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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
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Legislative Budget  
Office

H.B. 76  
135<sup>th</sup> General Assembly

## Bill Analysis

[Click here for H.B. 76's Fiscal Note](#)

**Version:** As Passed by the House

**Primary Sponsors:** Reps. Hall and White

Abby McMahon, Attorney

## SUMMARY

### Casino Control Commission

- Requires an applicant for casino-related licenses, including for casino operator, management company, holding company, gaming-related vendor, and casino gaming employee to certify that the information provided in the application is true.

### Department of Commerce

#### Board of Building Standards

- Removes telegraph facilities as one of the “workshops or factories” that the Board of Building Standards has control over regarding required alternations or repairs.

#### Division of Liquor Control

- Specifies that, if the initial required certified notice of unpaid permit fees to a liquor permit applicant is returned because of failure or refusal of delivery, the Division of Liquor Control must send a second notice by regular mail.

#### Division of Securities

- Eliminates the requirement that copies of process or pleadings served by the Division of Securities on the Secretary of State, acting as agent for the person to be served, be delivered in duplicate and eliminates the requirement that the Secretary use certified mail to forward the documents.
- Eliminates the requirement that securities sold in violation of the securities law be tendered to the seller either in person or in open court to trigger a refund requirement, instead only requiring a tender without specifying method.

## **Division of Finance Institutions**

- Changes, in the list of approved delivery methods, “any other means of communication authorized by the director” to whom the notice is sent to any means authorized by the board of directors acting together.

## **Department of Developmental Disabilities**

- Removes obsolete provisions requiring the Director of Developmental Disabilities to submit a report to the General Assembly with certain data regarding residential facility licenses issued by the Department of Developmental Disabilities.

## **Department of Education**

- Eliminates the following provisions of law that became obsolete on June 30, 2008:
  - Requirement that school districts or school buildings in academic emergency or academic watch, under former law, submit required information to the Department of Education before approval of a three-year continuous improvement plan;
  - Requirements for site evaluations conducted for school districts or schools in academic emergency or academic watch.

## **Environmental Protection Agency**

- Authorizes the Director to provide notice of a hearing on the Environmental Protection Agency’s website in circumstances where current law requires public notice by newspaper publication.
- Authorizes the Director to deliver documents or notice by any method capable of documenting the intended recipient’s receipt of the document or notice rather than requiring a document or public notice be provided by certified mail.

## **Regulated facilities**

- Specifies that the holder of the first mortgage on a regulated facility may contact the mortgagor to determine if the facility is abandoned by any method capable of documenting the intended recipient’s receipt of the document or notice, rather than by mail, telegram, telefax, or similar communication only, as in current law.

## **Department of Insurance**

- Replaces the requirement that individuals seeking access to their personal information held by insurance institutions, agents, and support organizations be allowed to see and copy that information in person or to obtain a copy by mail with a requirement that the individual be able to obtain a copy of the information in a manner agreed upon by the individual and the insurance institution, agent, or support organization.

## **Department of Job and Family Services**

- Removes references to unemployment compensation warrants drawn by the Director of Job and Family services bearing the Director's facsimile signature (but maintains the authority to have the signatures printed on the warrants).

## **Department of Public Safety**

### **Restricted driver's license: subsequent annual license**

- Eliminates several procedural requirements regarding the submission of a physician's statement accompanying an application for an unrestricted driver's license.

### **Driver training school anatomical gift instruction**

- Allows driver training schools to use specified electronic formats to convey information about anatomical gifts to driver training students, rather than a video cassette tape, CD-ROM, interactive videodisc, or other format.

### **Failure to maintain motor vehicle insurance**

- Eliminates a reference to the personal delivery of a motor vehicle registration or driver's license if a person is required to surrender the registration or license because of a failure to maintain motor vehicle insurance.

### **Seizure of license plates after offense**

- Eliminates the requirement that an arresting officer remove the license plates on a vehicle seized as part of an arrest for: (1) driving under an OVI suspension or (2) wrongful entrustment of a vehicle and, instead, requires the license plates to remain on the vehicle unless ordered by a court.

## **Public Utilities Commission of Ohio**

- Eliminates items buried or placed below ground or submerged in water for telegraphic communications as a form of "underground utility facility" for purposes of continuing law regarding the protection of such facilities.
- Removes the requirement that an excavator must provide any fax numbers they may have in the excavator's notification to a protection service before an emergency excavation required under continuing law.

## **Department of Taxation**

### **Electronic delivery of tax notices and orders**

- Requires the Tax Commissioner to establish a system to issue certain notices and orders to taxpayers who consent to electronic delivery.

