

# AN ACT

To amend sections 742.05, 3304.22, 4141.04, and 4765.04, to enact new sections 3304.12, 3304.13, and 3304.14, and to repeal sections 3303.41, 3304.12, 3304.13, 3304.14, and 3304.25 of the Revised Code to abolish the Opportunities for Ohioans with Disabilities Commission, Consumer Advisory Committee, and Governor's Council on People with Disabilities; to establish a state rehabilitation services council known as the Opportunities for Ohioans with Disabilities Council; and to restore staggered terms of office for the employee members representing firefighters on the board of trustees of the Ohio Police and Fire Pension Fund.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That sections 742.05, 3304.22, 4141.04, and 4765.04 be amended and new sections 3304.12, 3304.13, and 3304.14 of the Revised Code be enacted to read as follows:

Sec. 742.05. (A) Any vacancy occurring in the term of a member of the board of trustees of the Ohio police and fire pension fund who is the fiscal officer of a municipal corporation shall be filled by appointment by the governor for the unexpired term of such member.

(B) Except as provided in division (C) of this section, if a vacancy occurs in the term of an employee or retirant member of the board, all the remaining members of the board shall elect a successor employee or retirant member. On certification of the election results in accordance with rules adopted under section 742.045 of the Revised Code, the successor member shall hold office until the first day of the new term that follows the next board election that occurs not less than ninety days after the successor member's election, or until the end of the term for which the successor member was elected, whichever is sooner; except that, the successor employee member representing firefighters who was elected to the board under this section on March 6, 2014, shall hold office until June 1, 2020, notwithstanding sections 742.03 and 742.04 of the Revised Code.

Elections under this section to fill a vacancy on the board shall be conducted in accordance with rules adopted under section 742.045 of the Revised Code.

If a member of the board who is the fiscal officer of a municipal corporation ceases to be a fiscal officer of a municipal corporation, a vacancy shall exist.

If an employee member of the board ceases to be a member of the fund, a vacancy shall exist.

If as a result of changed circumstances a retirant member no longer qualifies for membership on the board as a retirant member, a vacancy shall exist.

Any elected or appointed member of the board who fails to attend three consecutive meetings of the board, without valid excuse, shall be considered as having resigned from the board and the board shall declare the member's office vacated and as of the date of the adoption of a proper

resolution a vacancy shall exist.

(C) A successor member need not be elected under division (B) of this section to fill a vacancy if on the day the vacancy occurs less than ninety days remain in the vacated term.

Sec. 3304.12. (A) There is hereby created a state rehabilitation services council to be known as the opportunities for Ohioans with disabilities council. The opportunities for Ohioans with disabilities agency shall provide administrative support to the council. The council shall consist of the following members:

(1) An individual who represents a parent training and information center established in accordance with the federal "Individuals with Disabilities Education Act," 20 U.S.C. 1400;

(2) A full-time employee of a client assistance program described in 34 C.F.R. 370.1;

(3) A vocational counselor who has knowledge of and experience with vocational rehabilitation services;

(4) An individual who represents community rehabilitation program service providers;

(5) Four individuals each representing business, industry, or labor interests;

(6) An individual who represents an organization that advocates on behalf of individuals with physical, cognitive, sensory, or mental disabilities;

(7) An individual who represents individuals with disabilities who are unable to represent or have difficulty representing themselves;

(8) An individual who has applied for or received vocational rehabilitation services;

(9) An individual who represents institutions of secondary or higher education;

(10) An individual from the governor's executive workforce board established by section 6301.04 of the Revised Code;

(11) An individual from the department of education with knowledge of and experience with the "Individuals with Disabilities Education Act";

(12) An individual who represents the Ohio statewide independent living council.

A majority of the members of the council shall be individuals with disabilities who are not employed by the opportunities for Ohioans with disabilities agency.

The executive director of the opportunities for Ohioans with disabilities agency shall serve as a nonvoting member of the council. If a member of the council is an employee of the opportunities for Ohioans with disabilities agency, then that member also shall serve as a nonvoting member of the council.

(B)(1) All council members shall be appointed by the governor. The governor shall make initial appointments to the council not later than sixty days after the effective date of this section. Of the initial appointments, five shall be for terms of three years, five for terms of two years, and five for terms of one year. Thereafter, terms shall be three years.

(2) When a term expires or a vacancy occurs before a term expires, a successor member shall be appointed. A member appointed to fill a vacancy occurring before the expiration of a term for which the member's predecessor was appointed shall hold office for the remainder of that term.

