u>	200
<u>information on employee rights published in accordance with division (N)</u>	201
<u>of section 121.08 of the Revised Code on the abstract."</u>	202
After line 24, insert:	203
"(3) <u>If an employer chooses to post the abstract on the</u>	204
<u>internet, the employer shall post a notice in the manner</u>	205
<u>described in division (A) (2) (a) of this section that provides</u>	206
<u>information on how employees may access the abstract on the</u>	207
<u>internet."</u>	208
In line 52, delete " <u>(A)</u> " and insert " <u>(A) (1)</u> "	209
In line 58, delete " <u>(1)</u> " and insert " <u>(a)</u> "	210
In line 60, delete " <u>(2)</u> " and insert " <u>(b)</u> "	211
After line 61, insert:	212
"(2) <u>If an employer chooses to post the summary on the</u>	213
<u>internet, the employer shall post a notice in the manner</u>	214
<u>described in division (A) (1) (a) of this section that provides</u>	215
<u>information on how employees may access the summary on the</u>	216
<u>internet."</u>	217
In line 67, after "Constitution." insert " <u>The director shall include</u>	218
<u>information on how employees may access the web site containing</u>	219
<u>information on employee rights published in accordance with division (N)</u>	220
<u>of section 121.08 of the Revised Code on the summary."</u>	221
In line 77, after "chapter." insert " <u>The commission shall include</u>	222
<u>information on how employees may access the web site containing</u>	223
<u>information on employee rights published in accordance with division (N)</u>	224
<u>of section 121.08 of the Revised Code on the notice.</u>	225

If a person chooses to post the notice on the internet, 226
the person shall post a separate notice in a conspicuous place 227
on the person's premises that provides information on how the 228
notice may be accessed on the internet." 229

In line 111, after "contract." insert "The statement shall include 230
information on how employees may access the web site containing 231
information on employee rights published in accordance with division (N) 232
of section 121.08 of the Revised Code. 233

If a contractor or subcontractor chooses to post the 234
statement on the internet, the contractor or subcontractor shall 235
post a notice in a prominent and accessible place on the site of 236
the work that provides information on how the statement may be 237
accessed on the internet." 238

In line 249, after "self-insurance." insert "The written notice 239
required by division (B) of this section shall include information on how 240
employees may access the web site containing information on employee 241
rights published in accordance with division (N) of section 121.08 of the 242
Revised Code." 243

After line 252, insert: 244

"If an employer chooses to post the notice on the 245
internet, the employer shall post a separate notice 246
conspicuously in the employer's place or places of employment 247
that provides information on how employees may access the notice 248
on the internet." 249

In line 484, after "due." insert "The notice shall include 250
information on how employees may access the web site containing 251
information on employee rights published in accordance with division (N) 252
of section 121.08 of the Revised Code." 253

After line 488, insert: 254

"If an employer chooses to post the notice on the 255
internet, the employer shall post a separate notice 256
conspicuously in the employer's place or places of employment 257
that provides information on how employees may access the notice 258
on the internet." 259

In line 514, after "employees." insert "The rule shall require an 260
employer who chooses to post a notice on the internet to post a separate 261
notice conspicuously in the employer's place or places of employment that 262
provides information on how employees can access the notice on the 263
internet. The rule shall require any notice to contain information on how 264
employees may access the web site containing information on employee 265
rights published in accordance with division (N) of section 121.08 of the 266
Revised Code." 267

In line 534, after "sections" insert "121.08," 268

The motion was _____ agreed to.

SYNOPSIS 269

Physical posting on how to access internet postings 270

**R.C. 4109.08, 4111.09, 4112.07, 4115.07, 4123.54, 4123.83, 271
and 4167.11 272**

Requires, if an employer chooses to post a notice on the 273
internet as allowed under the bill, the employer to physically 274
post a separate notice that provides information on how 275
employees can access the notice on the internet. 276

Employee rights information	277
R.C. 121.08, 4109.08, 4111.09, 4112.07, 4115.07, 4123.54,	278
4123.83, and 4167.11	279
Requires the Director of Commerce to publish on the	280
Department of Commerce's public website information on employee	281
rights under the laws covered by the bill's internet posting	282
provisions and other information regarding employee rights that	283
the Director determines to be appropriate.	284
Requires the postings covered by the bill's internet	285
posting provisions to include information on how employees can	286
access the public web site containing the information the	287
Director of Commerce must publish under this amendment.	288