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OHIO LEGISLATIVE SERVICE COMMISSION

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R-135-4438-1

To: The Honorable Shane Wilkin
Ohio Senate

From: Daniel DeSantis, Research Analyst *DD*

Date: November 14, 2024

Subject: Analysis of bill draft I_135_2431-1

SUMMARY

- Abolishes or renews various agencies that are subject to expiration under Sunset Review Law.
- Renames the Board of Voting Machine Examiners as the Board of Voting Systems Examiners.
- Adds a cybersecurity expert appointed by the Secretary of State as a nonvoting member of the Board of Voting Systems Examiners.
- Requires the Early Childhood Advisory Council to assume the responsibilities of the abolished Child Care Advisory Council.
- Abolishes the Board of Directors of the Ohio Health Reinsurance Program, and repeals various healthcare programs, which have been under suspension since 2014 following the enactment of the federal Affordable Care Act (ACA).
- Abolishes the Supervisory Investigative Panel of the State Dental Board, by name and requires the Secretary and Vice-Secretary of the Board to continue the panel's supervisory functions.
- Requires the State Dental Board to elect, from among its members, a Vice-President.
- Exempts certain agencies from future review and expiration under Sunset Review Law.
- Renames the Environmental Education Council the Ohio Environmental Education Fund Advisory Council.
- Abolishes the Director of Health's Advisory Group on Violent Deaths, and requires the Director to prepare and publish an annual report summarizing the activities of the Ohio violent death reporting system.
- Abolishes the Ohio Medical Quality Foundation on January 1, 2026, and requires the Treasurer of State to assume the contractual duties of the Foundation and its trustees.

- Declares an emergency.

DETAILED ANALYSIS

Boards and commissions – Sunset Review

Continuing law requires that a Sunset Review Committee be convened to function during each general assembly to review agencies, which are subject to Sunset Review Law and which are scheduled to sunset at the end of that general assembly. Agencies expire by operation of Sunset Review Law four years more or less after the effective date of the act that established the agency. The specific expiration date, for an agency scheduled to expire, is December 31 in the second year of a general assembly.

The bill renews certain agencies until December 31, 2028, and specifies agencies that are abolished on December 31, 2024. The bill maintains the appointment and membership requirements of the Sunset Review Committee under continuing law. And it maintains the stipulation in law that if the General Assembly does not renew or transfer a state “agency” (see “**Definition of agency**,” below) before the agency’s scheduled expiration date, the agency expires and the Office of Budget and Management cannot authorize the expenditure of any money for the agency on or after the expiration date.¹

Definition of agency

Under continuing law, the Sunset Review Law applies to an “agency,” which generally means any board, commission, committee, or council, or any other similar state public body required to be established under state statutes for the exercise of any function of state government and to which members are appointed or elected. However, the definition specifies several exceptions to the general rule, including, for example, the General Assembly, any court, any public body created by or directly under the Ohio Constitution, the Public Utilities Commission of Ohio, and 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.²

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.³ The bill abolishes the agencies listed below.⁴

¹ R.C. 101.83.

² R.C. 101.82.

³ R.C. 101.82.

⁴ Sections 3, 6, 7, 8, and 9 of the bill.

Abolished agencies	
Agency	Citation
Agricultural Commodity Marketing Programs, Coordinating Committee	R.C. 924.14
Alzheimer's Disease and Related Dementias Task Force	Sections 1, 2, 3, and 4 of S.B. 24 of the 133 rd G.A.
Child Care Advisory Council	R.C. 5104.08
Director of Health's Advisory Group on Violent Deaths	R.C. 3701.932
Electrical Safety Inspector Advisory Committee	R.C. 3783.08 ⁵
Engineering Experiment Station Advisory Committee	R.C. 3335.27 ⁶
Federally Subsidized Housing Study Committee	Section 757.70 of H.B. 110 of the 134 th G.A.
Fireworks Rules, Committee to Assist the State Fire Marshal in Adopting	R.C. 3743.53
Governor's Residence Advisory Commission	R.C. 107.40
Health Reinsurance Program, Board of Directors of the Ohio	R.C. 3924.08
Hemp Marketing Program Operating Committee	R.C. 924.212
Infant Hearing Screening Subcommittee	R.C. 3701.507
Joint Legislative Study Committee Regarding Career Pathways and Post-secondary Workforce Training Programs in Ohio	Section 733.30 of H.B. 110 of the 134 th G.A.
Joint Legislative Task Force to Examine Transportation of Community School and Nonpublic School Students	Section 7 of S.B. 310 of the 133 rd G.A.

