

**As Passed by the Senate**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**Sub. H. B. No. 80**

**Representative Oelslager**

**Cosponsors: Representatives Hambley, O'Brien, Patterson, Perales,  
Plummer, Rogers, Baldrige, Cross, Edwards, Ghanbari, Holmes, A., Patton,  
Seitz**

**Senators Hottinger, Hackett, Peterson, Antonio, Burke, Craig, Eklund,  
Lehner, Schaffer, Terhar, Thomas, Yuko**

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**A B I L L**

To amend sections 4123.038 and 4131.03 of the Revised 1  
Code to make changes to the Workers' Compensation 2  
Law, to make appropriations for the Bureau of 3  
Workers' Compensation for the biennium beginning 4  
July 1, 2019, and ending June 30, 2021, and to 5  
provide authorization and conditions for the 6  
operation of the Bureau's programs. 7

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

**Section 1.** All items in this act are hereby appropriated out 8  
of any moneys in the state treasury to the credit of the 9  
designated fund. For all appropriations made in this act, those in 10  
the first column are for fiscal year 2020, and those in the second 11  
column are for fiscal year 2021. The appropriations made in this 12  
act are in addition to any other appropriations made for the 13  
biennium beginning July 1, 2019, and ending June 30, 2021. 14

BWC BUREAU OF WORKERS' COMPENSATION 15

Dedicated Purpose Fund Group 16

7023	855407	Claims, Risk and Medical Management	\$	120,939,816	\$	124,329,031	17
7023	855408	Fraud Prevention	\$	14,095,916	\$	14,231,413	18
7023	855409	Administrative Services	\$	117,250,236	\$	116,025,396	19
7023	855410	Attorney General Payments	\$	4,621,850	\$	4,621,850	20
8220	855606	Coal Workers' Fund	\$	186,632	\$	188,487	21
8230	855608	Marine Industry	\$	78,188	\$	78,698	22
8250	855605	Disabled Workers Relief Fund	\$	193,419	\$	195,709	23
8260	855609	Safety and Hygiene Operating	\$	24,079,350	\$	23,745,661	24
8260	855610	Safety Grants	\$	20,000,000	\$	20,000,000	25
8260	855611	Health and Safety Initiative	\$	6,000,000	\$	6,000,000	26
8260	855612	Safety Campaign	\$	1,500,000	\$	1,500,000	27
8260	855613	Research Grants	\$	2,000,000	\$	2,000,000	28
8260	855618	Substance Use Recovery and Workplace Safety Program	\$	5,000,000	\$	10,000,000	29
8260	855619	Safety and Health Center of Excellence	\$	2,000,000	\$	0	30
TOTAL DPF Dedicated Purpose Fund Group			\$	317,945,407	\$	322,916,245	31
Federal Fund Group							32
3490	855601	OSHA Enforcement	\$	1,676,000	\$	1,676,000	33
3FW0	855614	BLS SOII Grant	\$	195,104	\$	195,104	34
3FW0	855615	NIOSH Grant	\$	24,995	\$	0	35
TOTAL FED Federal Fund Group			\$	1,896,099	\$	1,871,104	36
TOTAL ALL BUDGET FUND GROUPS			\$	319,841,506	\$	324,787,349	37
WORKERS' COMPENSATION FRAUD UNIT							38

Of the foregoing appropriation item 855410, Attorney General 39  
Payments, \$828,200 in each fiscal year shall be used to fund the 40  
expenses of the Workers' Compensation Fraud Unit within the 41  
Attorney General's Office. These payments shall be processed at 42  
the beginning of each quarter of each fiscal year and deposited 43  
into the Workers' Compensation Section Fund (Fund 1950) used by 44  
the Attorney General. 45

SAFETY AND HYGIENE 46

Notwithstanding section 4121.37 of the Revised Code, the 47  
Treasurer of State shall remit \$24,080,000 cash in fiscal year 48  
2020 and \$23,746,000 cash in fiscal year 2021 from the State 49  
Insurance Fund to the state treasury to the credit of the Safety 50  
and Hygiene Fund (Fund 8260). 51

SAFETY GRANTS 52

Notwithstanding section 4121.37 of the Revised Code, the 53  
Treasurer of State shall remit \$20,000,000 in cash in fiscal year 54  
2020 and \$20,000,000 in cash in fiscal year 2021 from the State 55  
Insurance Fund to the state treasury to the credit of the Safety 56  
and Hygiene Fund (Fund 8260) to be used for Safety Grants. 57

