



H.B. 77

126th General Assembly
(As Introduced)

**Reps. Gilb, Faber, Seitz, Willamowski, Wagner, Brinkman, Seaver,
Reidelbach, McGregor, Martin, Walcher, Buehrer, Hood**

BILL SUMMARY

- Reorganizes the executive branch of state government by reducing the number of current cabinet departments from 19 to 8 and by making the Department of Education a cabinet department.
- Creates within each new department divisions responsible for specified functions of that department.

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CONTENT AND OPERATION

Overview of the bill

The bill abolishes and/or restructures the 19 cabinet departments whose directors (a) are appointed by the Governor, with the advice and consent of the

Senate, (b) hold their office during the term of the appointing Governor, and (c) are subject to removal at the Governor's pleasure (see **COMMENT**). It creates instead the following eight departments to exercise specified powers and duties of the current cabinet departments as well as, occasionally, other functions: the Department of Business Coordination, Department of Community and Institutional Rehabilitation, Department of Finance and Operations, Department of Human Resource Development, Department of Public Health, Department of Public Safety, Department of Resource Protection, and Department of Transportation and Infrastructure. The bill also designates as a cabinet department the Department of Education, which the Superintendent of Public Instruction, appointed by the State Board of Education, currently heads. (R.C. 121.02 and 121.03; R.C. 3301.08, 3301.13, and 5703.01--not in the bill.)

These new departments will be headed by an *executive* director who (a) will be appointed by the Governor, with the advice and consent of the Senate, (b) will hold office during the term of the appointing Governor, and (c) will be subject to removal at the Governor's pleasure (R.C. 121.02 and 121.03). The new departments, and the divisions created within them, are described below.

Department of Education

Under the bill, the Department of Education will consist of the following six divisions, with each headed by the chief of that division (R.C. 124.04(A)):

Division of Primary and Secondary Education

The Division of Primary and Secondary Education will be responsible for all of the following (R.C. 124.04(A)(1)):

- Curriculum and assessment.
- Teacher development, and student, family, and community programs.
- Nonpublic and alternative schools.
- Policy and accountability.
- Coordination of lifelong learning.

Division of Higher Education for Four-Year Colleges and Universities

The Division of Higher Education for Four-Year Colleges and Universities will be responsible for all of the following (R.C. 124.04(A)(2)):

- Curriculum and assessment.
- Professor development, and student, family, and community programs.
- Policy and higher education development.
- Investigations and school compliance.
- The Higher Education-Ohio Business Compact.

Division of Higher Education for Two-Year Colleges

The Division of Higher Education for Two-Year Colleges will be responsible for all of the following (R.C. 121.04(A)(3)):

- Curriculum and assessment.
- Professor development, and student, family, and community programs.
- Policy and higher education development.
- Investigations and school compliance.
- The Higher Education-Ohio Business Compact.
- Adult education.

Division of Education Finance

The Division of Education Finance will be responsible for all of the following (R.C. 121.04(A)(4)):

- Public school and higher education finance and fiscal planning.
- Student financial assistance programs.
- The Ohio Tuition Trust Authority.
- Federal programs and grant management.

Division of Education Technology

The Division of Education Technology will be responsible for all of the following (R.C. 121.04(A)(5)):



- Educational telecommunications programming and facility management.
- Network operations.
- Technology applications.

Division of Cultural Resources

The Division of Cultural Resources will be responsible for all of the following (R.C. 121.04(A)(6)):

- The State Library of Ohio and the archives of the Ohio Historical Society.
- The State Historic Preservation Office.
- Historical site and facility maintenance.
- Arts programs and grants.

Department of Public Safety

Under the bill, the Department of Public Safety will consist of the following five divisions, with each headed by the chief of that division (R.C. 121.04(B)):

Division of Uniformed Services

The Division of Uniformed Services will be responsible for all of the following (R.C. 121.04(B)(1)):

- The State Highway Patrol.
- The Office of the State Fire Marshal.
- Executive security.
- Training programs for the uniformed services.
- The Multi-Agency Radio Communications System.
- Hazardous materials programs.

Division of Public Safety Services

The Division of Public Safety Services will be responsible for all of the following (R.C. 121.04(B)(2)):

- The Bureau of Motor Vehicles.
- Certification and continuing education of emergency medical service professionals.
- Fire and liquor control research laboratories.
- Crash repair investigation.
- Criminal justice services.
- Youth safety programs.
- The Ohio Emergency Management Agency.
- Security guard and private investigator licensing.
- Policy and technology.