⁵ Conforming changes in R.C. 3783.01 and 3783.02.

⁶ Conforming changes in R.C. 3335.29.

Abolished agencies	
Agency	Citation
Land Use Advisory Committee to the President of Ohio University	R.C. 3337.16
Law Enforcement Training Funding Study Committee	Section 701.70 of H.B. 110 of the 134 th G.A.
Legislative Committee on Public Health Futures	Section 737.40 of H.B. 166 of the 133 rd G.A.
Ohio Aerospace and Aviation Technology Committee	R.C. 122.98
Ohio Business Gateway Steering Committee	R.C. 5703.57 ⁷
Ohio Children’s Behavioral Health Prevention Network Stakeholder Group	Section 1 of H.B. 12 of the 133 rd G.A.
Ohio Fire Code Rule Recommendation Committee	R.C. 3743.67
Ohio Physician and Allied Health Care Workforce Preparation Task Force	Section 381.610 of H.B. 166 of the 133 rd G.A.
Performance Indicators for Children’s Hospitals Study Committee	Section 333.67 of H.B. 166 of the 133 rd G.A.
Private Investigation and Security Services Commission, Ohio	R.C. 4749.021
Public Assistance Benefits Accountability Task Force	Section 307.300 of H.B. 110 of the 134 th G.A.
Select Committee on Sports Gaming and Problem Gambling	Section 6 of H.B. 29 of the 134 th G.A.
State Report Card Study Committee	Section 265.510 of H.B. 166 of the 133 rd G.A.
Study Commission on the Future of Gaming in Ohio	Section 5 of H.B. 29 of the 134 th G.A.
Study Committee Regarding Students Retaking Grade 12	Section 733.51 of H.B. 166 of the 133 rd G.A.
Supervisory Investigative Panel of the State Dental Board	R.C. 4715.032

⁷ Conforming changes in R.C. 718.051.

Abolished agencies	
Agency	Citation
Task Force to Evaluate Current Operational Structures and Procedures at Wright State University's Lake Campus	Section 381.630 of H.B. 110 of the 134 th G.A.
Unemployment Compensation Advisory Council	R.C. 4141.08
Unemployment Compensation Modernization Improvement Council	R.C. 4141.12

Renewal of specific agencies

Under continuing law, "renew" means to continue an agency, and may include amendment of the statutes creating and empowering it, or recommendations for changes in its operation or personnel.⁸ The act renews certain agencies as listed below and specifies that they will expire on either December 31, 2026, or December 31, 2028 (as indicated in the table below) unless they are again renewed by subsequent legislation.⁹

Agencies renewed		
Agency	Citation	Expiration year
Advisory Committee on Advance Practice Registered Nursing	R.C. 4723.493	2026
Aging, Ohio Advisory Council for the	R.C. 173.03	2026
Agricultural Commodity Marketing Programs, Operating Committee(s)	R.C. 924.07	2028
AMBER Alert Advisory Committee	R.C. 5502.521	2028
Amusement Ride Safety, Advisory Council of	R.C. 1711.51	2028
Apprenticeship Council	R.C. 4139.02	2026
Automated Title Processing Board	R.C. 4505.09(C)(1)	2028
Backflow Advisory Board	R.C. 3703.21	2028

⁸ R.C. 101.82.

⁹ Section 5 of the bill.

