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OHIO LEGISLATIVE SERVICE COMMISSION

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Office of Research
and Drafting

Legislative Budget
Office

Substitute Bill Comparative Synopsis

Sub. H.B. 524

134th General Assembly

House Government Oversight

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The latest substitute version of the bill retains the provisions of the As Introduced version of the bill, while adding others.

The dot points below summarize the content added by the latest substitute version of the bill; all citations refer to I_134_2262-1.

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.¹
- Removes telegraph facilities as one of the “workshops or factories” that the Board has control over regarding required alternations or repairs.²

Bureau of Workers’ Compensation

- Specifies that electronic documents have the same evidentiary effect as originals in a workers’ compensation-related proceeding.³
- Allows a professional employer organization to provide a client employer with workers’ compensation-related information requested by the client employer through email.⁴

¹ R.C. 3781.08.

² R.C. 3781.11(A)(6) and (D)(2).

³ R.C. 4123.52.

⁴ R.C. 4125.03.

- Removes a requirement that the Administrator of Workers' Compensation and the Administrator's designee consult either in-person or by telephone before the designee issues certain orders under the Public Employment Risk Reduction Program (but retains the consultation requirement).⁵
- Removes a requirement that all testimony recorded during a Bureau of Workers' Compensation (BWC) proceeding be taken down by a BWC-appointed stenographer.⁶
- 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.⁷

Casino-related license applications

- Removes the requirement that an oath be administered to a person completing a license application (including those for a casino operator, management company, holding company, gaming-related vendor, and casino gaming employee) and instead requires that the applications must be certified as true.⁸

Casino Control Commission

- Allows the Ohio Casino Control Commission to notify a person whose name the Commission intends to add to the list of persons prohibited from entering a casino facility or sports gaming facility by "commercial carrier" utilizing a method of delivery that provides confirmation of delivery.⁹
- Allows the Executive Director of the Commission, when placing a person's name on the list of persons prohibited from entering a casino facility or sports gaming facility by emergency order, to notify the person by "commercial carrier" utilizing a method of delivery that provides confirmation of delivery.¹⁰
- Requires that a copy of an emergency order to place a person's name on the list of persons prohibited from entering a casino facility or sports gaming facility be provided to the person's attorney or representative of record by mail or electronically.¹¹
- Allows the Commission to notify a "key employee" of the key employee's termination of employment by personal service, commercial carrier service utilizing any form of

⁵ R.C. 4167.10.

⁶ R.C. 4121.19.

⁷ R.C. 4123.512.

⁸ R.C. 3772.11, 3772.12, and 3772.131.

⁹ R.C. 3772.031.

¹⁰ R.C. 3772.04.

¹¹ R.C. 3772.04.

delivery requiring a signed receipt, or by an electronic means that provides evidence of delivery.¹²

Office of Child Support

- Eliminates the ability to file an acknowledgement of paternity with the Office of Child Support in person, leaving mail as the only option.¹³

Credit unions

- Removes reference to telegrams and cablegrams with regard to notices of meetings of the directors of a credit union.¹⁴

Department of Developmental Disabilities

- Removes obsolete provisions requiring the Director of Developmental Disabilities to submit a report to the General Assembly regarding residential facility licenses for the years 2003-2005.¹⁵

Division of Financial Institutions

- Defines, for purposes of certain administrative hearings conducted by the Division of Financial Institutions, “stenographic record” to mean a record provided by stenographic means or by the use of audio electronic recording devices, as the Division determines.¹⁶

State Board of Education

- Removes the requirement that public meetings of the State Board of Education be recorded “in a book for that purpose” and instead permits the records to be kept electronically.¹⁷
- Permits the Superintendent of Public Instruction to notify teaching license applicants who fail to submit fingerprints as part of a background check that their application will be rejected if submission does not occur within 15 days electronically.¹⁸
- Permits the State Board, or state Superintendent on its behalf, to issue subpoenas by electronic means in investigations or hearings regarding teacher misconduct.¹⁹

¹² R.C. 3772.13.

¹³ R.C. 3111.23.

¹⁴ R.C. 1733.16(D).

¹⁵ R.C. 5123.195, repealed.

¹⁶ R.C. 1121.38(A)(2).

¹⁷ R.C. 3301.05.

¹⁸ R.C. 3319.291.

¹⁹ R.C. 3319.311.

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 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.²⁰
- Permits an alternative public provider or registered private provider of special education services to submit the provider's program profile to Jon Peterson Special Needs Scholarship recipients electronically.²¹
- Permits the Department of Education to submit its annual report regarding the implementation and effectiveness of the Department's school breakfast program electronically.²²

School districts

- Does the following regarding notice of surplus school district property donations:
 - Removes the requirement that school district boards of education publish, in a "newspaper of general circulation," notice of intent to donate certain property;
 - Permits a nonprofit organization to submit its written notice to a district board of the organization's desire to obtain donated district property electronically.²³
- Permits school districts not subject to Civil Service Law to serve termination of employee contracts via alternative mailing options in addition to certified mail.²⁴
- Does the following regarding notices of nonrenewal of teachers' contracts:
 - Permits a school district superintendent to serve nonrenewal of employee contracts via alternative mailing options in addition to certified mail;
 - Permits a teacher whose contract has not been renewed to request a hearing regarding nonrenewal of contract via alternative mailing options in addition to certified mail.²⁵

²⁰ R.C. 3302.04.