### **Public inspection of tax documents**

- Removes a requirement that certain tax-related documents be open for public inspection.

## Department of Transportation

- Makes advertising for bids for Ohio Department of Transportation (ODOT) contracts in a newspaper of general circulation optional rather than required.
- Requires, rather than authorizes, the ODOT Director to publish notice for bids in other publications as the Director considers advisable.

## Bureau of Workers' Compensation

- Specifies that electronic documents have the same evidentiary effect as originals in a workers' compensation-related proceeding.

## Notice and submission requirements

- Makes changes throughout the Revised Code related to:
  - Notice requirements related to certain events or services; and
  - Electronic submission to receive certain public services.

## Electronic meetings for public entities

- Makes changes throughout the Revised Code to permit certain public entities to meet via electronic means.

## Maintenance of stenographic records

- Makes changes throughout the Revised Code related to the maintenance of stenographic records.

## Notarization requirements

- Removes various notarization requirements throughout the Revised Code.

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## DETAILED ANALYSIS

### Casino Control Commission

Under current law, casino-related license applications, including those for a casino operator, management company, holding company, gaming-related vendor, and casino gaming employee must be made under oath. The bill removes the requirement that an oath be administered and instead requires that the applications must be certified as true.<sup>1</sup>

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<sup>1</sup> R.C. 3772.11, 3772.12, and 3772.131.

## **Department of Commerce**

### **Board of Building Standards**

The bill removes telegraph offices as a “workshop or factory” for purposes of Board rules and standards. Under current law, the Board cannot require alterations or repairs to any part of a workshop or factory meeting certain criteria under continuing law.<sup>2</sup>

### **Division of Liquor Control**

#### **Payment of liquor application fees**

The bill specifies that, if the initial required certified notice of unpaid permit fees to a liquor permit applicant is returned because of failure or refusal of delivery, the Division of Liquor Control must send a second notice by regular mail. It retains the requirement that the Division cancel the permit application if the permit applicant does not remit the unpaid permit fees to the Division within 30 days of the first notice.<sup>3</sup>

### **Division of Securities**

#### **Service through the Secretary of State**

Under continuing law, certain people must appoint the Secretary of State as their agent to receive service of process and pleadings on their behalf. The bill eliminates a requirement that copies of process or pleadings served by the Division of Securities on the Secretary of State, acting as agent for the person to be served, be delivered in duplicate. It also eliminates the requirement that the Secretary of State use certified mail to forward the documents.<sup>4</sup>

#### **Tender for refund**

Under continuing law, a buyer who is sold securities in violation of the Securities Law may receive a refund by tendering the securities back to the seller. The bill eliminates the requirement that the securities be tendered either in person or in open court to trigger a refund requirement. It instead requires tender without specifying a method.<sup>5</sup>

### **Division of Financial Institutions**

Continuing law requires that notice of credit union board of directors meetings must be given to each director. The bill modifies the use of alternative delivery methods by removing the law that allows a director receiving the notice to specify another means of communication, and instead allows alternative methods approved by the board of directors acting together.<sup>6</sup>

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<sup>2</sup> R.C. 3781.11(A)(6) and (D)(2).

<sup>3</sup> R.C. 4303.24.

<sup>4</sup> R.C. 1707.11.

<sup>5</sup> R.C. 1707.43.

<sup>6</sup> R.C. 1733.16.

## Department of Developmental Disabilities

The bill removes obsolete provisions requiring the Director of Developmental Disabilities to submit a report to the General Assembly after calendar years 2003, 2004, and 2005. The report was to summarize rules regarding residential facility licensure; the number of licenses issued, renewed, or denied; how long those licenses were issued; sanctions imposed on licenses; and any other information the Director deemed important.<sup>7</sup>

## Department of Education

The bill eliminates the obsolete requirement that school districts or school buildings in academic emergency or academic watch submit information to the Department of Education before approval of a three-year continuous improvement plan. It also eliminates the obsolete requirements for site evaluations for districts or buildings in academic emergency or academic watch. The requirements expired on June 30, 2008.<sup>8</sup>

## Environmental Protection Agency

### General authorizations

The bill provides general authorization to the Director of the Ohio Environmental Protection Agency (OEPA) as follows:

- Authorizes the Director to provide public notice of a hearing on the OEPA website in circumstances in which the Director currently must provide notice by newspaper publication;
- Authorizes the Director to deliver documents or notice by any method capable of documenting the intended recipient's receipt of the document or notice in circumstances in which the Director currently must provide the document or public notice by certified mail.<sup>9</sup>

It is unclear why, given these broad authorizations, the bill also amends other notice provisions that provide for newspaper publication or certified mail.<sup>10</sup>

### Regulated facilities

The bill specifies that the holder of the first mortgage on a regulated facility may contact the mortgagor to determine if the facility is abandoned by any method capable of documenting the intended recipient's receipt of the document or notice. Current law requires that the contact be made by mail, telegram, telefax, or similar communication only.<sup>11</sup>

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<sup>7</sup> R.C. 5123.195, repealed.

