

As Introduced

**131st General Assembly
Regular Session
2015-2016**

H. B. No. 613

Representative Amstutz

A BILL

To amend sections 101.82, 101.83, 101.84, 101.85, 1
101.86, and 101.87 of the Revised Code to revise 2
and renew the Sunset Review Law, to require that 3
a Sunset Review Committee be convened to 4
function during each odd-numbered General 5
Assembly, and to declare an emergency. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 101.82, 101.83, 101.84, 101.85, 7
101.86, and 101.87 of the Revised Code be amended to read as 8
follows: 9

Sec. 101.82. As used in sections 101.82 to 101.87 of the 10
Revised Code: 11

(A) "Agency" means any board, commission, committee, or 12
council, or any other similar state public body required to be 13
established pursuant to state statutes for the exercise of any 14
function of state government and to which members are appointed 15
or elected. "Agency" does not include the following: 16

(1) The general assembly, or any commission, committee, or 17
other body composed entirely of members of the general assembly; 18

(2) Any court;	19
(3) Any public body created by or directly pursuant to the constitution of this state;	20 21
(4) The board of trustees of any institution of higher education financially supported in whole or in part by the state;	22 23 24
(5) Any public body that has the authority to issue bonds or notes or that has issued bonds or notes that have not been fully repaid;	25 26 27
(6) The public utilities commission of Ohio;	28
(7) The consumers' counsel governing board;	29
(8) The Ohio board of regents;	30
(9) Any state board or commission that has the authority to issue any final adjudicatory order that may be appealed to the court of common pleas under Chapter 119. of the Revised Code;	31 32 33 34
(10) Any board of elections;	35
(11) The board of directors of the Ohio insurance guaranty association and the board of governors of the Ohio fair plan underwriting association;	36 37 38
(12) The Ohio public employees deferred compensation board;	39 40
(13) The Ohio retirement study council;	41
(14) The board of trustees of the Ohio police and fire pension fund, public employees retirement board, school employees retirement board, state highway patrol retirement board, and state teachers retirement board;	42 43 44 45

(15) The industrial commission;	46
(16) The parole board;	47
(17) The board of tax appeals;	48
(18) The controlling board;	49
(19) The release authority of department of youth services;	50 51
(20) The environmental review appeals commission;	52
(21) The Ohio ethics commission;	53
(22) The Ohio public works commission;	54
(23) The self-insuring employers evaluation board;	55
(24) The state board of deposit;	56
(25) The state employment relations board;	57
<u>(26) An agency that is exempted from the requirements of sections 101.82 to 101.87 of the Revised Code by the agency's enabling statutes.</u>	58 59 60
(B) "Abolish" means to repeal the statutes creating and empowering an agency, remove its personnel, and transfer its records to the department of administrative services pursuant to division (E) of section 149.331 of the Revised Code.	61 62 63 64
(C) "Terminate" means to amend or repeal the statutes creating and empowering an agency, remove its personnel, and reassign its functions and records to another agency or officer designated by the general assembly.	65 66 67 68
(D) "Transfer" means to amend the statutes creating and empowering an agency so that its functions, records, and personnel are conveyed to another agency or officer.	69 70 71

(E) "Renew" means to continue an agency, and may include 72
amendment of the statutes creating and empowering the agency, or 73
recommendations for changes in agency operation or personnel. 74

Sec. 101.83. (A) An-Unless renewed in accordance with 75
division (D) of this section: 76

(1) An agency in existence on the first day of January 1, 77
2011, shall expire on in the year of the first regular session 78
of an odd-numbered general assembly expires at the end of the 79
thirty-first day of December 31, 2016, unless the agency is 80
renewed in accordance with division (D) of this section and, if 81
so renewed, shall expire thereafter on the thirty-first day of 82
December of the fourth year after the year in which it was most 83
recently renewed unless the agency is renewed in accordance with 84
division (D) of this section. in the year of the second regular 85
session of that general assembly. 86

