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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

**S.B. 331**  
**133<sup>rd</sup> General Assembly**

## Final Analysis

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**Version:** As Passed by the General Assembly

**Primary Sponsor:** Sen. Roegner

**Effective date:** April 12, 2021

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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.

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### DETAILED ANALYSIS

#### Boards and commissions – Sunset Review

The act 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 former law, a Sunset Review Committee was convened only during each odd-numbered general assembly.

The act renews certain agencies until the end of 2024, and specifies agencies that are abolished on December 31, 2020. It authorizes the Sunset Review Committee that is convened during the 134<sup>th</sup> General Assembly to select a number of agencies, which are renewed by the act until December 31, 2024, to be reconsidered for a renewal to expire on December 31, 2026. The Sunset Review Committee of the 134<sup>th</sup> 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.<sup>1</sup>

The act maintains the appointment and membership requirements of the Committee under continuing law. And it maintains the stipulation in law 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.<sup>2</sup>

### **Agency expiration schedule**

The act enumerates the General Assembly's intent 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 act, 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

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<sup>1</sup> R.C. 101.83, 101.84, and Section 8.

<sup>2</sup> R.C. 101.83.

Commission of Ohio, and 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.<sup>3</sup>

## 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.<sup>4</sup> The act abolishes the agencies listed below:<sup>5</sup>

Abolished agencies	
Agency	Citation
Assisted Living Program Workgroup	Section 209.61, H.B. 49 of the 132 <sup>nd</sup> G.A.
Criminal Sentencing Advisory Committee	R.C. 181.22
Early Childhood Financing Workgroup	Section 265.70.20 of H.B. 1 of the 128 <sup>th</sup> G.A.
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 <sup>st</sup> 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 Family Stability Commission	R.C. 5101.345
Ohio Healthier Buckeye Advisory Council	R.C. 5101.91
Ohio Military Facilities Commission	R.C. 5913.12
Prescriptive Governance, Committee on	R.C. 4723.49

<sup>3</sup> R.C. 101.82, not in the act.

<sup>4</sup> R.C. 101.82, not in the act.

<sup>5</sup> Section 7. Outright repeals of Revised Code sections and former act sections are listed in Sections 3 and 4 of the act.

Abolished agencies	
Agency	Citation
School and Ministerial Lands Divestiture Committee	R.C. 501.041
Science Academic Standards Review Committee	R.C. 3301.079(l)(1)(c)
Social Studies Academic Standards Review Committee	R.C. 3301.079(l)(1)(d)
Undergraduate Mission Study Committee	Section 3, H.B. 66 of the 132 <sup>nd</sup> G.A.
Volume Cap, Joint Select Committee on	R.C. 133.021
Voting Machine Acquisition Advisory Committee	Section 3 of S.B. 135 of the 132 <sup>nd</sup> G.A.
Water Advisory Council, Ohio	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 <sup>st</sup> 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.<sup>6</sup> The act renews certain agencies as listed below and specifies that they will expire on December 31, 2024, unless they are again renewed by subsequent legislation:<sup>7</sup>

Agencies renewed until December 31, 2024	
Agency	Citation
Advisory Committee on Advance Practice Registered Nursing	R.C. 4723.493
African American Males, Commission on	R.C. 4112.12
Aging, Ohio Advisory Council for the	R.C. 173.03
Agricultural Commodity Marketing Programs, Coordinating Committee	R.C. 924.14

<sup>6</sup> R.C. 101.82, not in the act.

<sup>7</sup> Section 5.

Agencies renewed until December 31, 2024	
Agency	Citation
Agricultural Commodity Marketing Programs, Operating Committee(s)	R.C. 924.07
AMBER Alert Advisory Committee	R.C. 5502.521
Amusement Ride Safety, Advisory Council of	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
Citizen's Advisory Council (for each institution under the control of the Department of Developmental Disabilities)	R.C. 5123.092
Civil Rights Commission Advisory Agencies and Conciliation Councils, Ohio	R.C. 4112.04(B)(4)
Clean Ohio, Trail Advisory Board	R.C. 1519.06
Coal Development Office, Technical Advisory Committee to Assist Director of the Ohio	R.C. 1551.35