²¹ R.C. 3310.521.

²² R.C. 3313.818.

²³ R.C. 3313.41(G).

²⁴ R.C. 3319.081.

²⁵ R.C. 3319.11.

- Removes the requirement that records of proceedings regarding teacher contract termination be “stenographic.”²⁶
- Permits public schools to conduct hearings for students and parents regarding notice to the Registrar of Motor Vehicles for excessive unexcused student absences from school electronically.²⁷
- Permits public schools to issue notices regarding truancy or other attendance issues electronically.²⁸

Environmental Protection Agency

- Regarding an application for a variance from air emissions requirements, authorizes notice of a hearing by any type of mail accompanied by a receipt (rather than solely certified mail), authorizes notice on Ohio Environmental Protection Agency’s (OEPA) website in lieu of newspaper publication, and authorizes records of the hearing to be kept electronically in lieu of a stenographic record.²⁹
- Regarding variances from solid waste facility permit and infectious waste treatment requirements, authorizes notice of a hearing on OEPA’s website in lieu of newspaper publication, and authorizes records of the hearing to be kept electronically in lieu of a stenographic record.³⁰
- Allows a board of county commissioners to submit specified reports regarding solid waste in a manner prescribed by the Director of OEPA rather than by computer disc as in current law.³¹
- Allows records of specified public meetings under the Voluntary Action Program Law to be kept by electronic means rather than by a stenographic record.³²
- 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.³³

²⁶ R.C. 3319.16.

²⁷ R.C. 3321.13.

²⁸ R.C. 3321.21; see also R.C. 3321.19 and 3321.20, neither in the bill.

²⁹ R.C. 3704.03.

³⁰ R.C. 3734.02 and 3734.021.

³¹ R.C. 3734.575.

³² R.C. 3746.09.

³³ R.C. 3752.11.

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.³⁴

Internet- or computer-based community schools

- Permits internet- or computer-based community schools (e-schools) teachers to meet with their students electronically, rather than in-person meetings only.³⁵

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).³⁶
- Removes the requirement that county departments of job and family services give in-person notices to assistance groups of the option for a presanction conference.³⁷

Division of Liquor Control

- Regarding when the Division of Liquor Control is entering into an agency contract or when an agency store is being relocated, removes the requirement that the Division mail or deliver in person notice of those actions to the chief peace officer of a political subdivision (retains the requirement that the officer is notified, but does not specify the means).³⁸
- Allows the Division to electronically notify local officials that are not enforcing the state's liquor control laws, instead of only notifying via certified mail as in current law.³⁹

Local governments

- Allows meetings between a school district and a political subdivision that is proposing a tax increment financing district (TIF), community reinvestment area (CRA), enterprise zone, or similar tax-exempt district agreement to occur electronically.⁴⁰

³⁴ R.C. 3904.08.

³⁵ R.C. 3314.21.

³⁶ R.C. 4141.09 and 4141.47.

³⁷ R.C. 5107.161.

³⁸ R.C. 4301.17.

³⁹ R.C. 4301.30.

⁴⁰ R.C. 5709.83.

- Permits notice of an escaped prisoner from a jail or workhouse of a municipal corporation or the custody of a municipal corporation generally to be provided to required entities via electronic mail, instead of only by facsimile transmission or mail.⁴¹

Department of Medicaid

- Removes the requirement that exception reviews of the resident assessment data nursing facility providers must provide to the Department of Medicaid (ODM) be conducted at the nursing facility.⁴²
- Permits the required face-to-face meetings between a home care attendant, the consumer, and a registered nurse to monitor the consumer's health and welfare to be satisfied by telephone or electronically, if permitted by ODM rules.⁴³

Department of Natural Resources

- Eliminates the requirement that the Chief of the Division of Oil and Gas Resources Management send a copy of an oil and gas drilling permit application to local officials via facsimile, but retains the requirement a copy may be sent via electronic means or regular mail.⁴⁴
- Removes references in the mining law to keeping a stenographic record of specified activities.⁴⁵
- Regarding the law governing an accident in a mine, eliminates a reference to notice given by telegraph and authorizes notice to be given by electronic means.⁴⁶
- Regarding the law governing gas storage wells, eliminates references to notice provided by registered mail and replaces it with references to notice by certified mail, and includes authorizations to provide notice via electronic format.⁴⁷

Department of Public Safety

- Eliminates several procedural requirements regarding the submission of a physician's statement accompanying an application for an unrestricted driver's license.⁴⁸

⁴¹ R.C. 753.19.

⁴² R.C. 5165.193.

⁴³ R.C. 5166.303.

⁴⁴ R.C. 1509.06.

⁴⁵ R.C. 1513.071 and 1513.16.