Agencies renewed		
Agency	Citation	Expiration year
Banking Commission	R.C. 1123.01	2028
Brain Injury Advisory Committee	R.C. 3335.61	2026
Broadcast Educational Media Commission	R.C. 3353.02	2026
Capitol Square Review and Advisory Board	R.C. 105.41	2026
Cemetery Dispute Resolution Commission, Ohio	R.C. 4767.05	2028
Child Abuse and Child Neglect Prevention Regional Councils (8)	R.C. 3109.172(B)	2026
Child Support Guideline Advisory Council	R.C. 3119.023	2026
Children's Trust Fund Board	R.C. 3109.15	2026
Chiropractic Loan Repayment Advisory Board	R.C. 3702.987	2026
Citizen's Advisory Council (for each institution under the control of the Department of Developmental Disabilities)	R.C. 5123.092	2026
Civil Rights Commission Advisory Agencies and Conciliation Councils, Ohio	R.C. 4112.04(B)(4)	2028
Clean Ohio, Trail Advisory Board	R.C. 1519.06	2028
Coal Development Office, Technical Advisory Committee to Assist Director of the Ohio	R.C. 1551.35	2028
College Credit Plus Advisory Committee	R.C. 3365.15	2026
Commercial Dog Breeding Advisory Board	R.C. 956.17	2028
Commercial Insurance Joint Underwriting Association Board of Governors, Ohio	R.C. 3930.03	2026
Commodity Advisory Commission	R.C. 926.32	2028
Continuing Education Committee (concerned with continuing education of sheriffs)	R.C. 109.80(B)	2028

Agencies renewed		
Agency	Citation	Expiration year
County Law Library Resources Boards, Statewide Consortium of	R.C. 3375.481	2028
County Sheriff's Standard Car-Marking and Uniform Commission	R.C. 311.25	2028
Credential Review Board	R.C. 3319.65	2026
Credit Union Council	R.C. 1733.329	2028
Criminal Sentencing Commission, State	R.C. 181.21	2028
Cystic Fibrosis Legislative Task Force, Ohio	R.C. 101.38	2026
Dentist Loan Repayment Advisory Board	R.C. 3702.92	2026
Department Advisory Boards	R.C. 121.13	2026
Developmental Disabilities Council, Ohio	R.C. 5123.35	2026
Developmental Disabilities Technology First Task Force	R.C. 5123.026	2026
Dietetics Advisory Council	R.C. 4759.051	2026
Education Management Information System Advisory Council	R.C. 3301.0713	2026
Educator Standards Board	R.C. 3319.60	2026
Employment First Task Force	R.C. 5123.023	2026
Ex-Offender Reentry Coalition	R.C. 5120.07	2028
Expositions Commission, Ohio	R.C. 991.02	2026
Faith-Based and Community Initiatives, Advisory Board of Governor's Office of	R.C. 107.12	2026
Family and Children First Cabinet Council, Ohio	R.C. 121.37	2026
Farmland Preservation Advisory Board	R.C. 901.23	2028
Forestry Advisory Council	R.C. 1503.40	2028

Agencies renewed		
Agency	Citation	Expiration year
Grain Marketing Program Operating Committee	R.C. 924.22	2028
Grape Industries Committee, Ohio	R.C. 924.51	2028
Hispanic-Latino Affairs, Commission on	R.C. 121.31	2026
Historic Site Preservation Advisory Board, Ohio	R.C. 149.301	2026
History Connection, Ohio, Board of Trustees	R.C. 149.30	2026
Holocaust and Genocide Memorial and Education Commission	R.C. 197.03	2026
Home Medical Equipment Services Advisory Council	R.C. 4752.24	2026
Housing Trust Fund Advisory Committee	R.C. 174.06	2028
Industrial Commission Nominating Council	R.C. 4121.04	2028
Interagency Council of the New African Immigrants Commission	R.C. 4112.31	2028
Interagency Workgroup on Autism	R.C. 5123.0419	2026
Judicial Conference, Ohio	R.C. 105.91	2028
Lake Erie Commission, Ohio	R.C. 1506.21	2028
Legislative Programming Committee of the Ohio Government Telecommunications Service	R.C. 3353.07	2026
Livestock Exhibitions, Advisory Committee on	R.C. 901.71	2028
Materials Management Advisory Council	R.C. 3734.49	2028
Medical Liability Underwriting Association, Board of Governors of the	R.C. 3929.64	2026
Medical Liability Underwriting Association, Stabilization Reserve Fund, Directors of the	R.C. 3929.631	2026
Medically Handicapped Children's Medical Advisory Council	R.C. 3701.025	2026

