



OHIO LEGISLATIVE SERVICE COMMISSION

Final Analysis

Dan DeSantis

Sub. H.B. 471

131st General Assembly
(As Passed by the General Assembly)

Reps. Brown, Blessing, Derickson, Pelanda, Amstutz, Anielski, Antani, Antonio, Baker, Conditt, Dovilla, Duffey, Green, Hagan, Hambley, McClain, S. O'Brien, Retherford, Sweeney, Thompson, Young

Sens. Coley, Eklund, Faber, Hackett, Jones, Jordan, Patton, Seitz, Uecker

Effective date: Emergency: December 19, 2016

ACT SUMMARY

Boards and commissions – Sunset Review

- Revises and renews the Sunset Review Law to require that a Sunset Review Committee be convened each odd-numbered General Assembly.
- Expands the exemption of certain agencies from review by a Sunset Review Committee.
- Abolishes, retains, and modifies various agencies that were subject to expiration under Sunset Review Law.
- Specifies that serving as a member of the Residential Construction Advisory Committee does not constitute holding a public office.

Oil and gas marketing program

- Allows oil and natural gas producers to present the operating committee of the oil and natural gas marketing program with a petition to amend the program, instead of presenting the petition to the Technical Advisory Council in the Department of Natural Resources.
- Allows the Council to request the operating committee to perform any administrative duty during the amendment process and requires the operating committee to do so if requested.

- Expands the type of producer that may present a petition to establish, amend, or terminate the marketing program and vote in a referendum regarding the petition by including a producer that is engaged in refining either oil or natural gas.
- Allows the operating committee to implement an alternate process by which horizontal well producers pay assessments, and specifies that information associated with a request for an assessment refund is not a public record and is confidential.
- Exempts an employee of the operating committee from civil liability if actions as an employee are taken in good faith.
- Revises the membership of the operating committee and the operating committee's financial statement reporting requirements.

Agricultural Commodity Marketing Program

- Makes various changes to the law governing agricultural commodity marketing programs, including changes to laws governing all of the following:
 - Amending a program;
 - Remitting assessments under a program;
 - The adoption of rules necessary to carry out the purposes of the grain marketing program;
 - Extending civil liability protection to employees of an operating committee of a program;
 - Exempting certain voting and election records from the Public Records Law.

Investment of interim funds

- Modifies the Treasurer of State's authority to invest the interim funds of the state.

Land conveyances and easements

- Authorizes 18 conveyances of state-owned real estate to various persons, by various methods, including by direct sale, sealed bid auction, or public auction.
- Authorizes the execution of a perpetual water line easement to the city of Piqua.
- Authorizes the execution of a perpetual easement for sanitary sewer purposes to the city of Columbus.



- Requires the execution of an environmental covenant easement to a party to be determined.

Call to service orders

- Exempts from disclosure under the Public Records Act orders for active military service of an individual serving or with previous service in the U.S. armed forces and their reserves, or in the Ohio organized militia.
- Mandates that a call to order becomes a public record 15 years after its published date or effective date.

Reemployment and reinstatement of benefits

- Grants reemployment and reinstatement rights to a person employed in Ohio who is absent from employment due to service in a militia organized under the laws of a state, district, or territory outside of Ohio.

Criminal Justice Recodification Committee

- Extends from August 1, 2016 to June 30, 2017, the date by which the Criminal Justice Recodification Committee must recommend to the General Assembly a comprehensive plan for revising the Ohio Criminal Code.
- Provides that a member who is an elected official and whose term expires before January 1, 2017, serves until the expiration of the member's term.

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CONTENT AND OPERATION

Boards and commissions – Sunset Review

The act implements the recommendations contained in the report of the Sunset Review Committee that was convened during the 131st General Assembly.¹ It requires that a new Sunset Review Committee be created to function during each odd-numbered general assembly. Therefore, Sunset Review Law will operate on a recurring four-year cycle. The act maintains the current appointment and membership requirements of the Committee. Former law created a Sunset Review Committee for the 131st General

¹ Section 5.



Assembly and provided for the repeal of the entire Sunset Review Law, unless the General Assembly renewed it by December 31, 2016.

Continuing Sunset Review Law provides that if the General Assembly does not renew or transfer a state "agency" (see "**Definition of agency**," below) within an established time frame, 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

Under the act, agencies will expire, unless renewed, according to the following schedule:³

(1) An agency in existence on January 1 in the year of the first regular session of an odd-numbered general assembly 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.

Committee formation and operation

Under the act, the Senate President, Speaker of the House, and Governor must appoint three of the nine members of a re-established Sunset Review Committee within 15 days after the start of the first regular session of each odd-numbered general assembly. 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 functions. The act continues other provisions of the Sunset Review Law concerning the Committee's organization (its officers, quorum, etc.), and the Committee's schedule and reporting 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 act specifies that a Sunset Review Committee, after having prepared and published a report of its findings and recommendations, and

² R.C. 101.83(B).

³ R.C. 101.83(A).



furnished the report to the Senate President, Speaker of the House, Governor, and the affected agencies, ceases to exist.⁴

Definition of agency

The act expands the exceptions to the Sunset Review Law. Under ongoing 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, the board of trustees of the state's retirement systems, and the Ohio Ethics Commission. The act adds an exception to the definition of agency and the application of the Sunset Review Law for an agency whose enabling statutes exempt it from the requirements of Sunset Review Law.⁵

Agencies exempt from Sunset Review Law

Ohio Casino Control Commission

The act clarifies that the Ohio Casino Control Commission is not subject to review by the Sunset Review Committee because the Commission is created by the Ohio Constitution, and because the Commission issues final adjudicatory orders subject to appeal by a court of common pleas.⁶

Ohio Peace Officer Training Commission

The act clarifies that the Ohio Peace Officer Training Commission is not subject to review by the Sunset Review Committee because the Commission issues final adjudicatory orders subject to appeal by a court of common pleas.⁷

⁴ R.C. 101.84, 101.85, 101.86, and 101.87(A) and (D).

⁵ R.C. 101.82.

⁶ R.C. 101.82 and 3772.02.

⁷ R.C. 101.82 and 109.71.



Residential Construction Advisory Committee

The act specifies that serving as a member of the Residential Construction Advisory Committee does not constitute holding a public office or position of employment under the laws of Ohio, and that service on the Committee does not constitute grounds for removing a Committee member from a public office or position of employment. The act also clarifies that the Committee is not subject to Sunset Review Law.⁸

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.⁹ The act abolishes the agencies listed below.¹⁰

- Coastal Resources Advisory Council (R.C. 1506.12 (repealed))
- Committee to Evaluate the Implementation of TANF Youth Diversion Programs (Section 5 of H.B. 57, 124th G.A. (repealed))
- Community Behavioral Health Services Study Group (Section 751.13 of H.B. 1, 128th G.A. (repealed))
- Compact with Ohio Cities Task Force (H.R. 20, 128th G.A.)¹¹
- Council on Unreclaimed Strip Mined Lands (R.C. 1513.27 to 1513.29 (repealed), 1513.30 to 1513.37)
- Council to Advise on the Establishment and Implementation of the Birth Defects Information System¹²
- Data Collection and Analysis Group (R.C. 3727.32 and 3727.321 (both repealed), 3727.39, and 3727.41)

⁸ R.C. 4740.14.

⁹ R.C. 101.82.

¹⁰ Outright repeals of Revised Code and uncodified law sections are listed in Sections 2 and 4 of the act.

¹¹ Section 11.

¹² This Council was formally repealed on October 5, 2004, by operation of a future repeal contained within Sub. H.B. 534, 123rd G.A., which established the Council. This act makes conforming amendments to R.C. 3705.35 and 3705.36.