⁴⁶ R.C. 1565.12.

⁴⁷ R.C. 1571.05, 1571.08, 1571.10, 1571.14, 1571.15, and 1571.16.

⁴⁸ R.C. 4507.081.

- 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.⁴⁹
- 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.⁵⁰
- 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; instead requires the license plates to remain on the vehicle unless ordered by a court.⁵¹

Real estate salesperson licenses

- Specifies that licenses of real estate salespersons are to be electronically, as opposed to physically, mailed to recipients.⁵²
- Specifies that real estate brokers are to keep a copy of each salesperson's license, as opposed to the license itself, in a way that can be made available for inspection.⁵³
- Removes the requirement, when association between a broker and a salesperson is terminated, that the broker return the salesperson's license to the Superintendent of Real Estate and instead requires the broker notify the Superintendent by email and keep a copy of the notification for three years; specifies that this requirement does not apply when a salesperson moves from one broker to another.⁵⁴
- Specifies that the license renewal notification sent by the Ohio Real Estate Commission to license holders is to be sent by email, as opposed to physical mail.⁵⁵

Department of Rehabilitation and Correction

- Permits notice of an escaped prisoner from a Department of Rehabilitation and Correction (DRC) correctional institution or DRC custody generally to be provided to required entities via electronic mail, instead of only by facsimile transmission or mail.⁵⁶

⁴⁹ R.C. 4508.021.

⁵⁰ R.C. 4509.101(A)(4)(a).

⁵¹ R.C. 4510.41.

⁵² R.C. 4735.13(B) and (H).

⁵³ R.C. 4735.13(B) and (H).

⁵⁴ R.C. 4735.13(B) and (H).

⁵⁵ R.C. 4735.14(B).

⁵⁶ R.C. 5120.14.

- Permits a warden or superintendent having custody of a prisoner to forward a prisoner's request for a final disposition of a pending untried indictment, information, or complaint against the prisoner, to the appropriate prosecuting attorney by electronic mail or facsimile if the prosecutor and custodial agency agree.⁵⁷

Securities

- Enables the Division of Securities to provide notification of a hearing related to the revocation of a security's use of a previously approved exchange or system via electronic mail, as opposed to certified mail.⁵⁸
- Enables the Division of Securities to provide notification of a suspension of an exemption of a security from certain requirements via email, as opposed to certified mail.⁵⁹
- Specifies that notifications of hearings related to the reorganization, recapitalization, or refinancing of a corporation can be made by email or regular mail.⁶⁰
- Removes, when the Secretary of State (SOS) is designated the agent for services of process in relation to control bids, the requirement that notice of a service of process be provided by telegram and that a copy of the service of process be forwarded to the intended recipient by certified mail.⁶¹
- Removes reference to telegrams when notice is provided in relation to federal registration statements for securities.⁶²
- Removes the requirement, for service of process served to the SOS for persons who are not organized under Ohio laws, that are not licensed as a foreign corporation in Ohio, and that do not have their principal place of business in Ohio, that services of process or pleadings filed with the SOS be made with duplicate copies, with one being filed in the office of the SOS and the other immediately forwarded by certified mail, instead requiring that the service of process or pleading be made on the SOS and then forwarded to the intended recipient.⁶³

⁵⁷ R.C. 2941.401.

⁵⁸ R.C. 1707.02(E)(3).

⁵⁹ R.C. 1707.02(E)(4).

⁶⁰ R.C. 1707.04(A).

⁶¹ R.C. 1707.042(B).

⁶² R.C. 1707.091(D).

⁶³ R.C. 1707.11.

- Removes reference to “in person or in open court” in relation to the tender of securities sold or a contract made when sold or made in violation of the Ohio Securities Law.⁶⁴

Department of Taxation

- Removes an existing law requirement that the following tax-related documents be open for public inspection, and instead only requires them to be published on the Department of Taxation’s website:
 - Certificates issued to qualified distribution centers (QDCs) under the commercial activity tax (CAT).⁶⁵
 - A list of motor fuel suppliers who are subject to the state’s petroleum activity tax.⁶⁶

Underground technical committee

- Eliminates the ability of the Underground Technical Committee to fax, before convening a teleconference or video conference, a copy of meeting-related documents to each committee member, leaving email and mail as the only options.⁶⁷

Underground utility facilities

- 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.⁶⁸
- Removes the requirement that an excavator must provide any fax numbers the excavator may have in the excavator’s notification to a protection service before an emergency excavation required under continuing law.⁶⁹
- Removes references to telegraphs in relation to “one-call utility protection service” definitions and the colors for markings for utility underground facilities.⁷⁰

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⁶⁴ R.C. 1707.43(A).

⁶⁵ R.C. 5751.40.

⁶⁶ R.C. 5736.041.

⁶⁷ R.C. 3781.342(C).

⁶⁸ R.C. 3781.25(B) and 3781.29(C)(1).

⁶⁹ R.C. 3781.29(E)(1)(b).

⁷⁰ R.C. 3781.25 and 3781.29(C)(1).