(2) An agency created after January 1, 2011, that is 87
created on the thirty first day of December shall expire not 88
later than four years after its creation, unless the agency is 89
renewed in accordance with division (D) of this section. An 90
agency created after January 1, 2011, that is created on any 91
other date shall be considered for the purpose of this section 92
to have been created on the preceding thirty first day of 93
December, and the agency shall expire not later than four years 94
after the date it was considered to have been created, unless 95
the agency is renewed in accordance with division (D) of this 96
section during an even-numbered general assembly expires at the 97
end of the thirty-first day of December in the year of the 98
second regular session of the next odd-numbered general 99
assembly. 100

(3) An agency created during an odd-numbered general 101

assembly expires at the end of the thirty-first day of December 102
in the year of the second regular session of the next odd- 103
numbered general assembly. 104

Any act creating or renewing an agency shall contain a 105
distinct section providing a specific expiration date for the 106
agency in accordance with this division. 107

(B) If the general assembly does not renew or transfer an 108
agency on or before its expiration date, it ~~shall expire~~ expires 109
on that date. 110

The director of budget and management shall not authorize 111
the expenditure of any moneys for any agency on or after the 112
date of its expiration. 113

(C) The general assembly may provide by law for the 114
orderly, efficient, and expeditious conclusion of an agency's 115
business and operation. The rules, orders, licenses, contracts, 116
and other actions made, taken, granted, or performed by the 117
agency ~~shall~~ continue in effect according to their terms 118
notwithstanding the agency's abolition, unless the general 119
assembly provides otherwise by law. The general assembly may 120
provide by law for the temporary or permanent transfer of some 121
or all of a terminated or transferred agency's functions and 122
personnel to a successor agency or officer. 123

The abolition, termination, or transfer of an agency ~~shall~~ 124
does not cause the termination or dismissal of any claim pending 125
against the agency by any person, or any claim pending against 126
any person by the agency. Unless the general assembly provides 127
otherwise by law for the substitution of parties, the attorney 128
general shall succeed the agency with reference to any pending 129
claim. 130

(D) An agency may be renewed by passage of a bill that 131
continues the statutes creating and empowering the agency, that 132
amends or repeals those statutes, or that enacts new statutes, 133
to improve agency usefulness, performance, or effectiveness. 134

Sec. 101.84. (A) ~~There is hereby created the A sunset~~ 135
~~review committee, to be~~ shall be created to function during each 136
odd-numbered general assembly. The committee shall be composed 137
of nine members ~~and function in calendar years 2015 and 2016.~~ 138
The president of the senate shall appoint three members of the 139
senate to the committee, not more than two of whom shall be 140
members of the same political party. The speaker of the house of 141
representatives shall appoint three members of the house of 142
representatives to the committee, not more than two of whom 143
shall be members of the same political party. The governor, with 144
the advice and consent of the senate, shall appoint three 145
members to the committee, not more than two of whom shall be 146
members of the same political party. Members shall be appointed 147
within fifteen days after the commencement of the first regular 148
session of ~~the 131st~~ each odd-numbered general assembly. 149

(B) Each member of the committee who is appointed by the 150
president of the senate or the speaker of the house of 151
representatives shall serve during that committee member's term 152
of office or until that committee member no longer is a member 153
of the senate or the house of representatives, whichever is 154
applicable. Each member of the committee who is appointed by the 155
governor shall serve a two-year term that ends on the thirty- 156
first day of December ~~in 2016~~ in the year of the second regular 157
session of the general assembly. A vacancy on the committee 158
shall be filled in the same manner as the original appointment. 159

In the first regular session of the ~~131st~~ general 160

assembly, the chairperson of the committee shall be a member of 161
the house of representatives, and the vice-chairperson of the 162
committee shall be a member of the senate. In the second regular 163
session of the ~~131st~~ general assembly, the chairperson of the 164
committee shall be a member of the senate, and the vice- 165
chairperson of the committee shall be a member of the house of 166
representatives. 167