Agencies renewed until December 31, 2024	
Agency	Citation
College Credit Plus Advisory Committee	R.C. 3365.15
Commercial Dog Breeding Advisory Board	R.C. 956.17
Commercial Insurance Joint Underwriting Association Board of Governors, Ohio	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)
County Law Library Resources Boards, Statewide Consortium of	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
Cystic Fibrosis Legislative Task Force, Ohio	R.C. 101.38
Dentist Loan Repayment Advisory Board	R.C. 3702.92
Department Advisory Boards	R.C. 121.13
Developmental Disabilities Council, Ohio	R.C. 5123.35
Dietetics Advisory Council	R.C. 4759.051
Director of Health's Advisory Group on Violent Deaths	R.C. 3701.932
Early Childhood Advisory Council	R.C. 3301.90
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

Agencies renewed until December 31, 2024	
Agency	Citation
Emergency Response Commission	R.C. 3750.02
Engineering Experiment Station Advisory Committee	R.C. 3335.27
Environmental Education Council	R.C. 3335.27
Ex-Offender Reentry Coalition	R.C. 5120.07
Expositions Commission, Ohio	R.C. 991.02
Faith-Based and Community Initiatives, Advisory Board of Governor's Office of	R.C. 107.12
Family and Children First Cabinet Council, Ohio	R.C. 121.37
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
Grape Industries Committee, Ohio	R.C. 924.51
Hispanic-Latino Affairs, Commission on	R.C. 121.31
Historic Site Preservation Advisory Board, Ohio	R.C. 149.301
History Connection, Ohio, Board of Trustees	R.C. 149.30
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	R.C. 4112.31

Agencies renewed until December 31, 2024	
Agency	Citation
Commission	
Lake Erie Commission, Ohio	R.C. 1506.21
Land Use Advisory Committee to the President of Ohio University	R.C. 3337.16
Legislative Committee on Public Health Futures	Section 737.40. H.B. 166 of the 133 <sup>rd</sup> G.A.
Legislative Programming Committee of the Ohio Government Telecommunications Service	R.C. 3353.07
Livestock Exhibitions, Advisory Committee on	R.C. 901.71
Manufactured Homes Advisory Council	R.C. 4781.02
Materials Management Advisory Council	R.C. 3734.49
Medical Liability Underwriting Association, Board of Governors of the	R.C. 3929.64
Medical Liability Underwriting Association, Stabilization Reserve Fund, Directors of the	R.C. 3929.631
Medically Handicapped Children's Medical Advisory Council	R.C. 3701.025
Medical Quality Foundation, Ohio	R.C. 3701.89
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
Minority Health, Commission on	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
Ohioana Library Association, Martha Kinney	R.C. 3375.62



Agencies renewed until December 31, 2024	
Agency	Citation
Cooper Memorial, Board of Trustees	
Ohio Arts Council	R.C. 3379.02
Ohio Business Gateway Steering Committee	R.C. 5703.57
Ohio Center for Autism and Low Incidence, Advisory Board to Assist and Advise in the Operation of the	R.C. 3323.33
Ohio Commission on Service and Volunteerism	R.C. 121.40
Ohio Geographically Referenced Information Program Council	R.C. 125.901
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 Tuition Trust Authority Investment Board	R.C. 3334.03
Ohio War Orphans and Severely Disabled Veterans' Children Scholarship Board	R.C. 5910.02
Oil and Gas Leasing Commission	R.C. 1509.71
Oil and Gas Marketing Program, Operating Committee of the	R.C. 1510.06
Oil and Gas, Technical Advisory Council on	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

Agencies renewed until December 31, 2024	
Agency	Citation
Prequalification Review Board	R.C. 5525.07
Private Investigation and Security Services Commission, Ohio	R.C. 4749.021
Public Defender Commission, Ohio	R.C. 120.01
Public Utilities Commission Nominating Council	R.C. 4901.021
Racing Commission, State	R.C. 3769.02
Radiation Advisory Council	R.C. 3748.20
Radio Communications System Steering Committee, Multi-Agency	Section 15.02, H.B. 640 of the 123 <sup>rd</sup> G.A.
Reclaim Advisory Committee	R.C. 5139.44
Reclamation Commission	R.C. 1513.05
Reclamation Forfeiture Fund Advisory Board	R.C. 1513.182
Redistricting, Reapportionment, and Demographic Research, Legislative Task Force on	R.C. 103.51
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
Small Government Capital Improvements Commission, Ohio	R.C. 164.02(C)
Soil and Water Conservation Commission, Ohio	R.C. 940.02
STABLE Account Program Advisory Board	R.C. 113.56
Standardbred Development Commission, Ohio	R.C. 3769.085
State Audit Committee	R.C. 126.46
State Fire Council	R.C. 3737.81