<sup>8</sup> R.C. 3302.04(D)(3) and (4).

<sup>9</sup> R.C. 3745.019.

<sup>10</sup> See for example, R.C. 3704.03, 3734.02, and 3734.021.

<sup>11</sup> R.C. 3752.11.

## Department of Insurance

Continuing law allows individuals to request access to their personal information held by insurance institutions, agents, and insurance support organizations. Currently, individuals must be allowed to see and copy the information in person or allowed to obtain a copy by mail. The bill changes this requirement, instead mandating that individuals be able to obtain a copy of the information in a manner agreed upon by the individual and the insurance institution, agent, or support organization.<sup>12</sup>

## Department of Job and Family Services

Continuing law specifies that the Treasurer of State must make disbursements from the state Unemployment Compensation Fund and the Auxiliary Services Personnel Unemployment Compensation Fund on warrants drawn by the Director of Job and Family Services. Currently, the warrants may include the facsimile signatures of the Director and the employee responsible for accounting for the funds printed on the warrants. The bill removes the reference to “facsimile” and maintains the authority to have signatures printed on the warrants. Because neither current law or the bill require the Director or employee to directly sign the warrants, it is unclear whether removing “facsimile” has any substantive effect.<sup>13</sup>

## Department of Public Safety

### Restricted driver’s license: subsequent annual license

Under current law, a restricted license is issued to a person who has certain medical conditions that inhibit safe driving, but only if the person’s conditions are under effective control. The holder of a restricted license may subsequently apply for an unrestricted annual license when the restricted license expires. Obtaining the annual license is contingent upon submission of a licensed physician’s statement attesting that the condition is dormant or under medical control (for a period of one year before application). The bill eliminates the following regarding this annual license:

- The stipulation that the applicant submit the physician’s statement to the Registrar of Motor Vehicles by certified mail;
- A requirement that the holder of such an annual license obtain a physical validation sticker for use in conjunction with the license;
- A requirement that the physician’s statement be made in duplicate; and

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<sup>12</sup> R.C. 3904.08.

<sup>13</sup> R.C. 4141.09 and 4141.47.



- A provision allowing an annual license applicant to maintain a physical duplicate copy of the physician’s statement authorizing the applicant to operate a motor vehicle for no more than 30 days following the date of submission of the statement.<sup>14</sup>

### **Driver training school anatomical gift instruction**

The bill allows driver training schools to use a website, email communication, compact disc media, or other electronic format to provide information about anatomical gifts to driver training students. Current law specifies the schools must use a video cassette tape, CD-ROM, interactive videodisc, or other electronic format.<sup>15</sup>

### **Failure to maintain motor vehicle insurance**

The bill allows an administrative hearing regarding a person’s failure to maintain motor vehicle insurance to be held remotely upon the person’s request.

The bill eliminates a reference to the personal delivery of an impounded or suspended driver’s license or registration if a person is required to surrender a license or registration because of a failure to maintain motor vehicle insurance. Thus, under the bill, a person may deliver those items (if impounded or suspended) to the Registrar by any means.<sup>16</sup>

### **Seizure of license plates after offense**

The bill eliminates the requirement that an arresting officer remove the license plates on a vehicle seized as part of an arrest for either of the following violations:

- Driving under an OVI suspension; or
- Wrongful entrustment of a vehicle.

Instead, the bill requires the license plates to remain on the vehicle unless otherwise ordered by a court.<sup>17</sup>

## **Public Utilities Commission of Ohio**

### **Underground utility facilities – classification**

The bill removes “telegraphic communications” from being classified as an “underground utility facility” for purposes of the law regarding utility protection services. Under current law, any item buried or placed below ground or submerged under water for use in connection with the storage or conveyance of telephonic or telegraphic communications

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<sup>14</sup> R.C. 4507.081.

<sup>15</sup> R.C. 4508.021.

<sup>16</sup> R.C. 4509.101.

<sup>17</sup> R.C. 4510.41.

