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S.B. 331
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Roegner

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SUMMARY

- Abolishes or renews various agencies that are subject to expiration under Sunset Review Law.
- Requires a Sunset Review Committee to be convened during each General Assembly, and makes other changes to Sunset Review Law.
- Authorizes the Ohio Judicial Conference to distribute judicial impact statements in an electronic format.

TABLE OF CONTENTS

Boards and commissions – Sunset Review	1
Agency expiration schedule	2
Definition of agency	2
Abolition of specific agencies	3
Renewal of specific agencies	4
Ohio Family Stability Commission	12
Ohio Judicial Conference	12
Other changes to Sunset Review Law	13

DETAILED ANALYSIS

Boards and commissions – Sunset Review

The bill requires that a new Sunset Review Committee be convened to function during each general assembly, thereby providing two biennia to complete the review of agencies under Sunset Review Law. Under current law, a Sunset Review Committee is convened only during each odd-numbered General Assembly. The bill renews certain agencies until the end of 2022 and renews other agencies until the end of 2024. The bill requires the Sunset Review

Committee that is convened during the 134th General Assembly to review all agencies that are scheduled to expire on December 31, 2022, and also to select a number of agencies, which are renewed by the bill until December 31, 2024, to be reconsidered for a renewal to expire on December 31, 2026. The Sunset Review Committee of the 134th General Assembly, at the Committee's discretion, may recommend that the expiration date of any such agency be renewed until December 31, 2026, without further review, or may require the agency to submit to the requirements of Sunset Review Law. The bill clarifies that the intent of these requirements is to establish that, at the conclusion of the 134th General Assembly, approximately ½ of all agencies subject to Sunset Review Law will be scheduled to expire on December 31, 2024, and approximately ½ will be scheduled to expire on December 31, 2026.¹

The bill maintains the current appointment and membership requirements of the Committee. And maintains provisions of Sunset Review Law that provide that if the General Assembly does not renew or transfer a state "agency" (see "**Definition of agency**," below) before the agency's scheduled expiration date, the agency expires and the Office of Budget and Management cannot authorize the expenditure of any money for the agency on or after the expiration date.²

Agency expiration schedule

The bill enumerates the intent of the General Assembly for an agency to expire by operation of Sunset Review Law four years more or less after the effective date of the act that established the agency, and that the specific expiration date, for an agency scheduled to expire, must be December 31 in the second year of a general assembly. Under the bill, agencies will expire, unless renewed, according to the following:

1. An agency created during an even-numbered general assembly expires at the end of the second year of the next odd-numbered general assembly;
2. An agency created during an odd-numbered general assembly expires at the end of the second year of the next even-numbered general assembly;
3. An agency renewed by a prior Sunset Review Committee expires on the expiration date specified in the act that renewed the agency.

Definition of agency

Under continuing law, the Sunset Review Law applies to an "agency," which generally means any board, commission, committee, or council, or any other similar state public body required to be established under state statutes for the exercise of any function of state government and to which members are appointed or elected. However, the definition specifies several exceptions to the general rule, including, for example, the General Assembly, any court, any public body created by or directly under the Ohio Constitution, the Public Utilities

¹ R.C. 101.83, 101.84, and Section 9.

² R.C. 101.83.

Commission of Ohio, any state board or commission that has the authority to issue any final adjudicatory order that may be appealed to the court of common pleas under the Administrative Procedure Act.³

Abolition of specific agencies

Under continuing law, “abolish” means to repeal the statutes creating and empowering an agency, remove its personnel, and transfer its records to the Department of Administrative Services under the State Records Program Law.⁴ The bill abolishes the agencies listed below:⁵

Abolished agencies	
Agency	Citation
Assisted Living Program Workgroup	Section 209.61, H.B. 49 of the 132 nd G.A.
Criminal Sentencing Advisory Committee	R.C. 181.22
English Language Arts Academic Standards Review Committee	R.C. 3301.079(I)(1)(a)
Grace Commission	Section 701.05, H.B. 64 of the 131 st G.A.
Maternity and Newborn Advisory Council	R.C. 3711.20
Mathematics Academic Standards Review Committee	R.C. 3301.079(I)(1)(b)
Municipal Income Tax Net Operating Loss Review Committee	R.C. 718.60
Ohio Healthier Buckeye Advisory Council	R.C. 5101.91
Ohio Military Facilities Commission	R.C. 5913.12
Committee on Prescriptive Governance	R.C. 4723.49
Science Academic Standards Review Committee	R.C. 3301.079(I)(1)(c)
Social Studies Academic Standards Review Committee	R.C. 3301.079(I)(1)(d)

³ R.C. 101.82, not in the bill.