Members of the committee shall receive no compensation, 168
but shall be reimbursed for their necessary expenses incurred in 169
the performance of their official duties. 170

(C) The committee shall meet not later than thirty days 171
after the first day of the first regular session of the ~~131st~~ 172
general assembly to choose a chairperson and to commence 173
establishment of the schedule for agency review provided for in 174
section 101.85 of the Revised Code or perform other committee 175
duties under sections 101.82 to 101.87 of the Revised Code. Five 176
members of the committee ~~shall~~ constitute a quorum for the 177
conduct of committee business. 178

Sec. 101.85. (A) ~~The A~~ sunset review committee, not later 179
than sixty days after its first meeting ~~in 2015~~, shall schedule 180
for review each agency in existence on the first day of January 181
~~1, 2015~~ in the year of the first regular session of the general 182
assembly. The committee, by a unanimous vote, also may schedule 183
for review any state board or commission described in division 184
(A) (9) of section 101.82 of the Revised Code that is in 185
existence on that date, and any board or commission so scheduled 186
shall be considered an agency for purposes of sections 101.82 to 187
101.87 of the Revised Code. 188

(B) The chairperson of the committee shall send a copy of 189
the schedule for review of agencies for ~~calendar year 2015 and~~ 190

~~calendar year 2016~~ each regular session of the general assembly 191
to each of the agencies scheduled for review during that ~~year~~ 192
session and to the director of the legislative service 193
commission. The director shall publish a copy of the schedule in 194
the ~~Ohio~~ Administrative Code and in the register of Ohio ~~created~~ 195
~~under section 103.051 of the Revised Code~~. The commission shall 196
provide the committee with a list of agencies, and with a list 197
of state boards and commissions described in division (A) (9) of 198
section 101.82 of the Revised Code, in existence on the first 199
day of January 1, 2015, in the year of the first regular session 200
of the general assembly, to assist the committee in identifying 201
agencies and in exercising its duties under sections 101.82 to 202
101.87 of the Revised Code with respect to those agencies. 203

Sec. 101.86. (A) Not later than six months prior to the 204
date on which an agency ~~in existence on January 1, 2015,~~ is 205
scheduled to expire under division (A) of section 101.83 of the 206
Revised Code, the sunset review committee shall hold hearings to 207
receive the testimony of the public and of the chief executive 208
officer of each agency scheduled for review, and otherwise shall 209
consider and evaluate the usefulness, performance, and 210
effectiveness of the agency. 211

(B) Each agency that is scheduled for review shall submit 212
to the committee a report that contains all of the following 213
information: 214

(1) The agency's primary purpose and its various goals and 215
objectives; 216

(2) The agency's past and anticipated workload, the number 217
of staff required to complete that workload, and the agency's 218
total number of staff; 219

(3) The agency's past and anticipated budgets and its	220
sources of funding;	221
(4) The number of members of its governing board or other	222
governing entity and their compensation, if any.	223
(C) Each agency shall have the burden of demonstrating to	224
the committee a public need for its continued existence. In	225
determining whether an agency has demonstrated that need, the	226
committee shall consider all of the following:	227
(1) The extent to which the agency has permitted qualified	228
applicants to serve the public;	229
(2) The cost-effectiveness of the agency in terms of	230
number of employees, services rendered, and administrative costs	231
incurred, both past and present;	232
(3) The extent to which the agency has operated in the	233
public interest, and whether its operation has been impeded or	234
enhanced by existing statutes and procedures and by budgetary,	235
resource, and personnel practices;	236
(4) Whether the agency has recommended statutory changes	237
to the general assembly that would benefit the public as opposed	238
to the persons regulated by the agency, if any, and whether its	239
recommendations and other policies have been adopted and	240
implemented;	241
(5) Whether the agency has required any persons it	242
regulates to report to it the impact of agency rules and	243
decisions on the public as they affect service costs and service	244
delivery;	245
(6) Whether persons regulated by the agency, if any, have	246
been required to assess problems in their business operations	247