Division of Homeland Security and Emergency Management

The Division of Homeland Security and Emergency Management will be responsible for all of the following (R.C. 121.04(B)(3)):

- The Ohio National Guard.
- Homeland security.
- Capitol Square and other building security.
- Aircraft security.
- Disaster response planning.
- First responder oversight and protection.
- Terrorist awareness and prevention.
- Family and innovative readiness training.
- Agriculture resource and public water protection.

Division of Grants and Disbursements

The Division of Grants and Disbursements will be responsible for both of the following (R.C. 121.04(B)(4)):

- Homeland security and criminal justice services grant management.
- Administration of all safety-related disbursements.

Division of Prevention and Enforcement

The Division of Prevention and Enforcement will be responsible for all of the following (R.C. 121.04(B)(5)):

- Enforcement and investigation of violations of liquor control, tobacco, insurance, and food stamp fraud laws.
- A vice unit.
- Criminal activity prevention.
- Drug force task management.

Department of Public Health

Under the bill, the Department of Public Health will consist of the following five divisions, with each headed by the chief of that division (R.C. 121.04(C)):

Division of Health and Well-Being

The Division of Health and Well-Being will be responsible for all of the following (R.C. 121.04(C)(1)):

- Family and community health services and programs.
- Disease prevention.
- State employee health services.
- Minority health affairs.
- Alcohol and drug addiction treatment and rehabilitation services.
- Addiction prevention and intervention services.

- State-operated hospital services.
- Mental health inpatient services.
- Health support services.
- Health policy and accountability.

Division of Community Care Support Services

The Division of Community Care Support Services will be responsible for all of the following (R.C. 121.04(C)(2)):

- Local mental health and mental retardation and developmental disabilities programs.
- Support for mental retardation and developmental disabilities developmental centers.
- Elder community care, including PASSPORT.

Division of Medicaid Services

The Division of Medicaid Services will be responsible for all of the following (R.C. 121.04(C)(3)):

- Medicaid disbursements.
- Medicaid provider services.
- Medicaid revenue administration.
- Medicaid fraud, waste, and abuse prevention.
- Federal-state matching.

Division of Medical Professional and State Healthcare System Regulation

The Division of Medical Professional and State Healthcare System Regulation will be responsible for certification, licensing, investigations, inspections, enforcement, adjudications, continuing education, training, and examinations relating to all of the following bodies or facilities (R.C. 121.04(C)(4)):

- Ohio Medical Transportation Board.

- Ohio Board of Dietetics.
- State Medical Board.
- Board of Nursing.
- Ohio Optical Dispensers Board.
- State Board of Optometry.
- State Board of Pharmacy.
- State Board of Psychology.
- Chemical Dependency Professionals Board.
- Counselor, Social Worker, and Marriage and Family Therapist Board.
- Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board.
- State Board of Orthotics, Prosthetics, and Pedorthics.
- State Veterinary Medical Licensing Board.
- State Chiropractic Board.
- State Dental Board.
- Board of Speech-Language Pathology and Audiology.
- Hearing Aid Dealers and Fitters Licensing Board.
- Board of Examiners of Nursing Home Administrators.
- Ohio Respiratory Care Board.
- Public health facilities, addiction treatment facilities, and mental health facilities.

Division of Veterans' Affairs

The Division of Veterans' Affairs will be responsible for all programs and activities related to veterans' affairs (R.C. 121.04(C)(5)).



Department of Transportation and Infrastructure

Under the bill, the Department of Transportation and Infrastructure will consist of the following five divisions, with each headed by the chief of that division (R.C. 121.04(D)):

Division of System Maintenance

The Division of System Maintenance will be responsible for all activities related to the general maintenance and upkeep of the state's transportation system as well as materials management (R.C. 121.04(D)(1)).

Division of System Regulation

The Division of System Regulation will be responsible for all transportation system regulatory activities (R.C. 121.04(D)(2)).

Division of System Design and Construction

The Division of System Design and Construction will be responsible for all of the following (R.C. 121.04(D)(3)):

- Roadway and traffic, geotechnical, and structural engineering.
- System design and construction.
- Transportation planning and research.
- Local transportation improvement programs.
- Service procurement.
- Contract administration.

Division of Public Transportation

The Division of Public Transportation will be responsible for all of the following (R.C. 121.04(D)(4)):

- State transit authorities.
- Rail transportation and the Ohio Rail Development Commission.
- Aviation activities.
- Turnpike activities.