- Deputy Registrar Funding Study Committee (Section 745.10 of H.B. 64, 131st G.A. (repealed))
- Direct Care Worker Advisory Workgroup (Section 323.234 of H.B. 59, 130th G.A. (repealed))
- Director of Health's Committee on Concussions and Head Injuries Sustained by Athletes (R.C. 3707.521(B))
- Federal-Military Jobs Commission (R.C. 193.01, 193.03, 193.05, 193.07, and 193.09 (all repealed))
- Foreign Language Advisory Council (Section 3 of S.B. 311, 126th G.A. (repealed))
- Governor's Policy Information Working Group (Section 313 of H.B. 420, 127th G.A. (repealed))
- Graduate Medical Education Study Committee (Section 327.320 of H.B. 64, 131st G.A. (repealed))
- Hospital Measures Advisory Council (R.C. 3727.31, 3727.311, 3727.312, and 3727.313 (all repealed))
- ICF/IID Quality Incentive Workgroup (Section 259.270 of H.B. 64, 131st G.A. (repealed))
- Infection Control Group (R.C. 3727.312(D) (repealed))
- Insurance Agent Education Advisory Council (R.C. 3905.04, 3905.481, 3905.483 (repealed), 3905.484, 3905.485, 3905.486, and 3905.88)
- Intergovernmental Council and Advisory Panel of the Lupus Educational and Awareness Program (R.C. 3701.77(B)(3) and 3701.773 and 3701.774 (both repealed))
- Labor-Management Government Advisory Council (R.C. 4121.61 and 4121.70 (repealed))
- Legislative Committee on Public Health Futures (Section 737.10 of H.B. 64, 131st G.A. (repealed))
- Legislative Task Force to Study Anaerobic Digesters for Agricultural Use and Application in the State (Section 3 of H.B. 276, 129th G.A. (repealed))



- Municipal Income Tax Revenue Reporting Study Committee (Section 5 of H.B. 5, 130th G.A. (repealed))
- National Museum of Afro-American History and Culture Planning Committee (R.C. 149.302 and 149.303 (repealed))
- Nursing Facility Distinct Part Advisory Workgroup (Section 323.235 of H.B. 59, 130th G.A. (repealed))
- Ohio Appalachian Center for Higher Education Board of Directors; the act also abolishes the Center (R.C. 3333.58 (repealed))
- Ohio Cemetery Law Task Force (Section 747.10 of H.B. 59, 130th G.A. (repealed))
- Ohio Digital Learning Task Force (Section 371.60.80 of H.B. 153, 129th G.A. (repealed))
- Ohio Geology Advisory Council (R.C. 1505.05, 1505.11 (repealed), 1505.12, 1505.13, and 4503.515)
- Ohio Housing Study Committee (Section 701.40 of H.B. 153, 129th G.A. (repealed))
- Ohio Legislative Commission on the Education and Preservation of State History (Section 701.05 of Am. Sub. H.B. 1, 128th G.A. (repealed))
- Ohio Military Reserve Homeland Security Study Commission (Section 560.03 of H.B. 66, 126th G.A. (repealed))
- Ohio Natural Areas Council (R.C. 1517.03 and 1517.04 (both repealed) and 1517.23)
- Ohio Parks and Recreation Council (R.C. 1546.30 and 1546.31 (both repealed))
- Ohio Privacy/Public Record Access Study Committee (Section 3 of H.B. 204, 125th G.A. (repealed))
- Ohio Water Resources Council (R.C. 1521.19 (repealed) and 3745.015)¹³
- Ohio Water Resources Council, Advisory Group (R.C. 1521.19 (repealed))

¹³ Sections 8 and 9.



- Physician Loan Repayment Advisory Board (R.C. 3702.71 and 3702.79 and 3702.80 and 3702.81 (both repealed))
- Preservation of Biological Evidence Task Force of the Bureau of Criminal Identification and Investigation (R.C. 109.561 (repealed) and 2933.82)
- Private Water Systems Advisory Council (R.C. 3701.344 and 3701.346 (repealed))
- Public Health Care Advisory Committee (R.C. 9.901(C))
- Recreation and Resources Commission (R.C. 154.01, 154.22, 1501.012, 1501.04, 1501.07, 1503.03, 1547.81, and 1557.06)¹⁴
- Public-Private Collaborative Commission (Section 8 of S.B. 311, 126th G.A. (repealed))
- School-Based Health Care Advisory Workgroup (Section 5 of H.B. 487, 130th G.A. (repealed))
- School Transportation Joint Task Force (Section 263.560 of H.B. 64, 131st G.A. (repealed))
- Select Committee on Telecommunications Regulatory Reform (Section 5 of S.B. 162, 128th G.A. (repealed))
- Service Coordination Workgroup (Section 751.20 of H.B. 1, 128th G.A. (repealed))
- Speed to Scale Task Force (Section 375.60.80 of H.B. 119, 127th G.A. (repealed))
- State Agency Coordinating Group (R.C. 1521.19 (repealed))
- State Facility Utilization and Consolidation Task Force (Section 753.30 of H.B. 59, 130th G.A. (repealed))
- Study Group to Study and Make Recommendations to Improve Services Related to Vehicle Registrations, Driver's License and Identification Card Issuance, and Vehicle Title Issuance (Section 755.40 of H.B. 2, 128th G.A. (repealed))

¹⁴ Sub. S.B. 293, 131st G.A., effective September 14, 2016, abolished the Commission. This act includes conforming amendments.



- Unified Long-Term Care System Advisory Workgroup (Section 209.40 of H.B. 153, 129th G.A. (repealed))

Renewal of specific agencies

Under ongoing 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.¹⁵ The act renews the following agencies and specifies that they will expire on December 31, 2020, unless they are again renewed by legislation:¹⁶

- Advisory Board to Assist and Advise in the Operation of the Ohio Center for Autism and Low Incidence (R.C. 3323.33)
- Advisory Boards to EPA for Air Pollution (R.C. 121.13)
- Advisory Boards to EPA for Water Pollution (R.C. 121.13)
- Advisory Committee on Livestock Exhibitions (R.C. 901.71)
- Advisory Council for Wild, Scenic, or Recreational River Area(s) (R.C. 1547.84)
- Advisory Councils for any department to meet federal regulations (R.C. 107.18)
- Advisory Council on Amusement Ride Safety (R.C. 1711.51)
- Agricultural Commodity Marketing Programs Coordinating Committee (R.C. 924.14)
- Agricultural Commodity Marketing Programs Operating Committee (R.C. 924.07)
- AMBER Alert Advisory Committee (R.C. 5502.521)
- Apprenticeship Council (R.C. 4139.02)
- Automated Title Processing Board (R.C. 4505.09(C))
- Backflow Advisory Board (R.C. 3703.21)

¹⁵ R.C. 101.82.

¹⁶ Section 3.



- Banking Commission (R.C. 1123.01)
- Board of Directors of the Ohio Health Reinsurance Program (R.C. 3924.08)
- Board of Governors of the Commercial Insurance Joint Underwriting Association (R.C. 3930.03)
- Board of Governors of the Medical Liability Underwriting Association (R.C. 3929.64)
- Board of Voting Machine Examiners (R.C. 3506.05)
- Brain Injury Advisory Committee (R.C. 3335.61)
- Broadcast Educational Media Commission (R.C. 3353.02)
- Bureau of Workers' Compensation Board of Directors (R.C. 4121.12)
- Capitol Square Review and Advisory Board (R.C. 105.41)
- Child Care Advisory Council (R.C. 5104.08)
- Child Support Guideline Advisory Council (R.C. 3119.024)
- Children's Trust Fund Board (R.C. 3109.15)
- Citizen's Advisory Council (R.C. 5123.092)
- Clean Ohio Trail Advisory Board (R.C. 1519.06)
- College Credit Plus Advisory Committee (R.C. 3365.15)
- Commercial Dog Breeding Advisory Board (R.C. 956.17)
- Commission on African-American Males (R.C. 4112.12)
- Commission on Hispanic-Latino Affairs (R.C. 121.31)
- Commission on Minority Health (R.C. 3701.78)
- Committee on Chartered Nonpublic Schools Graduation Requirements (Section 11 of H.B. 487, 130th G.A.)
- Committee on Prescriptive Governance (R.C. 4723.49)
- Commodity Advisory Commission (R.C. 926.32)



- Continuing Education Committee (sheriffs) (R.C. 109.80)
- 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 Justice Recodification Committee (Section 729.10 of H.B. 483, 130th G.A.)
- Criminal Sentencing Advisory Committee (R.C. 181.22)
- Dentist Loan Repayment Advisory Board (R.C. 3702.92)
- Director of Health's Advisory Group on Violent Deaths (R.C. 3701.932)
- Directors of the Medical Liability Underwriting Association Stabilization Reserve Fund (R.C. 3929.631)
- Early Childhood Advisory Council (R.C. 3301.90)
- Early Childhood Financing Workgroup (Section 265.70.20 of H.B. 1, 128th G.A.)
- Education Management Information System Advisory Board (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)
- English Language Arts Academic Standards Review Committee (R.C. 3301.079)
- Environmental Education Council (R.C. 3745.21)
- Ex-Offender Reentry Coalition (R.C. 5120.07)
- Farmland Preservation Advisory Board (R.C. 901.23)