(3) Except for the member described in division (A)(2) of this section and the executive director of the opportunities for Ohioans with disabilities agency, no person shall serve more than two consecutive terms on the council. Terms shall be considered consecutive unless they are separated by a period of three or more years. In determining a person's eligibility to serve on the

council under this division, both of the following shall apply:

(a) Time spent on the council while serving the remainder of an unexpired term to which another person was first appointed shall not be considered, provided that a period of at least three years passed between the time, if any, in which the person previously served on the council and the time the person is appointed to fulfill the unexpired term.

(b) A person who is appointed to serve on the council at the beginning of a term and resigns before completing that term shall be considered to have served the full term.

(C) Each member of the council shall serve without compensation, except to the extent that serving on the council is considered part of the member's regular duties of employment. Each member shall be reimbursed for actual expenses incurred in the performance of the member's official duties, including expenses for travel and personal assistance services.

Sec. 3304.13. The opportunities for Ohioans with disabilities council shall hold its first meeting at the call of the governor. Regular meetings shall be held not less than four times a year. Special meetings may be held with the approval of the governor. Eight members constitute a quorum.

The council, by a majority vote, shall select one of its members to serve as its chairperson. The member selected shall serve as chairperson for one year, unless removed earlier by a majority vote of the council.

The council shall establish standards for the conduct of council business.

A council member who has a conflict of interest on a matter before the council shall not participate in council discussions and votes on the matter.

Sec. 3304.14. (A) The opportunities for Ohioans with disabilities council, in collaboration with the governor's office of workforce transformation, shall do all of the following:

(1) Examine all of the following related to the state vocational rehabilitation program:

(a) The process for determining eligibility, including the order of selection;

(b) The extent, scope, and effectiveness of services provided;

(c) The impact of state agency actions on the ability of individuals with disabilities to achieve employment outcomes through the program.

(2) Advise the opportunities for Ohioans with disabilities agency regarding the examination described in division (A)(1) of this section;

(3) In partnership with the opportunities for Ohioans with disabilities agency and as required by 34 C.F.R. 361.29(c), identify, develop, agree, and review state goals and priorities relating to the vocational rehabilitation services portion of the unified or combined state plan submitted in accordance with the "Workforce Innovation and Opportunity Act of 2014," 29 U.S.C. 3102;

(4) In partnership with the opportunities for Ohioans with disabilities agency and as required by 34 C.F.R. 361.29(e), evaluate the effectiveness of the vocational rehabilitation program and prepare and submit to the United States secretary of education an annual report on the progress made in improving the program's effectiveness as part of the unified or combined state plan;

(5) Advise the opportunities for Ohioans with disabilities agency regarding vocational rehabilitation program activities;

(6) Assist the opportunities for Ohioans with disabilities agency in the preparation of the vocational rehabilitation services portion of the unified or combined state plan, any amendments to the plan, and any reports, needs assessments, or evaluations required as part of the plan;

(7) To the extent feasible, evaluate the satisfaction that individuals with disabilities served by the vocational rehabilitation program have with and the effectiveness of the following:

(a) The duties performed or services provided by the opportunities for Ohioans with disabilities agency;

(b) The vocational rehabilitation services provided by state agencies or other entities responsible for providing vocational rehabilitation services to individuals under the "Rehabilitation Act of 1973," 29 U.S.C. 701;

(c) The employment outcomes achieved under the vocational rehabilitation services program, including the availability of health and other employment benefits.

(8) Not later than ninety days after the end of each federal fiscal year, prepare and submit to the governor and the United States secretary of education a report concerning the status of vocational rehabilitation programs available within the state and make the report available to the public through appropriate means;

(9) Coordinate efforts with other entities to increase the number of individuals receiving vocational rehabilitation services, including the following: the Ohio statewide independent living council; the advisory panel established under section 3323.06 of the Revised Code; the Ohio developmental disabilities council created by section 5123.35 of the Revised Code; the entity serving as this state's state mental health planning council, as described in the "Public Health Services Act," 42 U.S.C. 300x-3; the governor's executive workforce board established by section 6301.04 of the Revised Code; and the entities performing activities under the "Assistive Technology Act of 1998," 29 U.S.C. 3001 et seq.;

(10) Engage in efforts to improve coordination and establish relationships between the opportunities for Ohioans with disabilities agency, the Ohio statewide independent living council, and the centers for independent living;

(11) Perform any other functions consistent with the purposes of the "Rehabilitation Act of 1973," 29 U.S.C. 701, and the duties of the council.

(B) The opportunities for Ohioans with disabilities agency shall assist the opportunities for Ohioans with disabilities council in performing its duties and shall collaborate with the council in developing a resource plan in compliance with federal law.