⁴ R.C. 101.82, not in the bill.

⁵ Section 8. Outright repeals of Revised Code sections are listed in Section 3 of the bill.

Abolished agencies	
Agency	Citation
Undergraduate Mission Study Committee	Section 3, H.B. 66 of the 132 nd G.A.
Joint Select Committee on Volume Cap	R.C. 133.021
Ohio Water Advisory Council	R.C. 1521.031
Workgroup to Study the Feasibility of Medicaid Recipients' ID and Benefits Cards	Section 751.30, H.B. 64 of the 131 st G.A.

Renewal of specific agencies

Under continuing law, "renew" means to continue an agency, and may include amendment of the statutes creating and empowering it, or recommendations for changes in its operation or personnel.⁶ The bill renews certain agencies as listed below and specifies that they will expire on December 31, 2022, or December 31, 2024, unless they are again renewed by subsequent legislation:

Agencies renewed until December 31, 2022 ⁷	
Agency	Citation
Commission on African-American Males	R.C. 4112.12
Ohio Advisory Council for the Aging	R.C. 173.03
Director of Health's Advisory Group on Violent Deaths	R.C. 3701.932
Early Childhood Advisory Council	R.C. 3301.90
Early Childhood Financing Workgroup	Section 265.70.20, H.B. 1, 128 th G.A
Engineering Experiment Station Advisory Committee	R.C. 3335.27
Environmental Education Council	R.C. 3745.21
Advisory Board of Governor's Office of Faith-Based	R.C. 107.12

⁶ R.C. 101.82, not in the bill.

⁷ Section 5.

Agencies renewed until December 31, 2022 ⁷	
Agency	Citation
and Community Initiatives	
Ohio Family and Children First Cabinet Council	R.C. 121.37
Ohio Historic Site Preservation Advisory Board	R.C. 149.301
Ohio History Connection Board of Trustees	R.C. 149.30
Legislative Programming Committee of the Ohio Government Telecommunications Service	R.C. 3353.07
Ohio Medical Quality Foundation	R.C. 3701.89
Ohio Tuition Trust Authority Investment Board	R.C. 3334.03
RECLAIM Advisory Committee	R.C. 5139.44
Legislative Task Force on Redistricting, Reapportionment, and Demographic Research	R.C. 103.51
School and Ministerial Lands Divestiture Committee	R.C. 501.041
Tax Expenditure Review Committee	R.C. 5703.95
Unemployment Compensation Advisory Council	R.C. 4141.08
Volunteer Fire Fighters' Dependents Fund boards (private)	R.C. 146.02(B)
Volunteer Fire Fighters' Dependents Fund boards (public)	R.C. 146.02(A)
Voting Machine Acquisition Advisory Committee	Section 3 of S.B. 135 of the 132 nd G.A.
Board of Voting Machines Examiners	R.C. 3506.05

Agencies renewed until December 31, 2024 ⁸	
Agency	Citation
Advisory Committee on Advance Practice Registered Nursing	R.C. 4723.493
Coordinating Committee Agricultural Commodity Marketing Programs	R.C. 924.14
Agricultural Commodity Marketing Programs, Operating Committee(s)	R.C. 924.07
AMBER Alert Advisory Committee	R.C. 5502.521
Advisory Council on Amusement Ride Safety	R.C. 1711.51
Apprenticeship Council	R.C. 4139.02
Automated Title Processing Board	R.C. 4505.09(C)(1)
Backflow Advisory Board	R.C. 3703.21
Banking Commission	R.C. 1123.01
Brain Injury Advisory Committee	R.C. 3335.61
Broadcast Educational Media Commission	R.C. 3353.02
Capitol Square Review and Advisory Board	R.C. 105.41
Cemetery Dispute Resolution Commission, Ohio	R.C. 4767.05
Child Abuse and Child Neglect Prevention Regional Councils (8)	R.C. 3109.172(B)
Child Care Advisory Council	R.C. 5104.08
Child Support Guideline Advisory Council	R.C. 3119.023
Children's Trust Fund Board	R.C. 3109.15

⁸ Section 6.