(among other things) is considered an “underground utility facility” subject to continuing law regarding utilities registering the location of, and protecting through marking, these facilities.<sup>18</sup>

### **Excavator contact information**

The bill removes the requirement that an excavator, before performing an emergency excavation, provide any fax numbers they may have to a protection service. Under current law, notification must be provided to an underground utility protection service before commencing an emergency excavation, and it must include the excavator’s name, address, email addresses, and telephone and facsimile numbers.<sup>19</sup>

## **Department of Taxation**

### **Electronic delivery of tax notices and orders**

Current law generally allows the Department of Taxation to serve tax notices or orders electronically, but only with the taxpayer’s prior consent. The bill adds that electronic notification can be made to a taxpayer’s authorized representative, and specifies that the notification can be made by any electronic means, including email and text message. The Tax Commissioner must establish a system to issue notifications of assessments to taxpayers through secure electronic means.<sup>20</sup>

### **Public inspection of tax documents**

The bill removes two requirements that certain tax-related documents be open for public inspection. Instead, the following documents need only to be made available on the Department of Taxation’s website:

- Certificates issued to qualified distribution centers (QDCs) under the commercial activity tax (CAT). Under continuing law, suppliers that ship goods to a QDC can exclude a portion of their receipts from the CAT. Current law requires the Department of Taxation to “publish” QDC certificates, but does not specifically require online publication. The bill specifies that these certificates must be available online for at least four years from the date they were issued.<sup>21</sup>
- A list of motor fuel suppliers who are subject to the state’s petroleum activity tax. This list is already authorized, but not required, to be published on the Department of Taxation’s website.<sup>22</sup>

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<sup>18</sup> R.C. 3781.25(B) and 3781.29(C)(1).

<sup>19</sup> R.C. 3781.29(E)(1)(b).

<sup>20</sup> R.C. 5703.37.

<sup>21</sup> R.C. 5751.40.

<sup>22</sup> R.C. 5736.041.

## Department of Transportation

The bill makes advertising for bids for Ohio Department of Transportation (ODOT) contracts in a newspaper of general circulation optional and requires the ODOT Director to publish notice for bids in other publications, as the Director considers advisable. Current law specifies the opposite – it requires newspaper publication and makes other publications optional.<sup>23</sup>

## Bureau of Workers' Compensation

The bill specifies that electronically stored records have the same evidentiary effect as originals in a workers' compensation proceeding before the Industrial Commission, a Commission hearing officer, or a court. Under continuing law, records preserved using photographs, microphotographs, microfilm, films, or other direct forms of retention media also have the evidentiary effect of originals in the same proceedings.<sup>24</sup>

## Changes to notice requirements

The bill also modifies the type of communication media through which public entities or others may make required notice of events or services. The table below describes the type of notice and the change made to the permitted form of communication. The table indicates these changes as follows:

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<sup>23</sup> R.C. 5525.01.

<sup>24</sup> R.C. 4123.52.

Table 1: Notification changes

A=Added by bill as new form of communications; C=Current law unchanged by the bill; R=Removed by bill

Type of notice	Mail	Commercial/ common carrier	Email/ electronic	Fax	Newspaper	Telephone	Telegraph	In-person	R.C. citation
<b>Controlling Board</b>									
Notice to General Assembly members regarding changes to capital appropriations	C		A						127.15
<b>Ohio Casino Control Commission</b>									
Notices of intent to include a person on an exclusion list	C	A						C	3772.031
Notices of including a person on an exclusion list via emergency order	C	A	A						3772.04
Notice of termination of employment of a "key employee"	C	A	A					A	3772.13

Table 1: Notification changes

A=Added by bill as new form of communications; C=Current law unchanged by the bill; R=Removed by bill

Type of notice	Mail	Commercial/ common carrier	Email/ electronic	Fax	Newspaper	Telephone	Telegraph	In-person	R.C. citation
<b>Department of Commerce – Division of Liquor Control</b>									
Notice of entering into an agency store contract or relocation of a store <sup>25</sup>	R							R	4301.17
Notice of distribution of liquor permit fees	C		A						4301.30
<b>Department of Commerce – Division of Securities</b>									
Notice of hearing to revoke approval of securities exchange or system	R		A						1707.02
Notice of hearing to suspend the exemption of a security	R		A						1707.02

<sup>25</sup> The bill eliminates the reference to mailed notice in R.C. 4301.17, but it does not specify the means by which notice must be given.

