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S.B. 331
133rd General Assembly

Bill Analysis

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Version: As Passed by the Senate

Primary Sponsor: Sen. Roegner

Daniel DeSantis, Research Analyst

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 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 2024, and provides that certain specified agencies will be abolished on December 31, 2020. The

bill authorizes the Sunset Review Committee that is convened during the 134th General Assembly 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.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 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

¹ R.C. 101.83, 101.84, and Section 8.

² R.C. 101.83.

³ R.C. 101.82, not in the bill.

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.
Early Childhood Financing Workgroup	Section 265.70.20 of H.B. 1 of the 128 th 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 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 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
School and Ministerial Lands Divestiture Committee	R.C. 501.041
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)

⁴ R.C. 101.82, not in the bill.

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

Abolished agencies	
Agency	Citation
Undergraduate Mission Study Committee	Section 3, H.B. 66 of the 132 nd 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 nd 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 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, 2024, unless they are again renewed by subsequent legislation:⁷

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
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

⁶ R.C. 101.82, not in the bill.

⁷ Section 5.

Agencies renewed until December 31, 2024	
Agency	Citation
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
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

Agencies renewed until December 31, 2024	
Agency	Citation
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
Criminal Sentencing Advisory Committee	R.C. 181.22
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
Emergency Response Commission	R.C. 3750.02
Engineering Experiment Station Advisory Committee	R.C. 3335.27

Agencies renewed until December 31, 2024	
Agency	Citation
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 Commission	R.C. 4112.31
Lake Erie Commission, Ohio	R.C. 1506.21
Land Use Advisory Committee to the President of	R.C. 3337.16

Agencies renewed until December 31, 2024	
Agency	Citation
Ohio University	
Legislative Committee on Public Health Futures	Section 737.40. H.B. 166 of the 133 rd 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 Cooper Memorial, Board of Trustees	R.C. 3375.62
Ohio Arts Council	R.C. 3379.02
Ohio Business Gateway Steering Committee	R.C. 5703.57

Agencies renewed until December 31, 2024	
Agency	Citation
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
Prequalification Review Board	R.C. 5525.07
Private Investigation and Security Services Commission, Ohio	R.C. 4749.021

Agencies renewed until December 31, 2024	
Agency	Citation
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 rd 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 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

Agencies renewed until December 31, 2024	
Agency	Citation
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
Wild, Scenic, or Recreational River Area, Advisory Council for each	R.C. 1547.84

Agencies renewed until December 31, 2024	
Agency	Citation
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

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 electronic mail address of the General Assembly members designated to receive the statement.⁸ And, the bill renews the Ohio Judicial Conference until December 31, 2024.⁹

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.¹⁰
- 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.¹¹
- 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.¹²

⁸ R.C. 105.911(B).

⁹ Section 6.

¹⁰ R.C. 101.85; and R.C. 101.63, effective April 5, 2019, not in the bill.

¹¹ R.C. 101.86(D).

¹² R.C. 101.85(B).

- 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.¹³

HISTORY

Action	Date
As Introduced	06-24-20
Reported, S. General Government & Agency Review	12-02-20
Passed Senate (33-0)	12-02-20

S0331-PS-133/ar

¹³ R.C. 101.84(D) and 101.87(D).