Agencies renewed until December 31, 2024 ⁸	
Agency	Citation
Citizen's Advisory Council (for each institution under the control of the Department of Developmental Disabilities)	R.C. 5123.092
Ohio Civil Rights Commission Advisory Agencies and Conciliation Councils	R.C. 4112.04(B)(4)
Clean Ohio, Trail Advisory Board	R.C. 1519.06
Technical Advisory Committee to Assist Director of the Ohio Coal Development Office	R.C. 1551.35
College Credit Plus Advisory Committee	R.C. 3365.15
Commercial Dog Breeding Advisory Board	R.C. 956.17
Ohio Commercial Insurance Joint Underwriting Association Board of Governors	R.C. 3930.03
Commodity Advisory Commission	R.C. 926.32
Continuing Education Committee (concerned with continuing education of sheriffs)	R.C. 109.80(B)
Statewide Consortium of County Law Library Resources Boards	R.C. 3375.481
County Sheriff's Standard Car-Marking and Uniform Commission	R.C. 311.25
Credential Review Board	R.C. 3319.65
Credit Union Council	R.C. 1733.329
Ohio Cystic Fibrosis Legislative Task Force	R.C. 101.38
Dentist Loan Repayment Advisory Board	R.C. 3702.92
Department Advisory Boards	R.C. 121.13
Ohio Developmental Disabilities Council	R.C. 5123.35
Dietetics Advisory Council	R.C. 4759.051

Agencies renewed until December 31, 2024 ⁸	
Agency	Citation
Education Management Information System Advisory Council	R.C. 3301.0713
Educator Standards Board	R.C. 3319.60
Electrical Safety Inspector Advisory Committee	R.C. 3783.08
Emergency Response Commission	R.C. 3750.02
Ex-Offender Reentry Coalition	R.C. 5120.07
Ohio Expositions Commission	R.C. 991.02
Farmland Preservation Advisory Board	R.C. 901.23
Forestry Advisory Council	R.C. 1503.40
Governor's Residence Advisory Commission	R.C. 107.40
Grain Marketing Program Operating Committee	R.C. 924.22
Ohio Grape Industries Committee	R.C. 924.51
Commission on Hispanic-Latino Affairs	R.C. 121.31
Home Medical Equipment Services Advisory Council	R.C. 4752.24
Homeland Security Advisory Council	R.C. 5502.011(E)
Housing Trust Fund Advisory Committee	R.C. 174.06
Industrial Commission Nominating Council	R.C. 4121.04
Infant Hearing Screening Subcommittee	R.C. 3701.507
Interagency Council of the New African Immigrants Commission	R.C. 4112.31
Ohio Lake Erie Commission	R.C. 1506.21
Land Use Advisory Committee to the President of Ohio University	R.C. 3337.16

Agencies renewed until December 31, 2024 ⁸	
Agency	Citation
Legislative Committee on Public Health Futures	Section 737.40. H.B. 166 of the 133 rd G.A.
Advisory Committee on Livestock Exhibitions	R.C. 901.71
Manufactured Homes Advisory Council	R.C. 4781.02
Materials Management Advisory Council	R.C. 3734.49
Board of Governors of the Medical Liability Underwriting Association	R.C. 3929.64
Directors of the Medical Liability Underwriting Association, Stabilization Reserve Fund	R.C. 3929.631
Medically Handicapped Children's Medical Advisory Council	R.C. 3701.025
Milk Sanitation Board	R.C. 917.03
Mine Subsidence Insurance Governing Board	R.C. 3929.51
Minority Development Financing Advisory Board	R.C. 122.72
Commission on Minority Health	R.C. 3701.78
New African Immigrants Commission	R.C. 4112.32
Office of Enterprise Development Advisory Board	R.C. 5145.162
Ohio Aerospace and Aviation Technology Committee	R.C. 122.98
Ohio Arts Council	R.C. 3379.02
Ohio Business Gateway Steering Committee	R.C. 5703.57
Advisory Board to Assist and Advise in the Operation of the Ohio Center for Autism and Low Incidence	R.C. 3323.33
Ohio Commission on Service and Volunteerism	R.C. 121.40
Ohio Geographically Referenced Information Program Council	R.C. 125.901

Agencies renewed until December 31, 2024 ⁸	
Agency	Citation
Ohio Home Inspector Board	R.C. 4764.04
Ohio Livestock Care Standards Board	R.C. 904.02
Ohio Public Library Information Network Board of Trustees	R.C. 3375.65
Ohio War Orphans and Severely Disabled Veterans' Children Scholarship Board	R.C. 5910.02
Board of Trustees Ohioana Library Association, Martha Kinney Cooper Memorial	R.C. 3375.62
Oil and Gas Leasing Commission	R.C. 1509.71
Operating Committee of the Oil and Gas Marketing Program	R.C. 1510.06
Technical Advisory Council on Oil and Gas	R.C. 1509.38
Opportunities for Ohioans with Disabilities Council	R.C. 3304.12
Organized Crime Investigations Commission	R.C. 177.01
Pharmacy and Therapeutics Committee of the Department of Medicaid	R.C. 5164.7510
Physician Assistant Policy Committee of the State Medical Board	R.C. 4730.05
Power Siting Board	R.C. 4906.02
Prequalification Review Board	R.C. 5525.07
Ohio Private Investigation and Security Services Commission	R.C. 4749.021
Ohio Public Defender Commission	R.C. 120.01
Public Utilities Commission Nominating Council	R.C. 4901.021
State Racing Commission	R.C. 3769.02
Radiation Advisory Council	R.C. 3748.20