Table 1: Notification changes

A=Added by bill as new form of communications; C=Current law unchanged by the bill; R=Removed by bill

Type of notice	Mail	Commercial/ common carrier	Email/ electronic	Fax	Newspaper	Telephone	Telegraph	In-person	R.C. citation
Notice of hearing to determine fairness of issuance and exchange of securities through plan of reorganization, recapitalization, or refinancing	A		A					C	1707.04
Notice of process served upon Secretary of State as presumed agent for person making or opposing control bid	R						R		1707.042
Notice to Division of registration by coordination						C	R		1707.091
Notice by Division of stop order in response to failed registration by coordination	C					C	R		1707.091

Table 1: Notification changes

A=Added by bill as new form of communications; C=Current law unchanged by the bill; R=Removed by bill

Type of notice	Mail	Commercial/ common carrier	Email/ electronic	Fax	Newspaper	Telephone	Telegraph	In-person	R.C. citation
Notice by Division to issuer as to whether all conditions for registration by coordination are met						C	R		1707.091
<b>Department of Commerce – Division of Financial Institutions</b>									
Credit unions notice to directors of board meetings							R		1733.16
<b>Department of Commerce – Division of Real Estate &amp; Professional Licensing</b>									
Notice of license renewal	R		A						4735.14
Requirement to send license of each real estate salesperson to the real estate broker associated with salesperson	R		A						4735.13
Requirement that real estate broker return license to Division of Real Estate and Professional	R		A						4735.13

**Table 1: Notification changes**

**A=Added by bill as new form of communications; C=Current law unchanged by the bill; R=Removed by bill**

Type of notice	Mail	Commercial/ common carrier	Email/ electronic	Fax	Newspaper	Telephone	Telegraph	In-person	R.C. citation
Licensing when real estate salesperson no longer associated with broker									
<b>Department of Education</b>									
State Board of Education – Record and attestation of meetings			<b>A</b>					<b>C</b>	3301.05
Department of Education – Report regarding the implementation and effectiveness of the program under which higher-poverty public schools must offer breakfast to all enrolled students before or during the school day			<b>A</b>						3313.818



Table 1: Notification changes

A=Added by bill as new form of communications; C=Current law unchanged by the bill; R=Removed by bill

Type of notice	Mail	Commercial/ common carrier	Email/ electronic	Fax	Newspaper	Telephone	Telegraph	In-person	R.C. citation
School districts not subject to Civil Service Law – Termination of nonteaching employee contracts <sup>26</sup>	C		A						3319.081
School district boards of education – Notices of nonrenewal of teachers' contracts <sup>27</sup>	C		A					C	3319.11
Superintendent of Public Instruction – Notices of failure to submit fingerprints as a requirement of licensure	C		A						3319.291

<sup>26</sup> Current law requires that employees whose contracts are terminated be served by certified mail; the bill adds additional mailing options.

<sup>27</sup> Current law requires that notices of nonrenewal be sent to teachers via certified mail; the bill adds additional mailing options. The bill also adds new forms of mailing options for a teacher to notify a district board of the teacher's desire for a hearing regarding nonrenewal of contract.

Table 1: Notification changes

A=Added by bill as new form of communications; C=Current law unchanged by the bill; R=Removed by bill

Type of notice	Mail	Commercial/ common carrier	Email/ electronic	Fax	Newspaper	Telephone	Telegraph	In-person	R.C. citation
State Board of Education or Superintendent of Public Instruction – Issuance of subpoenas in investigations or hearings regarding teacher misconduct <sup>28</sup>	C		A					C	3319.311
School districts and other public schools – Notices regarding truancy or other attendance issues <sup>29</sup>	C		A						3321.21 <sup>30</sup>

<sup>28</sup> Current law requires subpoenas to be issued via certified mail or by personal delivery; the bill adds additional mailing options. See also R.C. 3319.31, not in the bill.

<sup>29</sup> Current law requires notices regarding student truancy or other attendance issues be sent via registered mail; the bill adds additional mailing options.

<sup>30</sup> See also R.C. 3321.19 and 3321.20, neither in the bill.

Table 1: Notification changes

A=Added by bill as new form of communications; C=Current law unchanged by the bill; R=Removed by bill

Type of notice	Mail	Commercial/ common carrier	Email/ electronic	Fax	Newspaper	Telephone	Telegraph	In-person	R.C. citation
<b>Environmental Protection Agency</b>									
Notice of a public hearing on an application for a variance from air emission requirements for an air contaminant source <sup>31</sup>	A		A		C				3704.03
Notice of a public hearing on an application for a variance from solid waste facility permitting requirement <sup>32</sup>			A		C				3734.02

<sup>31</sup> Current law requires notice by certified mail. The bill allows either certified mail or any other type of mail accompanied by receipt. Current law also requires notification in a newspaper with general circulation in the applicable county. The bill allows either notice by newspaper publication or notice on OEPA's website.

