



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Bill Analysis

Dan DeSantis

### **H.B. 613**

131st General Assembly  
(As Introduced)

Rep. Amstutz

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### **BILL SUMMARY**

- Revises and renews the Sunset Review Law to require that a Sunset Review Committee be convened to function during each odd-numbered General Assembly.
  - Declares and emergency.
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### **CONTENT AND OPERATION**

#### **Background and overview**

The bill requires that a Sunset Review Committee be created to function during each odd-numbered general assembly. Current law creates a Sunset Review Committee for the 131st General Assembly and provides for the repeal of the entire Sunset Review Law, unless it is renewed by the General Assembly, by December 31, 2016. The bill maintains the current appointment and membership requirements of the Committee and establishes, in permanent law, that a new Sunset Review Committee be convened at the beginning of each odd-numbered general assembly. Therefore, under the bill, Sunset Review Law will operate on a recurring four-year cycle.

Continuing Sunset Review Law provides that if the General Assembly does not renew or transfer a state "agency" (see "**Definitions**," below) within an established time frame, the agency expires by operation of law and the Office of Budget and Management is prohibited from authorizing the expenditure of any money for the agency on or after the expiration date.

## Agency expiration schedule

Under the bill, agencies will expire, unless renewed, according to the following schedule:<sup>1</sup>

(1) An agency in existence on January 1 in the year a new Sunset Review Committee is convened expires at the end of December 31 in the year of the second regular session of that general assembly;

(2) An agency created during an even-numbered general assembly expires at the end of December 31 in the year of the second regular session of the next odd-numbered general assembly; and

(3) An agency created during an odd-numbered general assembly expires at the end of December 31 in the year of the second regular session of the next odd-numbered general assembly.

Under continuing law, if the General Assembly does not renew or transfer an agency on or before its expiration date, it expires on that date.<sup>2</sup>

## Committee formation and operation

Members of a re-established Sunset Review Committee must be appointed within 15 days after the commencement of the first regular session of each odd-numbered general assembly, and the Committee must meet not later than 30 days after the first day of the first regular session and throughout that general assembly to perform its statutorily specified organizational and operational functions. The bill also continues (without substantive amendment) other provisions of the Sunset Review Law concerning the Committee's organization (its officers, quorum, etc.), and the Committee's preparation of a report of its findings and recommendations for an agency's abolition, termination, transfer, or continuation (including its presentation to the General Assembly of implementing recommendations "in bill form"). The bill specifies that a Sunset Review Committee, after having prepared and published a report of its findings and recommendations, and furnished the report as required under law, ceases to exist.<sup>3</sup>

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<sup>1</sup> R.C. 101.83.

<sup>2</sup> R.C. 101.83(B).

<sup>3</sup> R.C. 101.84 and 101.87(A) and (D).



## Definitions

The application of the Sunset Review Law is determined by the following definitions:<sup>4</sup>

"Agency" 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. "Agency" does not include the following: (1) the General Assembly, or any commission, committee, or other body composed entirely of members of the General Assembly, (2) any court, (3) any public body created by or directly under the Ohio Constitution, (4) the board of trustees of any institution of higher education that is financially supported in whole or in part by the state, (5) any public body that has the authority to issue bonds or notes or that has issued bonds or notes that have not been fully repaid, (6) the Public Utilities Commission of Ohio, (7) the Consumers' Council Governing Board, (8) the Ohio Board of Regents, (9) 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, (10) any board of elections, (11) the Board of Directors of the Ohio Insurance Guaranty Association and the Board of Governors of the Ohio Fair Plan Underwriting Association, (12) the Ohio Public Employees Deferred Compensation Board, (13) the Ohio Retirement Study Council, (14) the Board of Trustees of the Ohio Police and Fire Pension Fund, Public Employees Retirement Board, School Employees Retirement Board, State Highway Patrol Retirement Board, and State Teachers Retirement Board, (15) the Industrial Commission, (16) the Parole Board, (17) the Board of Tax Appeals, (18) the Controlling Board, (19) the Release Authority of the Department of Youth Services, (20) the Environmental Review Appeals Commission, (21) the Ohio Ethics Commission, (22) the Ohio Public Works Commission, (23) the Self-Insuring Employers Evaluation Board, (24) the State Board of Deposit, (25) the State Employment Relations Board, and (26) which is added by the bill, an agency that is exempted from the requirements of Sunset Review Law by the agency's enabling statutes.

"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.

"Terminate" means to amend or repeal the statutes creating and empowering an agency, remove its personnel, and reassign its functions and records to another agency or officer designated by the General Assembly.

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<sup>4</sup> R.C. 101.82.



"Transfer" means to amend the statutes creating and empowering an agency so that its functions, records, and personnel are conveyed to another agency or officer.

"Renew" means to continue an agency, and may include amendment of the statutes creating and empowering the agency, or recommendations for changes in agency operation or personnel.

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## HISTORY

ACTION	DATE
Introduced	11-09-16

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