Agencies renewed		
Agency	Citation	Expiration year
Milk Sanitation Board	R.C. 917.03	2028
Mine Subsidence Insurance Governing Board	R.C. 3929.51	2028
Minority Development Financing Advisory Board	R.C. 122.72	2028
Minority Health, Commission on	R.C. 3701.78	2026
New African Immigrants Commission	R.C. 4112.32	2028
Office of Enterprise Development Advisory Board	R.C. 5145.162	2028
Ohioana Library Association, Martha Kinney Cooper Memorial, Board of Trustees	R.C. 3375.62	2026
Ohio Arts Council	R.C. 3379.02	2026
Ohio Center for Autism and Low Incidence, Advisory Board to Assist and Advise in the Operation of the	R.C. 3323.33	2026
Ohio Commission on Service and Volunteerism	R.C. 121.40	2026
Ohio Dyslexia Committee	R.C. 3323.25	2026
Ohio Environmental Education Fund Advisory Council	R.C. 3745.21	2028
Ohio Geographically Referenced Information Program Council	R.C. 125.901	2028
Ohio Livestock Care Standards Board	R.C. 904.02	2028
Ohio Public Library Information Network Board of Trustees	R.C. 3375.65	2026
Ohio Tuition Trust Authority Investment Board	R.C. 3334.03	2026
Ohio War Orphans and Severely Disabled Veterans' Children Scholarship Board	R.C. 5910.02	2026
Oil and Gas Land Management Commission	R.C. 155.31	2028

Agencies renewed		
Agency	Citation	Expiration year
Oil and Gas Marketing Program, Operating Committee of the	R.C. 1510.06	2028
Oil and Gas, Technical Advisory Council on	R.C. 1509.38	2028
Opportunities for Ohioans with Disabilities Council	R.C. 3304.12	2026
Organized Crime Investigations Commission	R.C. 177.01	2028
Pharmacy and Therapeutics Committee of the Department of Medicaid	R.C. 5164.7510	2026
Physician Assistant Policy Committee of the State Medical Board	R.C. 4730.05	2026
Power Siting Board	R.C. 4906.02	2028
Propane Council	R.C. 936.02	2028
Prequalification Review Board	R.C. 5525.07	2028
Public Utilities Commission Nominating Council	R.C. 4901.021	2028
Radiation Advisory Council	R.C. 3748.20	2026
Radio Communications System Steering Committee, Multi-Agency	Section 15.02, H.B. 640 of the 123 rd G.A.	2028
Rare Disease Advisory Council	R.C. 103.60	2026
Reclaim Advisory Committee	R.C. 5139.44	2028
Reclamation Commission	R.C. 1513.05	2028
Reclamation Forfeiture Fund Advisory Board	R.C. 1513.182	2028
Redistricting, Reapportionment, and Demographic Research, Legislative Task Force on	R.C. 103.51	2026
Respiratory Care Advisory Council	R.C. 4761.032	2026
Small Business Advisory Council	R.C. 107.63	2028