Sec. 3304.22. No officer or employee of the opportunities for Ohioans with disabilities ~~commission~~ council, the opportunities for Ohioans with disabilities agency, or any person engaged in the administration of a vocational rehabilitation services program sponsored by or affiliated with the state shall use or permit the use of any vocational rehabilitation services program for the purpose of interfering with an election for any partisan political purpose; solicit or receive money for a partisan political purpose; or require any other person to contribute any service or money for a partisan political purpose. Whoever violates this section shall be removed from the officer's or employee's office or employment.

Sec. 4141.04. The director of job and family services shall maintain or ensure the existence of public employment offices that are free to the general public. These offices shall exist in such number and in such places as are necessary for the proper administration of this chapter, to perform such duties as are within the purview of the act of congress entitled "an act to provide for the establishment of a national employment system and for cooperation with the states in the promotion

of such system, and for other purposes," approved June 6, 1933, as amended, which is known as the "Wagner-Peyser Act." The director shall cooperate with any official or agency of the United States having powers or duties under that act of congress and shall do and perform all things necessary to secure to this state the benefits of that act of congress in the promotion and maintenance of a system of public employment offices. That act of congress is hereby accepted by this state, in conformity with that act of congress and Title III of the "Social Security Act," and the "Federal Unemployment Tax Act," 26 U.S.C.A. 3301, as amended, and this state will observe and comply with the requirements thereof. The department of job and family services is hereby designated and constituted the agency of this state for the purposes of that act of congress.

The director may cooperate with or enter into agreements with the railroad retirement board with respect to the establishment, maintenance, and use of employment service facilities that are free to the general public.

All moneys received by this state under the act of congress known as the Wagner-Peyser Act shall be deposited into the state treasury to the credit of the special employment service account in the federal operating fund, which is hereby created. Those moneys are hereby made available to the director to be expended as provided by this section and by that act of congress. For the purpose of establishing and maintaining public employment offices that are free to the general public, the director may enter into agreements with the railroad retirement board or any other agency of the United States charged with the administration of an unemployment compensation law, with any political subdivision of this state, or with any private, nonprofit organization and as a part of any such agreement the director may accept moneys, services, or quarters as a contribution to the employment service account.

The director shall maintain labor market information and employment statistics as necessary for the administration of this chapter.

~~The director shall appoint an employee of the department to serve as an ex officio member of the governor's council to maintain a liaison between the department and the governor's council on people with disabilities.~~

Sec. 4765.04. (A) The firefighter and fire safety inspector training committee of the state board of emergency medical, fire, and transportation services is hereby created and shall consist of the members of the board who are chiefs of fire departments, and the members of the board who are emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic appointed from among persons nominated by the Ohio association of professional fire fighters or the northern Ohio fire fighters and from among persons nominated by the Ohio state firefighter's association. Each member of the committee, except the chairperson, may designate a person with fire experience to serve in that member's place. The members of the committee or their designees shall select a chairperson from among the members or their designees.

The committee may conduct investigations in the course of discharging its duties under this chapter. In the course of an investigation, the committee may issue subpoenas. If a person subpoenaed fails to comply with the subpoena, the committee may authorize its chairperson to apply to the court of common pleas in the county where the person to be subpoenaed resides for an order compelling compliance in the same manner as compliance with a subpoena issued by the court is compelled.

(B) The trauma committee of the state board of emergency medical, fire, and transportation services is hereby created and shall consist of the following members appointed by the director of public safety:

(1) A physician who is certified by the American board of surgery or American osteopathic board of surgery and actively practices general trauma surgery, appointed from among three persons nominated by the Ohio chapter of the American college of surgeons, three persons nominated by the Ohio state medical association, and three persons nominated by the Ohio osteopathic association;

(2) A physician who is certified by the American board of surgery or the American osteopathic board of surgery and actively practices orthopedic trauma surgery, appointed from among three persons nominated by the Ohio orthopedic society and three persons nominated by the Ohio osteopathic association;

(3) A physician who is certified by the American board of neurological surgeons or the American osteopathic board of surgery and actively practices neurosurgery on trauma victims, appointed from among three persons nominated by the Ohio state neurological society and three persons nominated by the Ohio osteopathic association;

(4) A physician who is certified by the American board of surgeons or American osteopathic board of surgeons and actively specializes in treating burn victims, appointed from among three persons nominated by the Ohio chapter of the American college of surgeons and three persons nominated by the Ohio osteopathic association;

(5) A dentist who is certified by the American board of oral and maxillofacial surgery and actively practices oral and maxillofacial surgery, appointed from among three persons nominated by the Ohio dental association;