- Forestry Advisory Council (R.C. 1503.40)
- Governor's Council on People with Disabilities (R.C. 3303.41)
- Governor's Residence Advisory Commission (R.C. 107.40)
- Grace Commission (Section 701.05 of Am. Sub. H.B. 64, 131st G.A.)
- Grain Marketing Program Operating Committee (R.C. 924.22)
- Higher Education Student Financial Aid Workgroup (Section 6 of H.B. 484, 130th G.A.)
- Homeland Security Advisory Council (R.C. 5502.011)
- Industrial Commission Nominating Council (R.C. 4121.04)
- Infant Hearing Screening Subcommittee (R.C. 3701.507)
- Joint Select Committee on Volume Cap (R.C. 133.021)
- Land Use Advisory Committee to the President of Ohio University (R.C. 3337.16)
- Legislative Programming Committee of the Ohio Government Telecommunications Service (R.C. 3353.07)
- Legislative Task Force on Redistricting, Reapportionment, and Demographic Research (R.C. 103.51)
- Local Government Innovation Council (R.C. 189.03 and 189.10)
- Materials Management Advisory Council (R.C. 3734.49)
- Mathematics Academic Standards Review Committee (R.C. 3301.079)
- Medically Handicapped Children's Medical Advisory Council (R.C. 3701.025)
- Milk Sanitation Board (R.C. 917.03)
- Minority Development Financing Advisory Board (R.C. 122.72)
- Multi-Agency Radio Communications System (MARCS) Steering Committee and Statewide Communication System (Section 15.02 of H.B. 640, 123rd G.A.)



- New African Immigrants Commission (R.C. 4112.31)
- Office of Enterprise Development Advisory Board (R.C. 5145.162)
- Ohio Advisory Council for the Aging (R.C. 173.03)
- 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 Agriculture License Plate Scholarship Fund Board (R.C. 901.90)
- Ohio Arts Council (R.C. 3379.02)
- Ohio Business Gateway Steering Committee (R.C. 5703.57)
- Ohio Cemetery Dispute Resolution Commission (R.C. 4767.05)
- Ohio Civil Rights Commission Advisory Agencies and Conciliation Councils (R.C. 4112.04)
- Ohio Commission on Service and Volunteerism (R.C. 121.40)
- Ohio Constitutional Modernization Commission (R.C. 103.61)
- Ohio Cystic Fibrosis Legislative Task Force (R.C. 101.38)
- Ohio Developmental Disabilities Council (R.C. 5123.35)
- Ohio Expositions Commission (R.C. 991.02)
- Ohio Family and Children First Cabinet Council (R.C. 121.37)
- Ohio Geographically Referenced Information Program Council (R.C. 125.901)
- Ohio Grape Industries Committee (R.C. 924.51)
- Ohio Historic Site Preservation Advisory Board (R.C. 149.301)
- Ohio History Connection Board of Trustees (R.C. 149.30)
- Ohio Judicial Conference (R.C. 105.91)
- Ohio Lake Erie Commission (R.C. 1506.21)



- Ohio Livestock Care Standards Board (R.C. 904.02)
- Ohio Medical Quality Foundation (R.C. 3701.89)
- Ohio Military Facilities Commission (R.C. 5913.12)
- Ohio Private Investigation and Security Services Commission (R.C. 4749.021)
- Ohio Public Defender Commission (R.C. 120.01)
- Ohio Public Library Information Network Board of Trustees (R.C. 3375.65)
- Ohio Small Government Capital Improvements Commission (R.C. 164.02)
- Ohio Soil and Water Conservation Commission (R.C. 1515.02)
- Ohio Standardbred Development Commission (R.C. 3769.085)
- Ohio Thoroughbred Racing Advisory Committee (R.C. 3769.084)
- Ohio 2020 Tax Policy Study Commission (Section 757.50 of H.B. 64, 131st G.A.)
- Ohio Vendors Representative Committee (R.C. 3304.34)
- Ohio War Orphans Scholarship Board (R.C. 5910.02)
- Ohio Water Advisory Council (R.C. 1521.031)
- Oil and Gas Leasing Commission (R.C. 1509.71)
- Opportunities for Ohioans with Disabilities Commission (R.C. 3304.12)
- Opportunities for Ohioans with Disabilities Commission Consumer Advisory Committee (R.C. 3304.14)
- 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)
- Public Utilities Commission Nominating Council (R.C. 4901.021)
- Radiation Advisory Council (R.C. 3748.20)
- Reclamation Commission (R.C. 1513.05)
- Reclamation Forfeiture Fund Advisory Board (R.C. 1513.182)
- Savings and Loan Associations and Savings Banks Board (R.C. 1181.16)
- School and Ministerial Lands Divestiture Committee (R.C. 501.041)
- Science Academic Standards Review Committee (R.C. 3301.079)
- Small Business Advisory Council (R.C. 107.63)
- Small Business Stationary Source Technical and Environmental Compliance Assistance Council (R.C. 3704.19)
- Social Studies Academic Standards Review Committee (R.C. 3301.079)
- Special Commission to Consider the Suspension of Local Government Officials (R.C. 3.16)
- State Audit Committee (R.C. 126.46)
- State Council of Uniform State Laws (R.C. 105.21)
- State Criminal Sentencing Commission (R.C. 181.21)
- State Racing Commission (R.C. 3769.02)
- State Victims Assistance Advisory Council (R.C. 109.91)
- Straight A Program Advisory Committee (Section 263.325 of H.B. 59, 130th G.A.)
- Straight A Program Governing Board (Section 263.350 of H.B. 64, 131st G.A.)
- State Fire Council (R.C. 3737.81)
- Statewide Consortium of County Law Library Resource Boards (R.C. 3375.481)



- 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)
- Technical Advisory Council on Oil and Gas (R.C. 1509.38)
- TourismOhio Advisory Board (R.C. 122.071)
- Transportation Advisory Council of a Transportation Improvement Project (R.C. 4504.22)
- Transportation Review Advisory Council (R.C. 5512.07)
- Unemployment Compensation Advisory Council (R.C. 4141.08)
- Unemployment Compensation Review Commission (R.C. 4141.06)
- Utility Radiological Safety Board (R.C. 4937.02)
- Veterans Advisory Committee (R.C. 5902.02)
- Volunteer Fire Fighters' Dependents Fund Boards (private) (R.C. 146.02)
- Volunteer Fire Fighters' Dependents Fund Boards (public) (R.C. 146.02)
- Waterways Safety Council (R.C. 1547.73)
- Wildlife Council (R.C. 1531.03)
- Workers' Compensation Board of Directors Nominating Committee (R.C. 4121.12)

Agency abolished through amendment

Armory Boards of Control

The act requires that the Adjutant General appoint a control officer for each armory who is an officer of one of the organizations or units quartered in the armory. Under prior law, the Adjutant General appointed a Board of Control for each armory.¹⁷

¹⁷ R.C. 5911.09 and 5911.12.



Agencies renewed by amendment

The act renews, through amendment of sections of law, the following agencies:

Advisory Board of the Governor's Office of Faith-Based and Community Initiatives

The act modifies the composition of the Advisory Board of the Governor's Office of Faith-Based and Community Initiatives and reduces to eight the number of persons on the Board. Under the act, the Board consists of four individuals appointed by the Governor, one member of the House of Representatives appointed by the Speaker, one member of the Senate appointed by the President, and two individuals to represent the faith-based and other nonprofit community, one appointed by the Speaker and one appointed by the Senate President. Specifically, the act removes from the Board the Directors (or their designees) of Aging, Rehabilitation and Correction, Health, Job and Family Services, Developmental Disabilities, Mental Health and Addiction Services, and Youth Services. It also reduces by half the number of members appointed from the House and Senate. Additionally, the act reduces the number of individuals representing the faith-based and other nonprofit community from three appointed by each the Governor, Speaker, and Senate President, to one appointed by the Speaker and President as mentioned above.

The terms of office for all Board members appointed before the act's effective date (December 19, 2016), expire on that date. The Governor, Speaker, and Senate President, by February 17, 2017, must appoint members to the Board. The act specifies that a person who is serving, or has served, on the Board before the act's effective date may be appointed to the newly constituted Board if the person is eligible for appointment under the amended provisions.¹⁸

Technical Advisory Committee to Assist Director of the Ohio Coal Development Office

The act reduces by two the membership of the Technical Advisory Committee to Assist the Director of the Ohio Coal Development Office. Under the act, a representative of manufacturers that use Ohio coal, and a representative of environmental organizations no longer serve on the Committee.¹⁹

Housing Trust Fund Advisory Committee

The act modifies the composition of the Housing Trust Fund Advisory Committee and reduces from 14 the number of members on the Committee. Under the

¹⁸ R.C. 107.12 and Section 10.