HEALTH AND SAFETY INITIATIVE 58

Notwithstanding section 4121.37 of Revised Code, the 59  
Treasurer of State shall remit \$6,000,000 in cash in fiscal year 60  
2020 and \$6,000,000 in cash in fiscal year 2021 from the State 61  
Insurance Fund to the state treasury to the credit of the Safety 62  
and Hygiene Fund (Fund 8260). These amounts shall be used under 63  
appropriation item 855611, Health and Safety Initiative, for the 64  
purpose of creating and operating a health and wellness program. 65

SAFETY CAMPAIGN 66

Notwithstanding section 4121.37 of the Revised Code, the 67  
Treasurer of State shall remit \$1,500,000 in cash in fiscal year 68

2020 and \$1,500,000 in cash in fiscal year 2021 from the State 69  
Insurance Fund to the state treasury to the credit of the Safety 70  
and Hygiene Fund (Fund 8260). These amounts shall be used under 71  
appropriation item 855612, Safety Campaign, for the purpose of 72  
creating and operating a statewide safety awareness and education 73  
campaign. 74

FEDERAL GRANT PROGRAMS 75

The foregoing appropriation item 855609, Safety and Hygiene 76  
Operating, may be used to provide the state match for federal 77  
grant funding received by the Division of Safety and Hygiene. 78

VOCATIONAL REHABILITATION 79

The Bureau of Workers' Compensation and the Opportunities for 80  
Ohioans with Disabilities Agency may enter into an interagency 81  
agreement for the provision of vocational rehabilitation services 82  
and staff to mutually eligible clients. The Bureau may provide 83  
funds from the State Insurance Fund to fund vocational 84  
rehabilitation services and staff in accordance with the 85  
interagency agreement. 86

RESEARCH GRANTS 87

Notwithstanding section 4121.37 of the Revised Code, the 88  
Treasurer of State shall remit \$2,000,000 in cash in fiscal year 89  
2020 and \$2,000,000 in cash in fiscal year 2021 from the State 90  
Insurance Fund to the state treasury to the credit of the Safety 91  
and Hygiene Fund (Fund 8260). These amounts shall be used under 92  
appropriation item 855613, Research Grants, for the purpose of 93  
creating and operating the occupational safety and health research 94  
program. 95

SUBSTANCE USE RECOVERY AND WORKPLACE SAFETY PROGRAM 96

Notwithstanding section 4121.37 of the Revised Code, the 97  
Treasurer of State shall remit \$5,000,000 in cash in fiscal year 98

2020 and \$10,000,000 in cash in fiscal year 2021 from the State Insurance Fund to the state treasury to the credit of the Safety and Hygiene Fund (Fund 8260). These amounts shall be used under appropriation item 855618, Substance Use Recovery and Workplace Safety Program, for the purpose of creating and operating the opioid workplace safety program.

**SAFETY AND HEALTH CENTER OF EXCELLENCE**

Notwithstanding section 4121.37 of the Revised Code, the Treasurer of State shall remit \$2,000,000 in cash in fiscal year 2020 from the State Insurance Fund to the state treasury to the credit of the Safety and Hygiene Fund (Fund 8260). These amounts shall be used under appropriation item 855619, Safety and Health Center of Excellence, for the purpose of creating a center of excellence at the Ohio Center of Occupational Safety and Health.

**ADMINISTRATIVE COST FUND**

Notwithstanding section 4123.341 of the Revised Code, the Treasurer of State shall remit up to \$25,000,000 cash in fiscal year 2020 and \$25,000,000 cash in fiscal year 2021 from the State Insurance Fund to the state treasury to the credit of the Workers' Compensation (Fund 7023).

**Section 2. DEPUTY INSPECTOR GENERAL FOR BWC AND OIC FUNDING**

To pay for the FY 2020 costs related to the Deputy Inspector General for the Bureau of Workers' Compensation and Industrial Commission, on July 1, 2019, and January 1, 2020, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$212,500 in cash from the Workers' Compensation Fund (Fund 7023) to the Deputy Inspector General for the Bureau of Workers' Compensation and Industrial Commission Fund (Fund 5FT0).

To pay for the FY 2021 costs related to the Deputy Inspector General for the Bureau of Workers' Compensation and Industrial

Commission, on July 1, 2020, and January 1, 2021, or as soon as 129  
possible thereafter, the Director of Budget and Management shall 130  
transfer \$212,500 in cash from the Workers' Compensation Fund 131  
(Fund 7023) to the Deputy Inspector General for the Bureau of 132  
Workers' Compensation and Industrial Commission Fund (Fund 5FT0). 133

If additional amounts are needed, the Inspector General may 134  
seek Controlling Board approval for additional transfers of cash 135  
and to increase the amount appropriated in appropriation item 136  
965604, Deputy Inspector General for the Bureau of Workers' 137  
Compensation and Industrial Commission. 138