Agencies renewed until December 31, 2024 ⁸	
Agency	Citation
Multi-Agency Radio Communications System Steering Committee	Section 15.02, H.B. 640 of the 123 rd G.A.
Reclamation Commission	R.C. 1513.05
Reclamation Forfeiture Fund Advisory Board	R.C. 1513.182
Respiratory Care Advisory Council	R.C. 4761.032
Small Business Advisory Council	R.C. 107.63
Small Business Stationary Source Technical and Environmental Compliance Assistance Council	R.C. 3704.19
Ohio Small Government Capital Improvements Commission	R.C. 164.02(C)
Soil and Water Conservation Commission, Ohio	R.C. 940.02
STABLE Account Program Advisory Board	R.C. 113.56
Ohio Standardbred Development Commission	R.C. 3769.085
State Audit Committee	R.C. 126.46
State Criminal Sentencing Commission	R.C. 181.21
State Fire Council	R.C. 3737.81
STEM Committee of the Department of Education	R.C. 3326.02
Student Tuition Recovery Authority	R.C. 3332.081
Supervisory Investigative Panel of the State Dental Board	R.C. 4715.032
Tax Credit Authority	R.C. 122.17(M)
Ohio Thoroughbred Racing Advisory Committee	R.C. 3769.084
TourismOhio Advisory Board	R.C. 122.071
Transportation Review Advisory Council	R.C. 5512.07

Agencies renewed until December 31, 2024 ⁸	
Agency	Citation
Underground Technical Committee	R.C. 3781.34
State Council of Uniform State Laws	R.C. 105.21
Unemployment Compensation Review Commission	R.C. 4141.06
Utility Radiological Safety Board	R.C. 4937.02
Vendors Representative Committee, Ohio	R.C. 3304.34
Veterans Advisory Committee	R.C. 5902.02(J)
State Victims Assistance Advisory Council	R.C. 109.91
Waterways Safety Council	R.C. 1547.73
Advisory Council for each Wild, Scenic, or Recreational River Area	R.C. 1547.84
Wildlife Council	R.C. 1531.03
Workers' Compensation Board of Directors Nominating Committee	R.C. 4121.123
Bureau of Workers' Compensation Board of Directors	R.C. 4121.12

Ohio Family Stability Commission

The bill renews the Ohio Family Stability Commission with respect to Sunset Review Law. However, pursuant to its enabling legislation, the Commission is set to expire at the end of March 31, 2021.⁹

Ohio Judicial Conference

The bill authorizes the Ohio judicial conference to distribute judicial impact statements, which are required to be prepared under current law, in an electronic format, to the official

⁹ Section 4, and Section 2 of S.B. 30 of the 131st General Assembly.

electronic mail address of the General Assembly members designated to receive the statement.¹⁰ And, the bill renews the Ohio Judicial Conference until December 31, 2024.¹¹

Other changes to Sunset Review Law

The bill makes the following changes to Sunset Review Law:

- Eliminates the authorization for the Sunset Review Committee to schedule for review any state board or commission that has the authority to issue any final adjudicatory order that may be appealed to the court of common pleas. Such agencies, which are generally occupational licensing agencies, are currently exempt from automatic sunset, but may be scheduled for review by a Sunset Review Committee. Recently enacted legislation subjects occupational licensing agencies to a different legislative review process.¹²
- Eliminates the requirement that a Sunset Review Committee, whenever possible, realign agency titles to conform to certain specified descriptions for the terms commission, authority, board, council, and committee.¹³
- Eliminates the requirement that the Director of the Legislative Service Commission publish, in the Administrative Code, a copy of the Sunset Review Committee schedule for review of agencies. Continuing law requires the schedule to be published in the Register of Ohio.¹⁴
- Relocates within the Revised Code a provision specifying that a Sunset Review Committee, after having prepared and published a report of its findings and recommendations, and furnished the report, ceases to exist.¹⁵

HISTORY

Action	Date
As Introduced	06-24-20

S0331-I-133/ts

¹⁰ R.C. 105.911(B).

¹¹ Section 7.

¹² R.C. 101.85; and R.C. 101.63, effective April 5, 2019, not in the bill.

¹³ R.C. 101.86(D).

¹⁴ R.C. 101.85(B).

¹⁵ R.C. 101.84(D) and 101.87(D).