¹⁹ R.C. 1551.35.



act, the Committee consists of the following seven members appointed by the Governor, with the advice and consent of the Senate, who possess knowledge and experience with respect to the housing needs of low and moderate income persons:

- (1) One member to represent lenders;
- (2) One member to represent affordable housing developers;
- (3) One member to represent organizations working to address the housing and other needs of homeless Ohioans;
- (4) Two members to represent counties or other local government entities;
- (5) One member to represent licensed real estate brokers; and
- (6) A county recorder.

The act eliminates members from the Committee, including a member to represent for-profit builders and developers and a member to represent the for-profit rental housing industry. It also eliminates members that represent specific local government entities (i.e., counties, townships, and municipal corporations), a member that represents persons targeted for housing assistance, and members that represent local housing, fair housing, and nonprofit organizations. Finally, the act removes the appointment of a member to represent religious, civic, or social service organizations. The act continues the appointment of a member to represent lenders and a member to represent licensed real estate brokers.

The terms of office for all members of the Committee, appointed before the act's effective date, expire March 20, 2017. The Governor must appoint seven members to serve terms beginning on that date. The Governor may appoint a person who is serving, or has served, on the Committee before the act's effective date if the person is eligible for appointment under the amended provisions.²⁰

Maternity and Newborn Advisory Council

The act modifies the requirements for six nurses who serve on the Maternity and Newborn Advisory Council. It requires that three nurses must be registered nurses who provide newborn care and three nurses must be registered nurses who provide obstetric

²⁰ R.C. 174.06 and Section 6.



care. Under prior law, these nurses had to be nurse managers or administrators serving in facilities of specified service level designations.²¹

Mine Subsidence Insurance Governing Board

The act removes the Superintendent of Insurance from the Mine Subsidence Insurance Governing Board.²²

Ohio Tuition Trust Authority Board

The Ohio Tuition Trust Authority Board is re-designated as the "Ohio Tuition Trust Authority Investment Board." The act also modifies the qualifications for members to be appointed by the Governor. Under the act, these members must have significant experience in finance, accounting, or investment management. Members serving on the act's effective date, who do not meet the act's new qualification, may continue to serve until the end of their current term, but are not eligible for reappointment. Under continuing law, the Governor appoints six of the 11 Board members.²³

Fire and ambulance district boards of trustees

The act removes membership size restrictions for fire and ambulance district boards of trustees. Under former law, a board must have had at least three but not more than nine members. Under the act, the law is silent with respect to the size of a board.²⁴

Oil and gas marketing program

The oil and gas marketing program created under continuing law is officially called the Ohio Oil and Gas Energy Education Program (OOGEEP). It is a nonprofit industry outreach and education program. According to OOGEEP, the Program operates teacher workshops, scholarships, science fairs, firefighter training, industry training, career and workforce development, research, and landowner and guest speaker programs. OOGEEP is governed by an operating committee appointed by the Technical Advisory Council on Oil and Gas created within the Division of Oil and Gas Management in the Department of Natural Resources.²⁵

²¹ R.C. 3711.20.

²² R.C. 3929.51(C).

²³ R.C. 3334.03 and 3334.08; Section 7.

²⁴ R.C. 505.375.

²⁵ R.C. 1510.01 and 1510.02; <http://oogeep.org/>.



Amending the marketing program: The act allows oil and gas producers to present either the operating committee of the oil and natural gas marketing program or the Technical Advisory Council with a petition to amend the program. The act also allows the Council to request the operating committee to perform any administrative duty during the amendment process. If the Council requests the operating committee to perform such duties, the committee is required to do so. Under prior law, producers could only present the amending petition to the Technical Advisory Council.²⁶

Participating producers: The act expands the type of producer who may present a petition to establish, amend, or terminate the oil and gas marketing program to allow a producer that refines oil or natural gas to take such an action. It also allows such a producer to vote in a referendum regarding a petition. Prior law only allowed independent producers that were not engaged in refining either oil or natural gas to present petitions and vote in referendums.²⁷

Assessments for the marketing program: The act authorizes the operating committee to allow the producer of a horizontal well to directly pay assessments to the operating committee for purposes of operating the marketing program. However, the operating committee may allow the producer to pay assessments only if an amendment to the marketing program is approved via a referendum vote. Continuing law generally requires the person who first purchases oil and gas from the producer to pay the assessment and remit the assessment to the Technical Advisory Council.

With regard to any refunds of an assessment, the act makes the following three changes:

(1) It allows a producer to submit an application for a refund on a form furnished by the operating committee and requires the operating committee to process all refund requests, rather than requiring the Technical Advisory Council to produce the application form and refund assessments as under prior law;

(2) It requires the application form to be approved as to content by a qualified independent producer association (an independent producer is a producer that is not engaged in refining either oil or natural gas); and

²⁶ R.C. 1510.04(A)(2).

²⁷ R.C. 1510.01(B) and (C); 1510.04 and 1510.05.



(3) It specifies that any additional information to support a refund request provided to the operating committee by a producer is not a public record and is confidential.²⁸

Civil liability: The act specifies that an employee of an operating committee is exempt from liability in a civil action for any actions taken in good faith as an employee of the committee. Continuing law provides such civil liability protection to members of the operating committee.²⁹

Membership of the operating committee: The act requires the Technical Advisory Council to appoint six additional members to the operating committee of the oil and gas marketing program. Thus, the operating committee now consists of 13 members. The six new members must be primarily horizontal well operators. Of the seven other members, appointed under continuing law, six must be independent oil or gas producers and one must be a member of an organization that represents farmers.

Under the act, the Council is not permitted to appoint any member to serve more than three successive full three-year terms.³⁰

Financial statements of operating program funds: The act repeals a requirement that the operating committee submit a monthly, unaudited, financial statement to the Technical Advisory Council. Further, it alters the timing by which the operating committee must submit an annual financial statement prepared by a certified public accountant to the Technical Advisory Council. Under the act, the operating committee must submit the statement not more than 150 days after the end of each fiscal year. Prior law required the operating committee to submit the statement not more than 60 days after the end of each fiscal year.³¹

Agricultural commodity marketing programs

The act amends various provisions of the law governing agricultural commodity marketing programs. The amendments address all of the following:

- Amending an existing agricultural commodity program;
- Remitting assessments under a program;

²⁸ R.C. 1510.01(C) and 1510.08(C), (D), and (E).

²⁹ R.C. 1510.06(C).

³⁰ R.C. 1510.06(A).

³¹ R.C. 1510.09(D).



--The adoption of rules necessary to carry out the purposes of the Ohio Small Grains Marketing Program;

--Extending civil liability protection to employees of an operating committee of a marketing program;

--Exempting certain voting and election records from the Public Records Law; and

--Revising the definition of "person" for purposes of this law.

Amending a commodity marketing program: The act allows the Director of Agriculture to approve an amendment to an established agricultural commodity marketing program without a referendum, which is otherwise required under continuing law. In order to make an amendment without a referendum, the marketing program's operating committee must make a request to the Director for approval to do so and the purpose of the amendment must be for one of the following reasons:

(1) Making changes necessary to comply with revisions to Ohio law enacted after establishment of the marketing program;

(2) Correcting typographical errors or making other grammatical or nonsubstantive wording changes;

(3) Updating the marketing program's governance provisions other than those addressing the rate of assessment on the marketable agricultural commodity, a producer's right to a refund, a change in the definition of producer, and the termination of the marketing program; or

(4) Adjusting the representation on the marketing program's operating committee to reflect shifts in the geographic location of producers and the volume of a commodity's production.³²

Before amending a marketing program without a referendum, the Director must publish, in at least two appropriate periodicals designated by the Director, a notice that the amendment has been proposed and informing interested persons of the procedures for submitting comments regarding the proposal. After publishing the notice, the Director must provide interested persons with a copy of the proposed amendment and an opportunity to comment for 30 days after publication of the notice. The petitioners may make changes to the proposed amendment based on the comments received. The Director may make technical changes to the proposal and then may approve or

³² R.C. 924.04(E)(1).

disapprove the proposed amendment.³³ The Director also must follow these same notification procedures for amendments to a marketing program that are subject to the referendum process.³⁴