Agencies renewed		
Agency	Citation	Expiration year
Small Business Stationary Source Technical and Environmental Compliance Assistance Council	R.C. 3704.19	2028
Small Government Capital Improvements Commission, Ohio	R.C. 164.02(C)	2028
Soil and Water Conservation Commission, Ohio	R.C. 940.02	2028
STABLE Account Program Advisory Board	R.C. 113.56	2026
Standardbred Development Commission, Ohio	R.C. 3769.085	2028
State Audit Committee	R.C. 126.46	2026
State Fire Council	R.C. 3737.81	2028
STEM Committee of the Department of Education	R.C. 3326.02	2026
Student Tuition Recovery Authority	R.C. 3332.081	2026
Tax Credit Authority	R.C. 122.17(M)	2028
Thoroughbred Racing Advisory Committee, Ohio	R.C. 3769.084	2028
TourismOhio Advisory Board	R.C. 122.071	2028
Transportation Review Advisory Council	R.C. 5512.07	2028
Underground Technical Committee	R.C. 3781.34	2028
Uniform State Laws, State Council of	R.C. 105.21	2028
Utility Radiological Safety Board	R.C. 4937.02	2028
Venders Representative Committee, Ohio	R.C. 3304.34	2026
Veterans Advisory Committee	R.C. 5902.02(J)	2028
Victims Assistance Advisory Council, State	R.C. 109.91	2028
Voting Systems Examiners, Board of	R.C. 3506.05	2028
Waterways Safety Council	R.C. 1547.73	2028

Agencies renewed		
Agency	Citation	Expiration year
Wild, Scenic, or Recreational River Area, Advisory Council for each	R.C. 1547.84	2028
Wildlife Council	R.C. 1531.03	2028
Workers' Compensation Board of Directors Nominating Committee	R.C. 4121.123	2026
Workers' Compensation Board of Directors, Bureau of	R.C. 4121.12	2026

Board of Voting Systems Examiners

The bill renames the Board of Voting Machine Examiners as the Board of Voting Systems Examiners and adds a cybersecurity expert appointed by the Secretary of State as a nonvoting member of the Board.¹⁰

Early Childhood Advisory Council

The bill abolishes the Child Care Advisory Council and requires a different entity, the Early Childhood Advisory Council, to assume the responsibilities of the abolished council. These responsibilities include advising the Director of Children and Youth on matters affecting the licensing of centers, type A homes, and type B homes and the certification of in-home aides. The Council must make an annual report to the Director that addresses the availability, affordability, accessibility, and quality of child care and that summarizes the recommendations and plans of action that the Council has proposed to the Director during the preceding fiscal year. The Director must provide copies of the report to the Governor, Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate and, on request, must make copies available to the public.¹¹

State Dental Board

The bill abolishes the Supervisory Investigative Panel of the State Dental Board, by name. Under existing law, the Panel consists solely of the Secretary and Vice-Secretary of the Board. Under the bill, the Secretary and Vice-Secretary will have the same supervisory responsibilities currently required of the Panel.

¹⁰ R.C. 3506.04, 3506.05, 3506.06, 3506.07, and 3506.10.

¹¹ R.C. 5104.39 and 5104.50; Section 7 of the bill; R.C. 5104.08, repealed.

The bill also requires the State Dental Board to elect, from among its members, a Vice-President.¹²

Repeal of Ohio's suspended health care programs

The bill abolishes the Board of Directors of the Ohio Health Reinsurance Program, and repeals the following programs, which have been under suspension since 2014 following the enactment of the federal Affordable Care Act (ACA):

- Ohio's Open Enrollment Program;
- Ohio's Health Reinsurance Program;
- Option for conversion from a group to individual contract under existing contract with a HIC;
- Option for conversion from a nongroup contract to a contract issued on a direct payment basis under an existing contract with a HIC.¹³

Agencies exempt from future review and sunset

The bill continues the following agencies and exempts them from future review and automatic expiration under Sunset Review Law:

- Volunteer Fire Fighters' Dependents Fund Boards (private), R.C. 146.02(B);
- Volunteer Fire Fighters' Dependents Fund Boards (public), R.C. 146.02(A).¹⁴

Agencies with a purpose related to federal law

The bill continues the following agencies and exempts them from future review and automatic expiration under Sunset Review Law. These agencies are deemed to have a purpose related to federal law:

- Early Childhood Advisory Council, R.C. 5104.50;
- Emergency Response Commission, R.C. 3750.02;
- Public Defender Commission, R.C. 120.01;
- Homeland Security Advisory Council, R.C. 5502.011(E);
- Unemployment Compensation Review Commission, R.C. 4141.06.