Agencies renewed until December 31, 2024	
Agency	Citation
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)
Tax Expenditure Review Committee	R.C. 5703.95
Thoroughbred Racing Advisory Committee, Ohio	R.C. 3769.084
TourismOhio Advisory Board	R.C. 122.071
Transportation Review Advisory Council	R.C. 5512.07
Underground Technical Committee	R.C. 3781.34
Unemployment Compensation Advisory Council	R.C. 4141.08
Unemployment Compensation Review Commission	R.C. 4141.06
Uniform State Laws, State Council of	R.C. 105.21
Utility Radiological Safety Board	R.C. 4937.02
Vendors Representative Committee, Ohio	R.C. 3304.34
Veterans Advisory Committee	R.C. 5902.02(J)
Victims Assistance Advisory Council, State	R.C. 109.91
Volunteer Firefighters' Dependents Fund Boards (private)	R.C. 146.02(B)
Volunteer Firefighters' Dependents Fund Boards (public)	R.C. 146.02(A)
Voting Machine Examiners, Board of	R.C. 3506.05
Waterways Safety Council	R.C. 1547.73

Agencies renewed until December 31, 2024	
Agency	Citation
Wild, Scenic, or Recreational River Area, Advisory Council for each	R.C. 1547.84
Wildlife Council	R.C. 1531.03
Workers' Compensation Board of Directors Nominating Committee	R.C. 4121.123
Workers' Compensation Board of Directors, Bureau of	R.C. 4121.12

### Agencies renewed by amendment

The act renews the Ohio Judicial Conference and the State Criminal Sentencing Commission until December 31, 2024, and makes the following changes to the laws governing these agencies.<sup>8</sup>

#### Ohio Judicial Conference

The act authorizes the Ohio Judicial Conference to distribute judicial impact statements, which are required to be prepared under continuing law, in an electronic format, to the official electronic mail address of the General Assembly members designated to receive the statement.<sup>9</sup>

#### State Criminal Sentencing Commission

The act repeals the State Criminal Sentencing Commission's responsibility to establish a standing juvenile committee and the law requiring a 1999 report on juvenile justice matters. Specifically, the law required the Commission and committee to (1) review all statutes governing delinquent child, unruly child, and juvenile traffic offender dispositions in Ohio, (2) review state and local resources, including facilities and programs, used for delinquent child, unruly child, and juvenile traffic offender dispositions and profile the populations of youthful offenders in the facilities and programs, and (3) report to the General Assembly by October 1, 1999, a comprehensive plan containing recommendations based on the reviews.<sup>10</sup> A report was submitted in the fall of 1999, and is available at the LSC library.<sup>11</sup>

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<sup>8</sup> Section 6.

<sup>9</sup> R.C. 105.911(B).

<sup>10</sup> R.C. 181.21(D) and R.C. 181.26, repealed.

<sup>11</sup> "A Plan for Juvenile Sentencing in Ohio, Fall 1999," call number 345.0771 h3j, Legislative Service Commission Library.

## Other changes to Sunset Review Law

The act 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 with the authority to issue any final adjudicatory order that could be appealed to the court of common pleas. Such agencies, which are generally occupational licensing agencies, were exempt from automatic sunset under former law, but nevertheless could have been scheduled for review by a Sunset Review Committee. Recently enacted legislation subjects occupational licensing agencies to a different legislative review process.<sup>12</sup>
- Eliminates the requirement that a Sunset Review Committee, whenever possible, had to realign agency titles to conform to specified descriptions for the terms “commission,” “authority,” “board,” “council,” and “committee.”<sup>13</sup>
- Eliminates the requirement that the Director of the Legislative Service Commission had to publish, in the Administrative Code, a copy of the Sunset Review Committee’s schedule for review of agencies. Continuing law requires the schedule to be published in the *Register of Ohio*.<sup>14</sup>
- 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.<sup>15</sup>

## HISTORY

Action	Date
Introduced	06-24-20
Reported, S. General Government & Agency Review	12-02-20
Passed Senate (33-0)	12-02-20
Reported, H. State & Local Government	12-17-20
Passed House (83-1)	12-17-20
Senate concurred in House amendments (29-0)	12-18-20

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<sup>12</sup> R.C. 101.85; and R.C. 101.63, effective April 5, 2019, not in the act.

<sup>13</sup> R.C. 101.86(D).

<sup>14</sup> R.C. 101.85(B).

<sup>15</sup> R.C. 101.84(D) and 101.87(D).