Except for the four reasons set forth above, amendments to a marketing program can only be made through a referendum process. That process requires producers of an Ohio agricultural commodity to present the Director with a petition signed by the lesser of 1,000 producers or 20% of all producers requesting that the Director hold a referendum to amend a program. If the Director approves the proposed amendment, the Director must then hold a referendum (after complying with the notice procedures set forth above).³⁵

Assessments: The act revises the procedure by which a producer, processor, distributor, or handler of an agricultural commodity remits assessments for purposes of a marketing program. Under prior law, the Director could require the producer, processor, distributor, or handler to withhold assessments from any amounts that are owed to producers of the commodity and remit the assessments to the Director. The act, instead, specifies that the Director may require the assessments to be remitted to the program's operating committee.³⁶

The act, also requires a producer, processor, distributor, or handler that is marketing cattle subject to the federal Beef Promotion and Research Act to remit assessments for the National Cattlemen's Beef promotion and Research Board to the Ohio Beef Marketing Program if federal law would deem the program to be a qualified state beef council. The act specifies that requirements in continuing law governing the refund of assessments to a producer do not apply to assessments collected by the Ohio Beef Marketing Program on behalf of the National Cattlemen's Beef Promotion and Research Board for which the producer receives a credit from the Board under federal law. Under prior law repealed by the act, in the case of the Ohio Beef Marketing Program, the director of the program's operating committee could, instead of giving a refund to a producer, forward the refund to the National Cattlemen's Beef Promotion and Research Board in accordance with federal law and credit that amount to the total amount owed by the producer to the Board.³⁷

³³ R.C. 924.04(C).

³⁴ R.C. 924.02(E)(2).

³⁵ R.C. 924.04(A).

³⁶ R.C. 924.09(C) and 924.26(B).

³⁷ R.C. 924.09(F).



Adoption of rules: The act authorizes, but does not require as in prior law, the Director to adopt rules that are necessary to carry out the law governing the Ohio Small Grains Marketing Program. The act also eliminates the requirement that the Director adopt specific rules governing all of the following:

(1) Deadlines and nomination procedures for the placement of persons on the ballot for election to the Program's operating committee;

(2) The terms of office of members of the operating committee, including the staggering of terms for the initial members; and

(3) Requirements, if possible, providing for the equitable distribution of members on the operating committee by geographic and production areas of Ohio.³⁸

In addition to allowing the Program's operating committee to propose to the Director rules that are necessary to exercise its powers and perform its duties under continuing law, the act also allows the operating committee to propose amendments to such rules.³⁹

Civil liability exemption: In addition to the members of a marketing program operating committee, the act exempts the employees of the operating committee from civil liability for any actions related to the operating committee that are taken in good faith.⁴⁰

Public record exemption: The act specifies that any record submitted to the Department of Agriculture governing an agricultural commodity marketing program that indicates how an individual voted in a referendum to establish or amend the marketing program, or that indicates how a person voted in an election of the members of an operating committee, is not a public record and thus not subject to public inspection and copying.⁴¹

"Person" definition: For purposes of law governing agricultural commodity programs, the act expands the definition of "person" to include a sole proprietorship, a limited liability company, or an agricultural cooperative, in addition to a natural

³⁸ R.C. 924.25(B).

³⁹ R.C. 924.24(B)(5).

⁴⁰ R.C. 924.07(G).

⁴¹ R.C. 924.17.

person, partnership, corporation, society, association, or fiduciary, as provided in continuing law.⁴²

Investment of interim funds of the state

Ongoing law permits the Treasurer of State to invest the state's interim funds in certain classifications of obligations, including the obligations of a political subdivision that are issued under the Uniform Public Securities Law (R.C. Chapter 133.) and mature within one year from the original date of issuance. For this purpose, "political subdivision" means a county, township, municipal corporation, or school district.

The act expands this investment authority as follows:

- It permits the Treasurer to invest in obligations issued by, or on behalf of, an Ohio political subdivision under the Uniform Public Securities Law or under Article XVIII, Section 12, of the Ohio Constitution. That constitutional provision permits municipalities that acquire, construct, or extend any public utility and want to raise money for that purpose to issue mortgage bonds beyond the general limit of bonded indebtedness set forth by law.
- It expands the definition of "political subdivision" for this purpose to include "any other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state."⁴³

Land conveyances and easements

The act authorizes the following public land conveyances and granting of easements:

Act Section	Agency	Grantee	Description	County	Consideration	Fund
25	Adjutant General's Department	Board of County Commissioners of Clark County (or alternate grantee)	An approximate 23,188 sq. ft. former armory building located at 4440 Laybourne Road in Springfield that is situated on 2.82 acres	Clark	\$125,000	Armory Improvements Fund

⁴² R.C. 924.01(F).

⁴³ R.C. 135.143.



Act Section	Agency	Grantee	Description	County	Consideration	Fund
12	Bowling Green State University	Mucci Farms, Ltd (or alternate grantee)	Approximately 95.55 acres of land located at 0 Rye Beach Road in Huron	Erie	\$730,957.50 or \$7,650 per acre	Appropriate university account to be used by Bowling Green State University for debt retirement only
13	Bowling Green State University	Wooster Street Apartments, LLC (or alternate grantee)	An approximate 4,216 sq. ft. residential structure that is situated on .502 acre of land at 129 South Prospect Street in Bowling Green	Wood	\$180,000	Appropriate university account to be used by Bowling Green State University for debt retirement only
24	Environmental Protection Agency	Oak Openings Region Conservancy, Inc.	Parcel of land containing approximately 17.096 acres located at 7550 Dorr Street in Toledo	Lucas	\$1	Not specified
26	Department of Developmental Disabilities	Gallia County Board of Commissioners or another grantee (or alternate grantee)	Four institutional buildings and one auxiliary building located at the Gallipolis Developmental Center, located at 2500 Ohio Avenue in Gallipolis that is situated on approximately 7.7 acres	Gallia	\$1	Mental Health Facilities Improvement Fund or another fund designated by the Director of Budget and Management
27	Department of Rehabilitation and Correction	Highest bidder of sealed bid auction	An approximate 1,788 sq. ft. single family residential structure located at 6598 South Timberidge Avenue in Austintown that is situated on .282 acre	Mahoning	Acceptable price determined by auction	Adult and Juvenile Correctional Facilities Bond Retirement Fund for debt retirement only
28	Department of Rehabilitation and Correction	Ohio Power Company (or alternate grantee)	Approximately eight acres of unimproved land located at the intersection of Moundsville Road and State Route 104 in Chillicothe	Ross	Acceptable price to be determined	Adult and Juvenile Correctional Facilities Bond Retirement Fund for debt retirement only



Act Section	Agency	Grantee	Description	County	Consideration	Fund
29	Department of Rehabilitation and Correction	Party to be determined	Easement to protect a 100-foot corridor on the western banks of the Big Darby Creek on the Pickaway County Orient Prison Site	Pickaway	Not specified	Not specified
14	Kent State University	Highest bidder of sealed bid or public auction	An approximate 2,600 sq. ft. building located at 401 College Street and Pleasant Lane in East Liverpool that is situated on a 0.0832 acre lot, along with an adjacent 0.0925 acre lot bounded by College Street and Pleasant Lane and a 0.0413 acre lot at the corner of Pleasant Lane and 4th Street	Columbiana	Acceptable price to be determined by auction	Appropriate university accounts to be used by Kent State University for debt retirement only
30	Ohio Facilities Construction Commission	Board of Education of the East Clinton Local School District	Parcel of land containing approximately 15 acres at 301 East Church Street in New Vienna	Clinton	\$1	General Revenue Fund
31	Ohio Facilities Construction Commission	Board of Education of the Northridge Local School District	Parcel of land containing approximately 29.79 acres at 6097 Johnstown-Utica Road in Johnstown	Licking	\$1	General Revenue Fund
32	Ohio History Connection	City of Piqua	Approximately .122 acre located east of State Route 66 at the state-owned Johnston Farm and Indian Agency property	Miami	\$426	Not specified