Division of Infrastructure Financing and Revenue Distribution

The Division of Infrastructure Financing and Revenue Distribution will be responsible for all of the following (R.C. 121.04(D)(5)):

- Financing of state building improvements and acquisitions.
- Financing of public improvements relating to water and sewer construction, transportation systems, primary and secondary education, higher education, and underground storage facilities.
- Other infrastructure revenue distribution.

Department of Finance and Operations

Under the bill, the Department of Finance and Operations will consist of the following six divisions, with each headed by the chief of that division (R.C. 121.04(E)):

General Services Division

The General Services Division will be responsible for all of the following (R.C. 121.04(E)(1)):

- Procurements services.
- Fleet and mail services.
- Risk management services.
- Contract compliance.
- Telecommunications.

Human Resources Division

The Human Resources Division will be responsible for all of the following functions relating to state employees (R.C. 121.04(E)(2)):

- Classification and compensation.
- Benefits administration, including benefits for members of the Ohio National Guard.
- Professional development and training.

- Equal opportunity services.
- Quality service programs.
- Collective bargaining management.
- The State Personnel Board of Review.
- The State Employment Relations Board.

Facilities and Maintenance Division

The Facilities and Maintenance Division will be responsible for all of the following (R.C. 121.04(E)(3)):

- State property and facility maintenance.
- Real estate leasing.
- Building operations permitting.
- Architecture and engineering services.
- The operation of Capitol Square, the Ohio Expositions Center, and the Ohio State Fair.

Information Technology Division

The Information Technology Division will be responsible for all of the following (R.C. 121.04(E)(4)):

- Enterprise network security.
- Ohio data networks.
- Veterans' affairs records systems.
- A state technology program.
- The Ohio Business Gateway.

Division of Financial Operations

The Division of Financial Operations will be responsible for all of the following (R.C. 121.04(E)(5)):



- Accounting operations and processing.
- Budget analysis.
- Economic forecasting and revenue estimation.
- A statewide cost allocation plan.
- Financial planning.
- State debt issuance and debt service management.
- The State Controlling Board.

Division of Revenue Administration

The Division of Revenue Administration will be responsible for all of the following (R.C. 121.04(E)(6)):

- Tax collection, administration, and processing.
- Tax policy development.
- Revenue distribution, including property tax relief distribution.
- Unemployment tax administration.
- The State Lottery Commission.
- The Board of Tax Appeals.
- Unclaimed funds.

Department of Human Resource Development

Under the bill, the Department of Human Resource Development will consist of the following four divisions, with each headed by the chief of that division (R.C. 121.04(F)):

Employment Services Division

The Employment Services Division will be responsible for all of the following (R.C. 121.04(F)(1)):

- All state and federal employee training programs.

- Workforce development programs.
- Job placement services.
- Employer services.
- Labor market projections.
- Unemployment compensation programs.
- Worker safety programs.
- Wage and hour compliance.

Rehabilitation Services Division

The Rehabilitation Services Division will be responsible for all of the following (R.C. 121.04(F)(2)):

- Vocational rehabilitation programs.
- Job placement programs for the mentally retarded and developmentally disabled.
- Services for the visually impaired.
- Disabled employee training programs.
- Compliance and assistance programs under the federal Americans with Disabilities Act.
- Other disability determination and assistance programs.

Children and Family Services Division

The Children and Family Services Division will be responsible for all of the following (R.C. 121.04(F)(3)):

- Child services programs, including adoption, child care, child support, foster care, health-start, healthy families, child protection services, kinship, and child care service provider programs.
- Housing services.
- Family services, including family violence protection.

- Elder rights programs, including counseling on legal rights and end-of-life decisions.
- Children First and Family First programs.

Human Rights Division

The Human Rights Division will be responsible for all of the following bodies (R.C. 121.04(F)(4)):

- Commission on African-American Males.
- Commission on Hispanic-Latino Affairs.
- Ohio Civil Rights Commission.
- Legal Rights Service Commission.
- Ohio Ethics Commission.

Department of Community and Institutional Rehabilitation

Under the bill, the Department of Community and Institutional Rehabilitation will consist of the following four divisions, with each headed by the chief of that division (R.C. 121.04(G)):

Division of Corrections Officer Administration

The Division of Corrections Officer Administration will be responsible for all of the following (R.C. 121.04(G)(1)):

- Adult correction and youth correction officers.
- Wardens.
- Employee relations and labor relations programs.
- Equal employment opportunity compliance (EEOC) programs.
- Training and assessment.
- Classification.
- Professional education.
- Security threat groups.