(6) A physician who is certified by the American board of physical medicine and rehabilitation or American osteopathic board of physical medicine and rehabilitation ~~medicine~~ and actively provides rehabilitative care to trauma victims, appointed from among three persons nominated by the Ohio society of physical medicine and rehabilitation and three persons nominated by the Ohio osteopathic association;

(7) A physician who is certified by the American board of surgery or American osteopathic board of surgery with special qualifications in pediatric surgery and actively practices pediatric trauma surgery, appointed from among three persons nominated by the Ohio chapter of the American academy of pediatrics and three persons nominated by the Ohio osteopathic association;

(8) A physician who is certified by the American board of emergency medicine or American osteopathic board of emergency medicine, actively practices emergency medicine, and is actively involved in emergency medical services, appointed from among three persons nominated by the Ohio chapter of the American college of emergency physicians and three persons nominated by the Ohio osteopathic association;

(9) A physician who is certified by the American board of pediatrics, American osteopathic board of pediatrics, ~~or~~ American board of emergency medicine, or American osteopathic board of emergency medicine, is sub-boarded in pediatric emergency medicine, actively practices pediatric emergency medicine, and is actively involved in emergency medical services, appointed from among three persons nominated by the Ohio chapter of the American academy of pediatrics, three persons nominated by the Ohio chapter of the American college of emergency physicians, and three persons

nominated by the Ohio osteopathic association;

(10) A physician who is certified by the American board of surgery, American osteopathic board of surgery, ~~or American board of emergency medicine,~~ American osteopathic board of emergency medicine and is the chief medical officer of an air medical organization, appointed from among three persons nominated by the Ohio association of air medical services;

(11) A coroner or medical examiner appointed from among three people nominated by the Ohio state coroners' association;

(12) A registered nurse who actively practices trauma nursing at an adult or pediatric trauma center, appointed from among three persons nominated by the Ohio association of trauma nurse coordinators;

(13) A registered nurse who actively practices emergency nursing and is actively involved in emergency medical services, appointed from among three persons nominated by the Ohio chapter of the emergency nurses' association;

(14) The chief trauma registrar of an adult or pediatric trauma center, appointed from among three persons nominated by the alliance of Ohio trauma registrars;

(15) The administrator of an adult or pediatric trauma center, appointed from among three persons nominated by ~~OHA; the Ohio hospital association for hospitals and health systems,~~ three persons nominated by the Ohio osteopathic association, three persons nominated by the association of Ohio children's hospitals, and three persons nominated by the health forum of Ohio;

(16) The administrator of a hospital that is not a trauma center and actively provides emergency care to adult or pediatric trauma patients, appointed from among three persons nominated by ~~OHA; the Ohio hospital association for hospitals and health systems,~~ three persons nominated by the Ohio osteopathic association, three persons nominated by the association of Ohio children's hospitals, and three persons nominated by the health forum of Ohio;

(17) The operator of an ambulance company that actively provides trauma care to emergency patients, appointed from among three persons nominated by the Ohio ambulance association;

(18) The chief of a fire department that actively provides trauma care to emergency patients, appointed from among three persons nominated by the Ohio fire chiefs' association;

(19) An EMT or paramedic who is certified under this chapter and actively provides trauma care to emergency patients, appointed from among three persons nominated by the Ohio association of professional firefighters, three persons nominated by the northern Ohio fire fighters, three persons nominated by the Ohio state firefighters' association, and three persons nominated by the Ohio association of emergency medical services;

(20) A person who actively advocates for trauma victims, appointed from three persons nominated by the Ohio brain injury association ~~and three persons nominated by the governor's council on people with disabilities;~~

(21) A physician or nurse who has substantial administrative responsibility for trauma care provided in or by an adult or pediatric trauma center, appointed from among three persons nominated by ~~OHA; the Ohio hospital association for hospitals and health systems,~~ three persons nominated by the Ohio osteopathic association, three persons nominated by the association of Ohio children's hospitals, and three persons nominated by the health forum of Ohio;

(22) Three representatives of hospitals that are not trauma centers and actively provide

emergency care to trauma patients, appointed from among three persons nominated by ~~ΘHA; the Ohio hospital association for hospitals and health systems~~, three persons nominated by the Ohio osteopathic association, three persons nominated by the association of Ohio children's hospitals, and three persons nominated by the health forum of Ohio. The representatives may be hospital administrators, physicians, nurses, or other clinical professionals.

Members of the committee shall have substantial experience in the categories they represent, shall be residents of this state, and may be members of the state board of emergency medical, fire, and transportation services. In appointing members of the committee, the director shall attempt to include members representing urban and rural areas, various geographical areas of the state, and various schools of training. The director shall not appoint to the committee more than one member who is employed by or practices at the same hospital, health system, or emergency medical service organization.