Act Section	Agency	Grantee	Description	County	Consideration	Fund
15	Ohio State University	Board of Trustees of the Columbus Metropolitan Library	Approximately 1.3 acres of unimproved land located at the intersection of Taylor Avenue and East Long Street	Franklin	\$187,000	University accounts for purposes to be determined by Board of Trustees of Ohio State University
16	Ohio State University	GZD Investments LLC (or alternate grantee)	Approximately 4.519 acres of unimproved land located at 0 North Hamilton Road in Gahanna	Franklin	\$1,100,000	University accounts for purposes to be determined by Board of Trustees of Ohio State University
17	Ohio State University	Lennox Station Holdings LLC (or alternate grantee)	Approximately 0.055 acre of unimproved land located adjacent to 1570 Olentangy River Road in Columbus	Franklin	\$95,000	University accounts to be used by Board of Trustees of Ohio State University for debt retirement only
18	Ohio State University	Carnegie Management and Development Corporation (or alternate grantee)	Approximately 29.822 acres of unimproved land located at 0 Walker Lake Road in Mansfield and Ontario	Richland	\$417,508	University accounts for purposes to be determined by Board of Trustees of Ohio State University
19	Ohio State University	City of Columbus	Approximately 30 ft. wide and spans approximately 3,500 linear feet, approximately 2.387 acres in size, located along relocated Cannon Drive, between King Avenue on the south and John H. Herrick Drive on the north	Franklin	\$1	Not specified
20	Ohio University	Highest bidder of sealed bid or public auction	An approximate 1,556 sq. ft. residential structure located at 78 Columbiana Avenue in Athens that is situated on approximately 0.561 acre	Athens	Acceptable price to be determined by auction	Ohio University Endowment Fund



Act Section	Agency	Grantee	Description	County	Consideration	Fund
21	University of Cincinnati	Children's Hospital Medical Center (or alternate grantee)	Approximately 2.138 acres located at 217 Erkenbrecher Avenue in Cincinnati	Hamilton	\$1,900,000	University accounts for purposes to be determined by Board of Trustees of the University of Cincinnati
22	University of Cincinnati	UC Health, LLC (or alternate grantee)	Approximately 1.406 acres located at the northwest corner of the intersection of Highland Avenue and Martin Luther King Drive in Cincinnati	Hamilton	\$1,800,000	University accounts for purposes to be determined by Board of Trustees of the University of Cincinnati
23	Youngstown State University	Charles Staples and Margaret Staples (or alternate grantee)	0.201 acre of unimproved land located at West Rayen Avenue and Lincoln Avenue in Youngstown	Mahoning	Youngstown City Lot 3263	Not applicable

The legal descriptions of all real estate being conveyed or to which an easement is being granted are in the act. The Department of Administrative Services may correct or modify the legal descriptions as necessary to facilitate recordation of the deeds or easements.⁴⁴

The conveyances include improvements and chattels situated on the real estate,⁴⁵ and are subject to all easements, covenants, conditions, and restrictions of record; all legal highways and public rights-of-way; zoning, building, and other laws, ordinances, restrictions, and regulations; and real estate taxes and assessments not yet due and payable.⁴⁶ And, the real estate must be conveyed in "as-is, where-is, with all faults" condition. The deeds to convey the real estate may contain restrictions, exceptions, reservations, reversionary interests, and other terms and conditions the Director of Administrative Services or the agency or university with jurisdiction over the property determines to be in the best interest of the state.⁴⁷ Finally, the state or the agency or

⁴⁴ Sections 12 through 32.

⁴⁵ This is not specified for the conveyances under Sections 24, 30, and 31 of the act, and Sections 15, 17, and 23 only include improvements and not chattels.

⁴⁶ This is not specified for the conveyances under Sections 30 and 31 of the act, and Section 24 does not include public rights-of-way.

⁴⁷ This is not specified for the conveyances under Sections 30 and 31 of the act, and Section 24 does not include the "as-is..." condition.



university with jurisdiction over the property, after the conveyance, may release any restrictions, exceptions, reservations, reversionary interests, or other terms and conditions contained in the deed without the necessity of further legislation.⁴⁸

To make a conveyance under the act, the Auditor of State, with the assistance of the Attorney General, prepares each deed. Deeds are executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the grantee, who must present the deed for recording at the applicable office of the county recorder. The authorization for all land conveyances and grants of perpetual easements in the act expires December 17, 2020.

Adjutant General's Department property to Clark County (Section 25)

The Director of Administrative Services and the Board of County Commissioners of Clark County, must execute a real estate purchase agreement that sets forth the terms and conditions of the conveyance. If the Board does not complete the purchase, the Director may use a method of sale considered reasonable by the Adjutant General's Department to convey the real estate to an alternate grantee. The Board or alternate grantee must pay all costs associated with the purchase, closing, and conveyance, including surveys, title evidence, title insurance, transfer costs and fees, recording costs and fees, taxes, and any other fees, assessments, and costs that may be imposed.

The real estate must be sold as an entire tract and not in parcels. The net proceeds of the sale must be deposited into the state treasury to the credit of the Armory Improvements Fund as required under Ohio law.⁴⁹

Bowling Green State University property to Mucci Farms, Ltd. (Section 12)

The Director of Administrative Services must offer the real estate to Mucci Farms, Ltd., through a real estate purchase agreement. Before the deed to convey the property is executed, an existing interim lease between the Department of Administrative Services and Mucci Farms, Ltd. may govern possession of the real estate. Bowling Green State University (BGSU) and Mucci Farms, Ltd. must pay all costs associated with the purchase, closing, and conveyance as set forth in the real estate purchase agreement. If Mucci Farms, Ltd. does not complete the purchase, the Director may use a method of sale considered reasonable by BGSU to convey the real estate to an alternate grantee. BGSU must pay all advertising costs, additional fees, and other costs incident to the sale of the real estate to an alternate grantee.

⁴⁸ These items are not specified for the conveyances under Sections 24, 30, and 31 of the act.

⁴⁹ R.C. 5911.10, not in the act.



The real estate may be sold as an entire tract or in separate or multiple parcels. The net proceeds of the sale must be paid to BGSU, deposited in an appropriate university account, and used by BGSU for debt retirement only.

Bowling Green State University property to Wooster Street Apartments, LLC (Section 13)

The Director of Administrative Services must offer the real estate to Wooster Street Apartments, LLC (Wooster) through a real estate purchase agreement. Wooster must pay all costs associated with the purchase, closing, and conveyance of the real estate. If Wooster does not complete the purchase, the Director may use a method of sale considered reasonable by BGSU to convey the real estate to an alternate grantee. BGSU must pay all advertising costs, additional fees, and other costs incident to the sale of the real estate to an alternate grantee.

The real estate must be sold as an entire tract and not in parcels. The net proceeds of the sale must be paid to BGSU, deposited in an appropriate university account, and used by BGSU for debt retirement only.

Environmental Protection Agency property to Oak Openings Region Conservancy, Inc. (Section 24)

The property must be conveyed to Oak Openings Region Conservancy, Inc. in accordance with and subject to the terms of the July 23, 2012, Consent Order entered in the case of *State of Ohio, ex. rel. Michael DeWine, Attorney General of Ohio v. Kings Crossing North LLC, et al.*⁵⁰ The deed must contain any restrictions, covenants, terms, and conditions required by the Consent Order and as otherwise determined by the Director of Administrative Services and the Director of Environmental Protection to be in the best interest of the state, including holding Oak Openings responsible for all ongoing maintenance of the real estate as well as the cost and labor of upkeep of the fence as required in the Consent Order. Oak Openings must pay all closing costs including the costs of the conveyance and the recording costs of the deed. Before the deed is executed, possession of the real estate remains with the Department of Administrative Services on behalf of the Environmental Protection Agency.

Department of Developmental Disabilities property to Gallia County (Section 26)

The Director of Administrative Services must offer the real estate to the Board of County Commissioners of Gallia County or another grantee, through a real estate purchase agreement. The Board or other grantee must pay all costs associated with the

⁵⁰ Case No. G-4801-CI-200904585-000 (Ct. of Common Pleas, Lucas County, Ohio).



purchase, closing, and conveyance of the real estate. If the Board does not complete the purchase, the Director may use a method of sale considered reasonable by the Department of Developmental Disabilities (DODD) to convey the real estate to an alternate grantee. The DODD must pay all advertising costs, additional fees, and other costs incident to the sale of the real estate to an alternate grantee.

The real estate must be sold as an entire tract and not in parcels. The net proceeds of the sale must be deposited into the state treasury to the credit of the Mental Health Facilities Improvement Fund (Fund 7033) or another fund designated by the Director of Budget and Management.

The act specifies that the intent of the conveyance is for the grantee to use the real estate for mental health and addiction treatment. The deed must contain a restriction stating that if the real estate is not being used for those purposes, the real estate reverts to the state at the discretion of the Director of Administrative Services and the DODD, at the purchase price of the real estate.

Department of Rehabilitation and Correction property to grantees (Section 27)

The Director of Administrative Services must conduct a sale of the Department of Rehabilitation and Correction (DRC) real estate in Mahoning County by sealed bid auction.