- Special tactics and response teams.

Division of Correctional Support Services

The Division of Correctional Support Services will be responsible for all of the following (R.C. 121.04(G)(2)):

- Health, safety, and religious services.
- Correctional health care and a corrections medical center.
- Recovery and psychiatric treatment services.
- Food and library services.
- An office of mental health forensic services.
- The Ohio Penal Industries Program and the agriculture program related to it.
- Records management.
- Business operations.
- Youth and continuing education programs.

Division of Correctional Facilities Maintenance

The Division of Correctional Facilities Maintenance will be responsible for facilities construction, activation, and maintenance activities (R.C. 121.04(G)(3)).

Division of Parole and Community Services

The Division of Parole and Community services will be responsible for all of the following (R.C. 121.04(G)(4)):

- Adult detention services.
- A Bureau of Community Sanctions.
- An Office of Victim Services.
- Offender re-entry programs.
- Quality and community partnerships.

- A Best Practices Institute.
- Interstate compact investigations.
- Offender supervision special services.
- Youth volunteer programs.
- Alcohol and drug addiction alternative treatment programs.
- Therapeutic community programs.

Department of Business Coordination

Under the bill, the Department of Business Coordination will consist of the following four divisions, with each headed by the chief of that division (R.C. 121.04(H)):

Division of Licensing and Coordination

The Division of Licensing and Coordination will be responsible for licensing, enforcement, adjudication, investigations, continuing education, and examinations relating to all of the following bodies (R.C. 121.04(H)(1)):

- Accountancy Board.
- Ohio Athletic Commission.
- State Board of Examiners of Architects.
- Barber Board.
- State Board of Cosmetology.
- Board of Embalmers and Funeral Directors.
- State Board of Registration for Professional Engineers and Surveyors.
- Liquor Control Commission.
- Board of Motor Vehicle Collision Repair Registration.
- State Racing Commission.

Division of Financial Institutions and Securities Coordination

The Division of Financial Institutions and Securities Coordination will be responsible for both of the following (R.C. 121.04(H)(2)):

- Chartering, licensing, and regulating financial institutions.
- Licensing and regulation relating to securities.

Division of Building and Real Estate Coordination

The Division of Building and Real Estate Coordination will be responsible for all of the following (R.C. 121.04(H)(3)):

- Licenses, permits, and inspections relating to building and real estate, including amusement rides.
- Compliance with building codes.
- The State Board of Building Appeals.

Division of Insurance Coordination

The Division of Insurance Coordination will be responsible for all of the following (R.C. 121.04(H)(4)):

- Consumer services.
- Financial regulation services.
- Life and health insurance and property and casualty insurance.
- Liquidation of insurance companies.
- Licensing of insurance agents.
- Regulation and enforcement of insurance laws.
- Strategic planning and market forecasting.

Department of Resource Protection

Finally, under the bill, the Department of Resource Protection will consist of the following five divisions, with each headed by the chief of that division (R.C. 121.04(I)):



Division of Land

The Division of Land will be responsible for all of the following (R.C. 121.04(I)(1)):

- Mineral resources management.
- Parks and recreation.
- Off-road trails.
- Forestry.
- Natural areas and preserves.
- Wildlife.
- Farmland preservation.
- Specialty crop support.
- County agricultural societies and awards.
- The plant industry.

Waste and Water Division

The Waste and Water Division will be responsible for all of the following (R.C. 121.04(I)(2)):

- Shoreline preservation.
- Coastal management.
- Submerged lands.
- Hazardous waste management and cleanup.
- Solid waste management.
- The Ohio Lake Erie Commission.
- The Burr Oak Water Plant.

Resource Quality Assurance Division

The Resource Quality Assurance Division will be responsible for all of the following (R.C. 121.04(I)(3)):

- Licensing and permitting.
- Inspection and investigation.
- Enforcement and adjudication.
- Food and drug safety.
- Consumer analytical laboratories.
- Emergency and remedial response activities.
- Utility radiological safety.
- Engineering activities.
- Wildlife and watercraft officers.
- The Ohio Air Quality Development Authority.
- The Ohio Water Development Authority.
- The Environmental Review Appeals Commission.

Division of Public Awareness

The Division of Public Awareness will be responsible for all of the following (R.C. 121.04(I)(4)):

- Resource conservation activities.
- Science advisory programs.
- Recycling and litter prevention programs.
- Pollution prevention programs.
- Natural resources publications.
- Resource information services.