<sup>32</sup> Current law requires notification in a newspaper with general circulation in the applicable county. The bill allows either notice by newspaper publication or notice on OEPA's website.

Table 1: Notification changes

A=Added by bill as new form of communications; C=Current law unchanged by the bill; R=Removed by bill

Type of notice	Mail	Commercial/ common carrier	Email/ electronic	Fax	Newspaper	Telephone	Telegraph	In-person	R.C. citation
Notice of public hearing on application for variance from infectious waste treatment requirements <sup>33</sup>			A		C				3734.021
<b>Department of Job and Family Services</b>									
County department of job and family services – notice to assistance group of option for pre-sanction conference								R	5107.161
Office of Child Support – acknowledgment of paternity	C							R	3111.23

<sup>33</sup> Current law requires notification in a newspaper with general circulation in the applicable county. The bill allows either notice by newspaper publication or notice on OEPA's website.

Table 1: Notification changes

A=Added by bill as new form of communications; C=Current law unchanged by the bill; R=Removed by bill

Type of notice	Mail	Commercial/ common carrier	Email/ electronic	Fax	Newspaper	Telephone	Telegraph	In-person	R.C. citation
<b>Department of Medicaid (ODM)</b>									
ODM – exception review of nursing facility quarterly resident assessment data								<b>R</b>	5165.193
ODM, Department of Health, and nursing facilities – written notice regarding nursing facility certification and survey orders <sup>34</sup>	<b>C</b>							<b>C</b>	5165.86
Home care attendants – health and welfare meetings with consumers <sup>35</sup>			<b>A</b>			<b>A</b>		<b>C</b>	5166.303

<sup>34</sup> The bill expands this current authority by also permitting the notice to be provided by other means reasonably calculated to provide prompt actual notice.

<sup>35</sup> The in-person meeting requirement may be satisfied by telephone or other electronic means, if permitted by ODM rules.

Table 1: Notification changes

A=Added by bill as new form of communications; C=Current law unchanged by the bill; R=Removed by bill

Type of notice	Mail	Commercial/ common carrier	Email/ electronic	Fax	Newspaper	Telephone	Telegraph	In-person	R.C. citation
ODM – notice to hospital of preliminary amount of Hospital Care Assurance Program assessment	R								5168.08
ODM – notice to hospital of preliminary amount of hospital assessment	R								5168.22 and 5168.23
<b>Department of Natural Resources – Division of Oil and Gas Resources Management</b>									
Copy of drilling permit application to local government	C		C	R					1509.06
Notice of order regarding adjudication, determination, or finding <sup>36</sup>	C		A						1571.10 and 1571.14

<sup>36</sup> R.C. 1571.10 provides for certified mail or electronic notice, rather than registered mail as under current law.

Table 1: Notification changes

A=Added by bill as new form of communications; C=Current law unchanged by the bill; R=Removed by bill

Type of notice	Mail	Commercial/ common carrier	Email/ electronic	Fax	Newspaper	Telephone	Telegraph	In-person	R.C. citation
Notice of order affirming or vacating adjudication, determination, or finding <sup>37</sup>	C		A						1571.14 and 1571.15
Notice of hearing of complaint regarding underground storage of gas <sup>38</sup>	C		A						1571.16
<b>Department of Natural Resources – Division of Mineral Resources Management</b>									
Notices related to coal mining reclamation services <sup>39</sup>	C		A						1513.08
Notice of death by accident in any mine			A			C	R		1565.12

<sup>37</sup> R.C. 1571.14 and 1571.15 provide for certified mail or electronic notice, rather than registered mail as under current law.

<sup>38</sup> R.C. 1571.16 provides for certified mail or electronic notice, rather than registered mail as under current law.

<sup>39</sup> R.C. 1513.08 provides for certified mail or electronic notice with acknowledgment of receipt.

**Table 1: Notification changes**

**A=Added by bill as new form of communications; C=Current law unchanged by the bill; R=Removed by bill**

Type of notice	Mail	Commercial/ common carrier	Email/ electronic	Fax	Newspaper	Telephone	Telegraph	In-person	R.C. citation
<b>Department of Natural Resources – other notifications</b>									
Reservoir operator that plugs or reconditions a coal mine in a specific time – Notice that plugging or reconditioning will be delayed <sup>40</sup>	C		A						1571.05
Gas storage well inspector – Notice of use of alternative method or material regarding underground storage of gas <sup>41</sup>	C		A						1571.08(A)

<sup>40</sup> R.C. 1571.05 provides for certified mail or electronic notice, rather than registered mail as under current law.