that affect the public;	248
(7) Whether the agency has encouraged public participation in its rule-making and decision-making;	249 250
(8) The efficiency with which formal public complaints filed with the agency have been processed to completion;	251 252
(9) Whether the programs or services of the agency duplicate or overlap those of other agencies;	253 254
(10) Whether the purpose for which the agency was created has been fulfilled, has changed, or no longer exists;	255 256
(11) Whether federal law requires that the agency be renewed in some form;	257 258
(12) Changes needed in the enabling laws of the agency in order for it to comply with the criteria suggested by the considerations listed in divisions (C) (1) to (11) of this section.	259 260 261 262
(D) In its initial review of each agency, the committee, whenever possible, shall realign agency titles to conform to the following descriptions:	263 264 265
(1) Commission: an administrative appeals or hearing agency;	266 267
(2) Authority: an agency empowered to issue bonds or notes;	268 269
(3) Board: an agency having a licensing function only;	270
(4) Council: an advisory body to a major agency or department;	271 272
(5) Committee: an advisory body to a minor agency or department.	273 274

Sec. 101.87. (A) After the completion of the evaluation of 275
all agencies under section 101.86 of the Revised Code, the 276
sunset review committee shall prepare and publish a report of 277
its findings and recommendations. The committee shall furnish a 278
copy of the report to the president of the senate, the speaker 279
of the house of representatives, the governor, and each affected 280
agency. The report shall be made available to the public in the 281
offices of the house of representatives and senate clerks during 282
reasonable hours. As part of the report, the committee shall 283
recommend to the general assembly, in bill form, one or more of 284
the following: 285

(1) Amendment or repeal of the statutes that created and 286
empowered an agency, to abolish or terminate the agency; 287

(2) Amendment or repeal of the statutes that created and 288
empowered an agency, or enactment of new statutes, to terminate 289
the agency, to transfer the agency, or to improve the agency's 290
usefulness, performance, or effectiveness; 291

(3) Amendment or repeal of the statutes that created and 292
empowered two or more agencies, or enactment of new statutes, to 293
reorganize or transfer them and thereby improve agency 294
usefulness, performance, or effectiveness; 295

(4) Amendment or continuation of the statutes that created 296
and empowered an agency, or enactment of new statutes, to renew 297
the agency. 298

(B) Recommendations made by the committee shall indicate 299
how or whether their implementation will do each of the 300
following: 301

(1) Promote economy in the operation of state government; 302

(2) Improve efficiency in the management of state 303

government;	304
(3) Improve services rendered to citizens of the state;	305
(4) Simplify and improve preparation of the state budget;	306
(5) Conserve the natural resources of the state;	307
(6) Promote the orderly growth of the state and its government;	308 309
(7) Improve the effectiveness of the services performed by the service departments of the state, including the office of budget and management and the department of administrative services;	310 311 312 313
(8) Avoid duplication of effort by state agencies;	314
(9) Improve the organization and coordination of the state government in one or more of the ways listed in divisions (B) (1) to (8) of this section.	315 316 317
(C) The office of budget and management, department of administrative services, auditor of state, legislative service commission, and any other state agency shall supply, upon the committee's request, the committee with material, information, and reports needed for the preparation of the report and its recommendations.	318 319 320 321 322 323
<u>(D) A sunset review committee, after having prepared and published a report of its findings and recommendations, and furnished the report as required under this section, ceases to exist.</u>	324 325 326 327
Section 2. That existing sections 101.82, 101.83, 101.84, 101.85, 101.86, and 101.87 of the Revised Code are hereby repealed.	328 329 330

Section 3. This act is declared to be an emergency measure 331
necessary for the immediate preservation of the public peace, 332
health, and safety. The reason for such necessity is to prevent 333
the expiration of certain sections of law that will otherwise 334
occur on December 31, 2016, and to avoid the inefficiencies in 335
state government that will inevitably occur if these sections 336
expire before they can be amended. Therefore, this act goes into 337
immediate effect. 338