**Section 3.** Law contained in the Main Operating Appropriations 139  
Act of the 133rd General Assembly that applies generally to the 140  
appropriations made in that act also applies generally to the 141  
appropriations made in this act. 142

**Section 4.** The provisions of law contained in this act, and 143  
their applications, are severable. If any provision of law 144  
contained in this act, or if any application of any provision of 145  
law contained in this act, is held invalid, the invalidity does 146  
not affect other provisions of law contained in this act and their 147  
applications that can be given effect without the invalid 148  
provision or application. 149

**Section 5.** Sections 1 to 5 of this act are exempt from the 150  
referendum under Ohio Constitution, Article II, Section 1d and 151  
section 1.471 of the Revised Code and therefore take effect 152  
immediately when this act becomes law. 153

**Section 6.** That sections 4123.038 and 4131.03 of the Revised 154  
Code be amended to read as follows: 155

**Sec. 4123.038.** As used in this section and section 4123.039 156

of the Revised Code:	157
(A) "Apprentice" and "apprenticeship agreement" have the meaning defined in section <del>4111.25</del> <u>4139.01</u> of the Revised Code.	158 159
(B) "Related and supplemental instructions" means training offered, conducted, supervised, or given under the sponsorship of any joint apprenticeship committee or other sponsoring organization to apprentices, which training is given in addition to the approved schedule of work experience through employment, and which is to be credited towards the minimum hours of related and supplemental instructions required by section 4139.01 of the Revised Code.	160 161 162 163 164 165 166 167
(C) "Pre-apprentice" means a person who receives formal classroom training designed to provide the person with the basic education, attitudes, skills, trade knowledge, and motivation necessary to enter a formal apprenticeship program.	168 169 170 171
(D) "Entry-level trainee" means a person who possesses experience that would qualify the person as a journeyman but for the existence of certain other disqualifying conditions and who receives on-the-job training accompanied by classroom instruction outside of normal working hours.	172 173 174 175 176
(E) "Journeyman trainee" means a person with journeyman status in a given trade who receives classroom and laboratory training for the purpose of broadening the person's skills and acquainting the person with new techniques and ideas in the trade.	177 178 179 180
<b>Sec. 4131.03.</b> (A) For the relief of persons who are entitled to receive benefits by virtue of the federal act, there is hereby established a coal-workers pneumoconiosis fund, which shall be separate from the funds established and administered pursuant to Chapter 4123. of the Revised Code. The fund shall consist of premiums and other payments thereto by subscribers who elect to	181 182 183 184 185 186

subscribe to the fund to insure the payment of benefits required 187  
by the federal act. 188

(B) The coal-workers pneumoconiosis fund shall be in the 189  
custody of the treasurer of state. The bureau of workers' 190  
compensation shall make disbursements from the fund to those 191  
persons entitled to payment therefrom and in the amounts required 192  
pursuant to sections 4131.01 to 4131.06 of the Revised Code. All 193  
investment earnings of the fund shall be credited to the fund. 194

The director of natural resources annually may request the 195  
administrator of workers' compensation to transfer a portion of 196  
the funds from the net position of the coal-workers pneumoconiosis 197  
fund to the mining regulation and safety fund created in section 198  
1513.30 of the Revised Code for the purposes specified in that 199  
section. If the administrator receives a request, the 200  
administrator may transfer an amount not to exceed one million 201  
dollars on the first day of July or as soon as possible 202  
thereafter. 203

The administrator, with the advice and consent of the bureau 204  
of workers' compensation board of directors, shall adopt rules in 205  
accordance with Chapter 119. of the Revised Code governing the 206  
transfer to ensure the solvency of the coal-workers pneumoconiosis 207  
fund. For that purpose, the administrator may establish tests in 208  
the rules based on measures of net assets, liabilities, expenses, 209  
interest, dividend income, or other factors that the administrator 210  
determines appropriate that may be applied before a transfer. 211

(C) The administrator shall have the same powers to invest 212  
any of the surplus or reserve belonging to the coal-workers 213  
pneumoconiosis fund as are delegated to the administrator under 214  
section 4123.44 of the Revised Code with respect to the state 215  
insurance fund. 216

(D) If the administrator determines that reinsurance of the 217



risks of the coal-workers pneumoconiosis fund is necessary to	218
assure solvency of the fund, the administrator may:	219
(1) Enter into contracts for the purchase of reinsurance	220
coverage of the risks of the fund with any company or agency	221
authorized by law to issue contracts of reinsurance;	222
(2) Pay the cost of reinsurance from the fund;	223
(3) Include the costs of reinsurance as a liability and	224
estimated liability of the fund.	225
<b>Section 7.</b> That existing sections 4123.038 and 4131.03 of the	226
Revised Code are hereby repealed.	227