<sup>41</sup> R.C. 1571.08(A) provides for certified mail or electronic notice, rather than registered mail as under current law.



Table 1: Notification changes

A=Added by bill as new form of communications; C=Current law unchanged by the bill; R=Removed by bill

Type of notice	Mail	Commercial/ common carrier	Email/ electronic	Fax	Newspaper	Telephone	Telegraph	In-person	R.C. citation
Gas storage well inspector – Notice of objection regarding resolution of underground storage of gas issue <sup>42</sup>	C		A						1571.08(B)
<b>Public Utilities Commission of Ohio</b>									
Underground Technical Committee – Copy of meeting-related documents for committee members before meeting	C		C	R					3781.342(C)
<b>Department of Rehabilitation and Correction</b>									
Notice regarding escaped prisoners	C		A	C					5120.14

<sup>42</sup> R.C. 1571.08(B) provides for certified mail or electronic notice, rather than registered mail as under current law.

**Table 1: Notification changes**

**A=Added by bill as new form of communications; C=Current law unchanged by the bill; R=Removed by bill**

Type of notice	Mail	Commercial/ common carrier	Email/ electronic	Fax	Newspaper	Telephone	Telegraph	In-person	R.C. citation
Written notice, request, and certificate for a prisoner’s request for final disposition of a pending untried indictment, information, or complaint against the prisoner	C		A	A					2941.401
<b>Bureau of Workers’ Compensation</b>									
Workers’ compensation information a professional employer organization must provide to a client employer after receiving a written request from the client employer	C		A					C	4125.03

Table 1: Notification changes

A=Added by bill as new form of communications; C=Current law unchanged by the bill; R=Removed by bill

Type of notice	Mail	Commercial/ common carrier	Email/ electronic	Fax	Newspaper	Telephone	Telegraph	In-person	R.C. citation
Consultation between Administrator of Workers' Compensation and designee that must occur before the designee issues certain orders under the Public Employment Risk Reduction Program						R		R	4167.10
<b>Local government</b>									
Municipal corporations – Notice regarding escaped prisoners	C		A	C					753.19

## Authority for public entities to meet via electronic means

The bill permits certain public entities to meet via electronic means, instead of in-person meetings, provided that the meetings still allow for interactive public attendance.

Table 2: Public entities authorized to meet via electronic means		
Public entity	Description	R.C. citation
Ohio Advisory Council for the Aging	Permits the council to form a quorum and take votes at meetings conducted electronically, if arrangements are made for interactive public attendance at those meetings	173.03
Internet- or computer-based community schools (e-schools) – meetings with students	Permits e-school teachers to meet with each student electronically	3314.21
School districts or other public schools – hearings for students and parents regarding notice to Registrar of Motor Vehicles for excessive unexcused student absences from school	Permits districts and schools to conduct hearings electronically if requested by a student’s parent, guardian, or custodian	3321.13
Department of Public Safety – Registrar of Motor Vehicles	Authorizes an administrative hearing on the suspension or impoundment of a driver’s license or license plates for a failure to provide proof of motor vehicle insurance to be held remotely	4509.101
County, township, or municipal corporation	Before creating a tax increment financing district (TIF), community reinvestment area (CRA), enterprise zone, or similar tax-exempt district, a political subdivision must send notice to each school district located within the proposed district or area. The school district may request a meeting with the political subdivision to discuss the terms of the agreement <sup>43</sup>	5709.83

<sup>43</sup> There is no requirement under continuing law that these meetings allow public attendance or participation.

## Electronic submission to receive certain public services

The bill permits or requires public entities to establish electronic means of submission for such services as licensure, approvals, and other services. The table below provides an overview of these changes.

Table 3: Services permitting or requiring electronic submission		
Public entity	Description	R.C. citation
Department of Natural Resources – Division of Oil and Gas Resources Management	May require electronic submission of various documents; permits the Division Chief to establish a procedure to exempt a participant from electronic submission	1509.031
School district boards of education – notice of surplus property for donation	Removes the requirement that district boards publish, in a “newspaper of general circulation,” notice of intent to donate property that is not needed, obsolete, or unfit for the district’s use with a value of less than \$2,500; but maintains requirement of continual posting of such notice in the district board’s office  Permits a nonprofit organization to submit electronically its written notice to a district board of its desire to obtain donated district property	3313.41(G)
Department of Education – Jon Peterson Special Needs Scholarship provider information to applicants	Permits an alternative public or registered private provider of special education services to submit the profile of the provider’s program to applicants by electronic means	3310.521
Board of county commissioners of a county solid waste management district and the board of directors of a joint solid waste management district	Allows a board to submit a report of fees and accounts to OEPA in any manner prescribed by the Director, rather than by computer disk only, as in current law	3734.575
Every court of record	When a person forfeits bail for a traffic or equipment offense, requires a county court judge, mayor of a mayor’s court, or clerk to submit to the Bureau of Motor Vehicles, in a secure electronic format, an abstract of the court record (current law does not specify the method of submission)	4510.03

## References to stenographic records

The bill modifies or removes references to public entities creating or retaining stenographic records of certain proceedings. The table below summarizes these changes.