The real estate must be sold to the highest bidder at a price acceptable to the Director of Administrative Services and the Director Rehabilitation and Correction. The Director of Administrative Services must advertise the sealed bid auction by publication in a newspaper of general circulation in Mahoning County, once a week for three consecutive weeks before the date on which the sealed bids are to be opened. The Director must notify the successful bidder in writing, and may reject any or all bids. The purchaser must pay a deposit of 10% of the purchase price to the Director not later than five business days after receiving a notice that the purchaser's bid has been accepted, and must enter into a real estate purchase agreement in the form prescribed by the Department of Administrative Services. The purchaser must pay the balance of the purchase price at closing, which must occur not later than 60 days after execution of the purchase agreement. Payment must be made in cash or by certified bank check payable to the Treasurer of State. A purchaser who does not satisfy the conditions of the sale must forfeit the 10% deposit as liquidated damages. If a purchaser fails to complete the purchase, the Director may accept the next highest bid subject to the same conditions. If the Director rejects all bids, the Director may repeat the sealed bid auction or may use an alternative sale process considered acceptable by DRC.



DRC must pay all advertising costs incident to the sale of the real estate, and the purchaser must pay all other costs associated with the purchase, closing, and conveyance of the real estate. The property must be sold as an entire tract and not in parcels. The net proceeds of the sale must be deposited into the state treasury to the credit of the Adult and Juvenile Correctional Facilities Bond Retirement Fund and used for debt retirement only.⁵¹

Department of Rehabilitation and Correction property to Ohio Power Company (Section 28)

The Director of Administrative Services must offer the real estate to the Ohio Power Company through a real estate purchase agreement. If the Company does not complete the purchase, the Director may use a method of sale considered reasonable by DRC to convey the real estate to an alternate grantee. The Ohio Power Company or alternate grantee must pay all costs associated with the purchase, closing, and conveyance of the real estate.

The real estate must be sold as an entire tract and not in parcels. The net proceeds of the sale must be deposited into the state treasury to the credit of the Adult and Juvenile Correctional Facilities Bond Retirement Fund and used for debt retirement only.

Department of Rehabilitation and Correction easement to party (Section 29)

The act requires the Director of Administrative Services with the Director of Rehabilitation and Correction to enter into an environmental covenant easement with an appropriate party to protect a 100-foot corridor on the western banks of the Big Darby Creek on the Pickaway County Orient Prison site. The easement must not preclude future outdoor recreational activities including fishing, canoeing, kayaking, or hiking.

The Director of Administrative Services, with the assistance of the Attorney General, must prepare the environmental covenant easement document. The easement must be executed by the Director of Administrative Services in the name of the state, presented in the Office of the Auditor of State for recording, and delivered to the party. The party must present the easement for recording by the Pickaway County Recorder. The party must pay the recording costs and fees.

⁵¹ The Adult and Juvenile Correctional Facilities Bond Retirement Fund is created under R.C. 5120.092, not in the act.



Kent State University property to grantee (Section 14)

The real estate must be sold by sealed bid auction or public auction to the highest bidder at a price acceptable to the Director of Administrative Services and Kent State University (KSU). The Director must advertise the sealed bid auction or public auction by publication in a newspaper of general circulation in Columbiana County once a week for three consecutive weeks before the date on which the sealed bids are to be opened or the auction takes place. The Director must notify the successful bidder in writing, and may reject any or all bids. The purchaser must pay a deposit of 10% of the purchase price to the Director not later than five business days after receiving a notice that the purchaser's proposal or bid has been accepted, and must enter into a real estate purchase agreement in the form prescribed by the Department of Administrative Services. The purchaser must pay the balance of the purchase price at closing. Payment must be made by certified check payable to the Treasurer of State. A purchaser who does not satisfy the conditions of the sale must forfeit the 10% deposit as liquidated damages. If a purchaser fails to complete the purchase, the Director may accept the next highest bid subject to the same conditions. If the Director rejects all proposals or bids, the Director may repeat the sealed bid auction or public auction, or may use an alternative sale process considered acceptable by KSU. The purchaser must pay all costs associated with the purchase, closing, and conveyance, except KSU is responsible for the costs attributed to the marketing of a secondary sale.

The deeds conveying the property must contain restrictions prohibiting the purchaser from occupying, using, developing, or selling the real estate if the occupation, use, development, or sale will interfere with the quiet enjoyment of neighboring state-owned land. The real estate must be sold as an entire tract and not in parcels. The net proceeds of the sale must be paid to KSU, deposited in the appropriate university accounts, and used by KSU for debt retirement only.

Ohio Facilities Construction Commission property to school districts (Sections 30 and 31)

The act specifies that the Ohio Facilities Construction Commission (OFCC) real estate in Clinton County (Section 30) was originally conveyed to the state as collateral for school construction facility bonds and that the intent was for the state to convey title to the East Clinton Local School District on completion of the project, which the act does. It also authorizes the conveyance of real estate in Licking County (Section 31) to the Board of Education of Northridge Local School District. For both conveyances, the real estate must be conveyed as an entire tract and not in parcels, and each board must pay all costs associated with the purchase and conveyance including recordation costs. The net proceeds of both conveyances must be deposited in the General Revenue Fund.



Ohio History Connection easement to city of Piqua (Section 32)

The act authorizes the Director of Administrative Services to execute a perpetual easement granting to the city of Piqua a perpetual water line easement in Miami County. The perpetual easement must state the obligations and duties of Piqua with regard to the perpetual easement and must require Piqua to assume perpetual responsibility for operating, maintaining, repairing, reconstructing, and replacing an existing water supply line on the real estate.

Ohio State University property to Columbus Metropolitan Library (Section 15)

The act authorizes the conveyance of real estate in Franklin County to the Board of Trustees of the Columbus Metropolitan Library through a real estate purchase agreement. Each tract must be conveyed in its entirety and may not be conveyed as a portion of any tract. Ohio State University (OSU) and the Board must pay the costs of the purchase, closing, and conveyance as required under the real estate purchase agreement. The net proceeds from the sale must be deposited into university accounts for purposes to be determined by OSU's board.

OSU property to GZD Investments LLC (Section 16)

The act authorizes the conveyance of real estate in Franklin County to GZD Investments LLC through a real estate purchase agreement. If GZD does not complete the purchase, the Director of Administrative Services may use a method of sale considered reasonable by OSU's Board of Trustees to convey the real estate to an alternate grantee. The real estate may be conveyed as an entire tract or as multiple parcels. OSU and GZD or the alternate grantee must pay the costs of the purchase, closing, and conveyance as set forth in a real estate purchase agreement. The net proceeds from the sale must be deposited into university accounts for purposes to be determined by OSU's board.

OSU property to Lennox Station Holdings LLC (Section 17)

The act authorizes the conveyance of real estate in Franklin County to Lennox Station Holdings LLC through a real estate purchase agreement. If Lennox does not complete the purchase, the Director of Administrative Services may use a method of sale deemed reasonable by OSU's Board of Trustees to convey the real estate to an alternate grantee. The real estate must be sold as an entire tract and not in parcels. OSU and Lennox or the alternate grantee must pay the costs of the purchase, closing, and conveyance as set forth in a real estate purchase agreement, except OSU must pay all advertising costs, additional fees, and other costs incident to the subsequent sale of the real estate to an alternate grantee. The net proceeds from the sale must be deposited into university accounts and used by OSU's board for debt retirement only.



OSU property to Carnegie Management and Development Corporation (Section 18)

The act authorizes the conveyance of real estate in Franklin County to Carnegie Management and Development Corporation through a real estate purchase agreement. If Carnegie does not complete the purchase, the Director of Administrative Services may use a method of sale considered reasonable by OSU's Board of Trustees to convey the real estate to an alternate grantee. The real estate may be conveyed as an entire tract or in multiple parcels. OSU and Carnegie or the alternate grantee must pay the costs of the purchase, closing, and conveyance as set forth in a real estate purchase agreement. The net proceeds from the sale must be deposited into university accounts for purposes to be determined by OSU's board.

OSU easement to the city of Columbus (Section 19)

The act authorizes the Director of Administrative Services to execute an easement granting the city of Columbus a perpetual easement for sanitary sewer purposes in Franklin County. The perpetual easement must state the obligations and duties of Columbus with regard to the perpetual easement and must require Columbus to assume perpetual responsibility for constructing, operating, maintaining, repairing, reconstructing, and replacing a sanitary sewer pipeline that will be located on the real estate.

