

As Introduced

131st General Assembly

Regular Session

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H. B. No. 73

Representatives Lepore-Hagan, Gerberry

Cosponsors: Representatives O'Brien, S., Driehaus, Antonio, Stinziano, Strahorn

A BILL

To enact section 107.31 of the Revised Code to
establish provisions regarding the possible
closing, sale, or privatization of state
institutional facilities.

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

Section 1. That section 107.31 of the Revised Code be
enacted to read as follows:

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Sec. 107.31. (A) As used in this section:

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(1) "State agency" means an agency or department of state
government.

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(2) "State institutional facility" means any institution
or other facility for the housing of any person that is under
the control of the department of rehabilitation and correction,
the department of youth services, the department of
developmental disabilities, the department of mental health and
addiction services, or any other state agency.

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(3) "Target state agency" means the state agency that the
governor identifies in a notice provided under division (C) (1)

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of this section and that operates an institutional facility or 18
facilities the governor believes should be closed, sold, or 19
privatized. 20

(B) Notwithstanding any other provision of law, the 21
governor shall not order the closure, sale, or privatization of 22
any state institutional facility other than in accordance with 23
this section. 24

(C) If the governor determines that one or more state 25
institutional facilities should be closed, sold, or privatized, 26
all of the following apply: 27

(1) The governor shall determine which state agency's 28
institutional facility or facilities the governor believes 29
should be closed, sold, or privatized, shall notify the general 30
assembly and that agency of that determination and the rationale 31
for that determination, and shall specify in the notice the 32
number of facilities of that agency that the governor believes 33
should be closed, sold, or privatized. If the rationale for the 34
closure, sale, or privatization is expenditure reductions or 35
budget cuts, the notice also shall specify the anticipated 36
savings to be obtained through that closure or those closures. 37

(2) Upon the governor's provision of the notice described 38
in division (C) (1) of this section, a state facilities closure 39
commission shall be created as described in division (D) of this 40
section regarding the target state agency. Not later than seven 41
days after the governor provides that notice, the officials with 42
the duties to appoint members of the commission for the target 43
state agency, as described in division (D) of this section, 44
shall appoint the specified members of the commission, and as 45
soon as possible after the appointments, the commission shall 46
meet for the purposes described in that division. Not later than 47

thirty days after the governor provides the notice described in 48
division (C) (1) of this section, the state facilities closure 49
commission shall provide to the general assembly, the governor, 50
and the target state agency a report that contains the 51
commission's recommendation as to the state institutional 52
facility or facilities of the target state agency that the 53
governor may close, sell, or privatize. If the commission 54
recommends closure, sale, or privatization for expenditure 55
reductions or budget cuts, the anticipated savings to be 56
obtained by the commission's recommendation shall be 57
approximately the same as the anticipated savings the governor 58
specified in the governor's notice provided under division (C) 59
(1) of this section, and if the recommendation identifies more 60
than one facility, it shall list them in order of the 61
commission's preference for closure, sale, or privatization. 62

(3) Upon receipt of the report of the state facilities 63
closure commission under division (C) (2) of this section for a 64
target state agency, the governor may close, sell, or privatize 65
state institutional facilities of the target state agency that 66
are identified in the commission's recommendation contained in 67
the report. Except as otherwise provided in this division, the 68
governor shall not close, sell, or privatize any state 69
institutional facility of the target state agency that is not 70
listed in the commission's recommendation, and shall not close, 71
sell, or privatize multiple institutions in any order other than 72
the order of the commission's preference as specified in the 73
recommendation. The governor is not required to follow the 74
recommendation of the commission in closing, selling, or 75
privatizing an institutional facility if the governor determines 76
that a significant change in circumstances make the 77
recommendation unworkable and the governor calls for a new 78

commission regarding the target state agency. If the governor 79
calls for a new commission, the new commission shall be created 80
as described in division (D) of this section, and the procedures 81
and rules specified in this section shall apply regarding the 82
commission's and governor's activities. 83

(D) A state facilities closure commission shall be created 84
at the time and in the manner specified in division (C) (2) or 85
(3) of this section. If more than one state agency is a target 86
state agency, a separate state facilities closure commission 87
shall be created for each such target state agency. Each 88
commission consists of thirteen members. Three members shall be 89
members of the house of representatives, with two of these 90
members being members of the majority political party in the 91
house of representatives appointed by the speaker of the house 92
of representatives and one of them being a member of the 93
minority political party in the house of representatives 94
appointed by the minority leader of the house of 95
representatives. Three members shall be members of the senate, 96
with two of these members being members of the majority 97
political party in the senate appointed by the president of the 98
senate and one being a member of the minority political party in 99
the senate appointed by the minority leader of the senate. One 100
member shall be the director of budget and management or the 101
director's designee. One member shall be the director or other 102
agency head of the target state agency or the director's or 103
agency head's designee. Four members shall have experience in 104
the work of the target agency, with one of these members being 105
appointed by the speaker of the house of representatives, one 106
being appointed by the minority leader of the house of 107
representatives, one being appointed by the president of the 108
senate, and one being appointed by the minority leader of the 109

senate. One member shall be a representative of the employees' 110
association representing the largest number of employees of the 111
target state agency, as certified by the director or other 112
agency head of the target state agency, with that member being 113
appointed by the president of that association. The officials 114
with the duties to appoint members of the commission shall make 115
the appointments, and the commission shall meet, within the time 116
periods specified in division (C) (2) of this section. The 117
members of the commission shall serve without compensation. At 118
the commission's first meeting, the members shall organize and 119
shall appoint a chairperson and vice-chairperson. 120

The commission shall determine which, if any, state 121
institutional facility or facilities under the control of the 122
target state agency for which the commission was created should 123
be closed, sold, or privatized. In making this determination, 124
the commission shall consider, at a minimum, the following 125
factors: 126

(1) Whether there is a need to reduce the number of 127
facilities; 128

(2) The availability of alternate facilities; 129

(3) The cost effectiveness of the facilities; 130

(4) The geographic factors associated with each facility 131
and its proximity to other similar facilities; 132

(5) The opportunities for, and barriers to, transitioning 133
staff of the facilities to other appropriate employment; 134

(6) The utilization and maximization of resources; 135

(7) Continuity of the staff and ability to serve the 136
facility population; 137

(8) Continuing costs following closure, sale, or 138
privatization of a facility; 139

(9) The impact of the closure, sale, or privatization on 140
the local economy; 141

(10) Alternatives and opportunities for consolidation with 142
other facilities and for collaboration with other state agencies 143
and political subdivisions. 144

The commission shall meet as often as necessary to make 145
its determination, may take testimony and consider all relevant 146
information, and shall prepare and provide in accordance with 147
division (C) (2) of this section a report containing its 148
recommendations. Upon providing the report regarding the target 149
state agency, the commission shall cease to exist, provided that 150
another commission shall be created for the same state agency if 151
the governor calls for a new commission for that agency pursuant 152
to division (D) of this section or if the agency is made a 153
target state agency in another report provided under division 154
(C) (1) of this section and provided that another commission 155
shall be created for a different state agency if that other 156
agency is made a target state agency in a report provided under 157
that division. 158

Section 2. Section 107.31 of the Revised Code shall apply 159
to all state institutional facilities, as defined in section 160
107.31 of the Revised Code as enacted by this act, that were in 161
operation on or after January 1, 2015. 162