Table 4: Stenographic recordkeeping requirements		
Public entity	Description	R.C. citation
Department of Commerce – Division of Financial Institutions	Provides that a “stenographic record” includes the use of an audio electronic recording device in administrative hearings conducted by the Division	1121.38
Department of Commerce – Board of Building Standards	Removes the requirement that the Department of Commerce must assign stenographers to the Board of Building Standards to aid in their duties	3781.08
Department of Natural Resources – Division of Mineral Resources Management	Removes option to retain a stenographic record of certain proceedings	1513.071 and 1513.16
State Board of Education	Removes the requirement that public meetings of the State Board be recorded “in a book provided for that purpose”	3301.05
School district board of education	Removes the requirement that district boards provide for a “complete stenographic record” of hearings regarding teacher contract termination	3319.16
OEPA – hearing on application for variance from solid waste facility requirements	Authorizes the OEPA Director to make either a complete stenographic record <b>or</b> electronic record of testimony and other evidence submitted at the hearing (rather than a stenographic record only, as in current law)	3734.02
OEPA – hearing on application for variance from infectious waste treatment requirements	Authorizes the OEPA Director to make either a complete stenographic record <b>or</b> electronic record of testimony and other evidence submitted at the hearing (rather than a stenographic record only, as in current law)	3734.021
OEPA – public meeting on variance from Voluntary Action Program requirements	Authorizes a stenographic record <b>or</b> electronic record of proceedings (rather than stenographic only, as in current law)	3746.09
BWC	Removes a requirement that all testimony recorded during a BWC proceeding be taken down by a BWC-appointed stenographer	4121.19

Table 4: Stenographic recordkeeping requirements		
Public entity	Description	R.C. citation
BWC	Removes a requirement that BWC pay for stenographic depositions when a claim is appealed to a court but retains the requirement that the BWC pay for the depositions filed	4123.512

## Changes to notarization requirements

The bill eliminates various notarization requirements, as described in the table below:

Table 5: Notarization requirements		
Public Entity	Description	R.C. citation
Accountancy Board	Removes notary requirement from a provision of law allowing the Board to exempt a public accounting firm from a peer review if the firm submits a statement that they meet an exemption requirement	4701.04
Department of Aging	For a licensed nursing home administrator or licensed health services executive to obtain a replacement license, instead of requiring a notarized statement, requires an electronic or signed statement	4751.23
Department of Developmental Disabilities	For jobs within the Department or a county board of developmental disabilities, or as a person employed in a direct services position by a provider or subcontractor, removes the requirement that a proof of residency statement be notarized	5123.081
	For a person receiving a supported living certificate or having a supported living certificate renewed, removes the requirement that a proof of residency statement be notarized	5123.169
Department of Insurance	Removes the requirement that an application for a managing general agent be notarized	3905.72
	Removes the requirement that an application for a certificate of authority be verified by oath	3951.03

Table 5: Notarization requirements		
Public Entity	Description	R.C. citation
Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board	Removes the requirement that each member of this Board submit a notarized statement that the member has read and understands Ohio's Open Meetings Law, Ohio's Public Records Act, and Ohio's Administrative Procedure Act <sup>44</sup>	4755.01
Department of Public Safety	Instead of requiring a person registering a van or bus to furnish a notarized statement that the van or bus will be used only for allowable purposes, requires the person to "affirm" this in a manner prescribed by the Registrar of Motor Vehicles	4503.04
Department of Transportation	As part of the application process for advertising in highway-adjacent zones, removes the Director of Transportation's authority to require an applicant to use a notarized signed statement to certify that the applicant has not knowingly provided materially false, misleading, or inaccurate information	5516.10

## HISTORY

Action	Date
Introduced	02-27-23
Reported, H. State & Local Gov't	05-08-23
Passed House (94-1)	06-14-23

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<sup>44</sup> R.C. 121.22, 149.43, and Chapter 119 of the Revised Code, respectively.