Ohio University property to a purchaser (Section 20)

The Director of Administrative Services may sell the real estate by sealed bid auction or public auction to the highest bidder at a price acceptable to the Director of Administrative Services and Ohio University (OU). The Director must advertise the sealed bid auction or public auction by publication in a newspaper of general circulation in Athens County once a week for three consecutive weeks before the date on which the sealed bids are to be opened or the auction takes place. The Director must notify the successful bidder in writing, and may reject any or all bids. The purchaser must pay a deposit of 10% of the purchase price to the Director not later than five business days after receiving a notice that the purchaser's proposal or bid has been accepted, and must enter into a real estate purchase agreement in the form prescribed by the Department of Administrative Services. The purchaser must pay the balance of the purchase price at closing. Payment must be made in cash or by certified check payable to the Treasurer of State. A purchaser who does not satisfy the conditions of the sale must forfeit the 10% deposit as liquidated damages. If a purchaser fails to complete the purchase, the Director may accept the next highest bid subject to the same conditions. If the Director rejects all proposals or bids, the Director may repeat the sealed bid auction or public auction, or may use an alternative sale process considered acceptable by OU. The purchaser must pay all costs associated with the purchase,



closing, and conveyance, except OU is responsible for the costs attributed to the marketing of a secondary sale.

The real estate must be sold as an entire tract and not in parcels. The net proceeds of the sale must be paid to OU and deposited into the Ohio University Endowment Fund.

University of Cincinnati property to Children's Hospital Medical Center (Section 21)

The act authorizes the conveyance of real estate in Hamilton County to Children's Hospital Medical Center through a real estate purchase agreement. Children's must pay the costs of the purchase, closing, and conveyance. If Children's does not complete the purchase, the Director of Administrative Services may use a method of sale deemed reasonable by the University of Cincinnati's (UC's) Board of Trustees to convey the real estate to an alternate grantee. UC and the alternate grantee must pay the costs of the purchase, closing, and conveyance as set forth in a real estate purchase agreement. The real estate must be conveyed as an entire tract and not in parcels. The net proceeds from the sale must be deposited into university accounts for purposes to be determined by UC's board.

UC property to UC Health LLC (Section 22)

The act authorizes the conveyance of real estate in Hamilton County to UC Health LLC through a real estate purchase agreement. UC Health must pay the costs of the purchase, closing, and conveyance. If Children's does not complete the purchase, the Director of Administrative Services may use a method of sale deemed reasonable by UC's Board of Trustees to convey the real estate to an alternate grantee. UC and the alternate grantee must pay the costs of the purchase, closing, and conveyance as set forth in a real estate purchase agreement. The real estate must be conveyed as an entire tract and not in parcels. The net proceeds from the sale must be deposited into university accounts for purposes to be determined by UC's board.

Youngstown State University property to Charles Staples and Margaret Staples (Section 23)

The Director of Administrative Services and Charles Staples and Margaret Staples must execute a real estate purchase agreement that sets forth the terms and conditions of a land exchange. As consideration for receiving the state's property, the Staples must convey to the state a lot specified in the act. If the Staples do not complete the purchase, the Director of Administrative Services may use a method of sale deemed reasonable by Youngstown State University's President to convey the state's real estate to an alternate grantee. The Staples or the alternate grantee must pay all costs of the



purchase, closing, and conveyance. The state's real estate may be conveyed as an entire tract or in multiple parcels.

Call to service orders exempted from disclosure

The Public Records Act requires a public office or person responsible for public records to promptly prepare a public record when requested and make it available to the requester for inspection at all reasonable times during regular business hours, or to make copies of the record available to the requester at cost and within a reasonable period of time. The act adds orders for active military service of an individual serving or with previous service in the U.S. armed forces, including a reserve component, or the Ohio organized militia (the Ohio National Guard, Ohio Naval Militia, and the Ohio Military Reserve) to the list of records that are **not** "public records," thus exempting these call to service orders from disclosure under the Act. However, the act provides that a call to order becomes a public record 15 years after its published date or effective date.⁵² In other words, the public record exemption "sunset" for each call to order 15 years after its published date or effective date.

Reemployment and reinstatement of benefits

The act grants reemployment and reinstatement rights to a person who works in Ohio but who is absent from employment due to service in a militia organized under the laws of a state, district, or territory outside of Ohio. Under continuing law, that person may sue regarding denial of the person's rights in a court of common pleas if the employer is a private business or a local government entity. The person may sue in the Ohio Court of Claims if the employer is a state employer.⁵³ Any person who denies reemployment or reinstatement rights to a qualifying person may be fined up to \$1,000, imprisoned for up to six months, or both.⁵⁴

Background – protections

The federal Uniformed Services Employment and Reemployment Rights Act of 1994⁵⁵ (USERRA) provides reemployment and reinstatement rights to members of the armed forces, Army National Guard or Air Force National Guard members, and the

⁵² R.C. 149.43(A)(1)(ff); R.C. 5923.01, not in the act.

⁵³ R.C. 5903.02(A) to (C).

⁵⁴ R.C. 5903.99, not in the act.

⁵⁵ 38 United States Code (U.S.C.) 4301 *et seq.*



Commissioned Corps of the Public Health Services. Ongoing Ohio law extends those rights to members of the Ohio Organized Militia.⁵⁶

USERRA protections

Under USERRA, subject to various exceptions, a person who is serving in the Army, Marine Corps, Navy, Air Force, Coast Guard, National Guard, or the U.S. Public Health Service Commissioned Corps (the "uniformed services") is entitled to reemployment and reinstatement rights if all of the following apply:

- The person (or an appropriate officer) provides advance written or verbal notice of service to the person's employer.
- The aggregate length of the absence and of all previous absences from the position of employment with that employer by reason of service does not exceed five years.
- The person submits a report or an application for reemployment to the employer that satisfies specified requirements.⁵⁷

An employee, when absent from employment to serve in the military, is considered to be on a furlough or leave of absence and is entitled to the seniority and other rights and benefits determined by seniority that the employee had on the date military service began plus the additional seniority and rights and benefits that the employee would have attained if the employee had remained continuously employed. In addition, the employee is entitled to other rights not based on seniority, including rights the employee had before service, and also those that became effective while in the service.⁵⁸

Depending on the type of employer, a person entitled to reemployment and reinstatement rights under USERRA who is denied those rights may seek redress through the Secretary of Labor or federal or state courts.⁵⁹

Ohio law protections

Ohio law unchanged by the act provides the same reemployment and reinstatement rights that USERRA provides to members of the uniformed services. Ohio

⁵⁶ R.C. 5903.02 and 5919.29, not in the act.

⁵⁷ 38 U.S.C. 4303 and 4312.

⁵⁸ 38 U.S.C. 4313 and 4316.

⁵⁹ 38 U.S.C. 4322 and 4323.



law also extends the same rights to any person who is absent from employment due to service in the Ohio National Guard, the Ohio Naval Militia, or the Ohio Military Reserve, collectively referred to as the Ohio Organized Militia.⁶⁰

Under continuing Ohio law, a person who is denied reemployment or reinstatement rights may sue in the appropriate court as described under "**Reemployment and reinstatement of benefits**," above. If a person who qualifies for protection under both USERRA and Ohio law receives a remedy under USERRA, that person cannot receive a remedy under Ohio law. Any person who receives a remedy under Ohio law and subsequently receives an award under USERRA must reimburse the employer the value of the federal remedy or the state remedy, whichever is less.⁶¹

Criminal Justice Recodification Committee

The act provides that a member of the Criminal Justice Recodification Committee who is an elected official and whose term of office expires before January 1, 2017, serves until the expiration of the member's term of office. The act also extends from August 1, 2016 to June 30, 2017, the date by which the Committee must recommend to the General Assembly a comprehensive plan for revising the Ohio Criminal Code.⁶²

HISTORY

ACTION	DATE
Introduced	02-22-16
Reported H. Gov't Accountability & Oversight	05-04-16
Passed House (94-0)	05-11-16
Reported S. Gov't Oversight & Reform	12-08-16
Passed Senate (31-0)	12-08-16
House Concurrence (76-3)	12-08-16

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⁶⁰ R.C. 5903.02(B) and 5923.01(B), not in the act.

⁶¹ R.C. 5903.02(B), (C) and (G).

⁶² Sections 33 and 34, amending Sections 729.10 and 729.11 of Am. Sub. H.B. 483 the 130th General Assembly, as subsequently amended.