The director may refuse to appoint any of the persons nominated by an organization or organizations under this division. In that event, the organization or organizations shall continue to nominate the required number of persons until the director appoints to the committee one or more of the persons nominated by the organization or organizations.

Initial appointments to the committee shall be made by the director not later than ninety days after November 3, 2000. Members of the committee shall serve at the pleasure of the director, except that any member of the committee who ceases to be qualified for the position to which the member was appointed shall cease to be a member of the committee. Vacancies on the committee shall be filled in the same manner as original appointments.

The members of the committee shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in carrying out duties as members of the committee.

The committee shall select a chairperson and vice-chairperson from among its members. A majority of all members of the committee shall constitute a quorum. No action shall be taken without the concurrence of a majority of all members of the committee. The committee shall meet at the call of the chair, upon written request of five members of the committee, and at the direction of the state board of emergency medical, fire, and transportation services. The committee shall not meet at times or locations that conflict with meetings of the board. The executive director and medical director of the state board of emergency medical, fire, and transportation services may participate in any meeting of the committee and shall do so at the request of the committee.

The committee shall advise and assist the state board of emergency medical, fire, and transportation services in matters related to adult and pediatric trauma care and the establishment and operation of the state trauma registry. In matters relating to the state trauma registry, the board and the committee shall consult with trauma registrars from adult and pediatric trauma centers in the state. The committee may appoint a subcommittee to advise and assist with the trauma registry. The subcommittee may include persons with expertise relevant to the trauma registry who are not members of the board or committee.

(C)(1) The medical transportation committee of the state board of emergency medical, fire, and transportation services is hereby created. The committee shall consist of members appointed by the board in accordance with rules adopted by the board. In appointing members of the committee, the board shall attempt to include members representing urban and rural areas and various



geographical areas of the state, and shall ensure the members have substantial experience in the transportation of patients, including addressing the unique issues of mobile intensive care and air medical services. The members of the committee shall be residents of this state and may be members of the board. The members of the committee shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in carrying out duties as members of the committee. The committee shall select a chairperson and vice-chairperson from among its members. A majority of all members of the committee shall constitute a quorum. No action shall be taken without the concurrence of a majority of all members of the committee. The committee shall meet at the call of the chair and at the direction of the board. The committee shall not meet at times or locations that conflict with meetings of the board. The committee shall advise and assist the board in matters related to the licensing of nonemergency medical service, emergency medical service, and air medical service organizations in this state.

(2) There is hereby created the critical care subcommittee of the medical transportation committee. The membership of the subcommittee and the conduct of the subcommittee's business shall conform to rules adopted by the board. The subcommittee shall advise and assist the committee and board in matters relating to mobile intensive care and air medical service organizations in this state.

(D) The state board of emergency medical, fire, and transportation services may appoint other committees and subcommittees as it considers necessary.

(E) The state board of emergency medical, fire, and transportation services, and any of its committees or subcommittees, may request assistance from any state agency. The board and its committees and subcommittees may permit persons who are not members of those bodies to participate in deliberations of those bodies, but no person who is not a member of the board shall vote on the board and no person who is not a member of a committee created under division (A), (B), or (C) of this section shall vote on that committee.

(F) Sections 101.82 to 101.87 of the Revised Code do not apply to the committees established under divisions (A), (B), and (C) of this section.

SECTION 2. That existing sections 742.05, 3304.22, 4141.04, and 4765.04 and sections 3303.41, 3304.12, 3304.13, 3304.14, and 3304.25 of the Revised Code are hereby repealed.

SECTION 3. Notwithstanding the repeal by this act of sections 3304.12, 3304.13, and 3304.14 of the Revised Code, the Opportunities for Ohioans with Disabilities Commission that existed prior to the effective date of this act shall continue to perform its duties, as provided in those sections, until the Governor's appointment of all of the initial members of the Opportunities for Ohioans with Disabilities Council created by this act. In addition to those members, each member of the former Commission shall serve on the Council created by this act for the remaining period of the member's term, unless earlier removed by the Governor for good cause. While serving on the Council, each member of the former Commission shall be reimbursed for travel and necessary expenses incurred in the conduct of the member's duties and shall receive an amount fixed pursuant to division (J) of section 124.15 of the Revised Code while actually engaged in attendance at meetings or the

performance of those duties. A member of the former Commission shall not be reappointed to the Council.

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

Sub. S. B. No. 144

132nd G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the \_\_\_\_ day of \_\_\_\_\_, A. D. 20 \_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_