¹² R.C. 4715.03, 4715.032, 4715.033, 4715.034, 4715.035, and 4715.30.

¹³ R.C. 1731.03, 1731.05, 1731.09, 1739.05, 1751.18, 3923.51, 3923.57, 3924.01, 3924.02, 3924.06, and 3924.73. Repeal of R.C. 1751.15, 1751.16, 1751.17, 3923.122, 3923.58, 3923.581, 3923.582, 3923.59, 3924.07, 3924.08, 3924.09, 3924.10, 3924.11, 3924.111, 3924.12, 3924.13, and 3924.14, and Section 3 of S.B. 9 of the 130th General Assembly (as amended by H.B. 122 of the 134th General Assembly); Section 9 of the bill.

¹⁴ R.C. 146.02(C).

Under the bill, if federal law is modified to eliminate the purpose or necessity for the agency's existence, the chairperson of the agency must notify the Speaker of the House of Representatives, President of the Senate, and Governor. The notification must be in writing and include the following disclosure:

The agency known as the _____ was exempted from sunset review law because it had a purpose related to federal law. The federal law specifying that purpose has been amended or repealed eliminating the purpose or necessity for the agency. The sunset review committee, next convened under section 101.82 to 101.87 of the Revised Code, shall schedule the agency for review and shall make a recommendation with respect to the agency in accordance with section 101.87 of the Revised Code.¹⁵

Ohio Environmental Education Fund Advisory Council

The bill changes the name of the Environmental Education Council to the Ohio Environmental Education Fund Advisory Council. Under continuing law, the Council advises and assists the Director of Environmental Protection with administration of the Environmental Education Fund.¹⁶

Ohio violent death reporting system

As stated above, the bill abolishes the Director of Health's Advisory Group on Violent Deaths.¹⁷ Under continuing law, the Ohio violent death reporting system, created by the Director of Health, must monitor the incidence and causes of the various types of violent deaths, make appropriate epidemiologic studies, analyze trends and patterns, and make recommendations to the Director. The bill requires the Director, (only for years in which the Department of Health receives sufficient federal funding for the Ohio violent death reporting system), to prepare and publish an annual report summarizing the activities of the Ohio violent death reporting system. The report must be completed by October 1 of the following year and submitted to the General Assembly, the Governor, and the chairpersons of the General Assembly committees having primary jurisdiction over issues relating to health care.¹⁸

Ohio Medical Quality Foundation

The bill retains the Ohio Medical Quality Foundation until December 31, 2025, and then abolishes the Foundation as a statutory entity on January 1, 2026. The Foundation, not later than April 1, 2025, must transfer all of its remaining unencumbered funds, to the extent possible under law and contract, to the Treasurer of State for deposit in the Medical Quality Fund, established by the bill.

¹⁵ R.C. 101.82 and 101.83.

¹⁶ R.C. 3745.21 and 3745.22.

¹⁷ R.C. 3701.932, repealed.

¹⁸ R.C. 3701.931.

The bill requires the Foundation, after transferring its unencumbered funds to the Treasurer of State, to prepare a written report identifying: (1) any encumbered funds unable to be transferred, including the amounts still to be distributed pursuant to pending contracts, (2) the duration of any contracts in effect at the time of the report's preparation, and (3) the dates on which any remaining funds will be considered unencumbered.

The bill requires the Foundation to submit the report to the Treasurer of State, Governor, Senate President, and Speaker of the House of Representatives.

The bill requires the Treasurer of State to assume the contractual duties of the Foundation, as identified under any contracts in effect on January 1, 2026.¹⁹

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¹⁹ R.C. 113.78 (enact) and 3701.89 (repeal January 1, 2026); Sections 4 and 10 of the bill.