- Geologic information services.
- Clean Ohio operating programs.

Division of Grants and Disbursements

The Division of Grants and Disbursements will be responsible for administering and disbursing federal and state environmental and agricultural grants (R.C. 121.04(I)(5)).

Miscellaneous changes

The bill modifies provisions of current law such that the executive director of each new department (a) must appoint one *assistant "executive" director* who will act as executive director in the executive director's absence or disability and hold that position at the executive director's pleasure and *division chiefs* who will hold their positions at the director's pleasure (R.C. 121.05(A) and 121.06), (b) may designate the assistant executive director or any *deputy executive director* to serve in the executive director's place as a member of any board, committee, authority, or commission of which the executive director is a member by law (R.C. 121.05(B)), (c) must distribute the work of the department among the department's divisions (but, unlike current law, the Governor's approval is not required in this regard) and may prescribe rules for the government of the department, the conduct of its employees, and the performance of its business (R.C. 121.07(B)), (d) may, with the Governor's approval, establish and appoint advisory boards to aid in the conduct of the department's or any of its divisions' work (R.C. 121.13), (e) must maintain, with the Governor's approval, a central office for the department at a location in the state that is found necessary for its efficient performance (R.C. 121.15), (f) may establish and maintain, with the Governor's approval, branch offices of the department, and (g) must devise, under the Governor's direction, a practical and working basis for cooperation and coordination of work with other departments (R.C. 121.17). In addition to making these modifications that generally track provisions of current law, the bill eliminates authority for specified *additional assistant directors* in the current Departments of Administrative Services, Commerce, Health, Human Services, Insurance, and Transportation (R.C. 121.05(A) and current R.C. 121.04--outright repealed by Section 2 of the bill (see **COMMENT**)).

Effective date

The bill takes effect January 1, 2007. Prior to that effective date, the General Assembly must enact legislation that (1) amends, repeals, and enacts the sections of the Revised Code that are necessary to implement the bill's provisions and (2) provides for the orderly transfer of the duties and functions of the various

executive departments and public bodies of state government to the newly created departments (Section 3 of the bill).

COMMENT

1. The following table lists the 19 executive branch "cabinet departments" that the bill appears to abolish and/or restructure together with the name of each department's head official and an appropriate statutory citation:

CURRENT ENTITY	HEAD OFFICIAL	CITATION
(1) Office of Budget and Management	Director of Budget and Management	R.C. 121.02(A)
(2) Department of Commerce	Director of Commerce	R.C. 121.02(B)
(3) Department of Administrative Services	Director of Administrative Services	R.C. 121.02(C)
(4) Department of Transportation	Director of Transportation	R.C. 121.02(D)
(5) Department of Agriculture	Director of Agriculture	R.C. 121.02(E)
(6) Department of Natural Resources	Director of Natural Resources	R.C. 121.02(F)
(7) Department of Health	Director of Health	R.C. 121.02(G)
(8) Department of Job and Family Services	Director of Job and Family Services	R.C. 121.02(H)
(9) Department of Public Safety	Director of Public Safety	R.C. 121.02(J)
(10) Department of Mental Health	Director of Mental Health	R.C. 121.02(K)
(11) Department of Mental Retardation and Developmental Disabilities	Director of Mental Retardation and Developmental Disabilities	R.C. 121.02(L)
(12) Department of Insurance	Superintendent of Insurance	R.C. 121.02(M)
(13) Department of Development	Director of Development	R.C. 121.02(N)
(14) Department of Youth Services	Director of Youth Services	R.C. 121.02(O)

CURRENT ENTITY	HEAD OFFICIAL	CITATION
(15) Department of Rehabilitation and Correction	Director of Rehabilitation and Correction	R.C. 121.02(P)
(16) Environmental Protection Agency	Director of Environmental Protection	R.C. 121.02(Q)
(17) Department of Aging	Director of Aging	R.C. 121.02(R)
(18) Department of Alcohol and Drug Addiction Services	Director of Alcohol and Drug Addiction Services	R.C. 121.02(S)
(19) Department of Taxation	Tax Commissioner	R.C. 5703.01 (not in the bill)

2. R.C. 121.04 in the bill is a *new* statute that would replace a statute with the same number that the bill outright repeals (Section 2 of the bill) and that currently creates the offices in the departments listed in the following table:

CURRENT ENTITY	CREATED OFFICE
(1) Department of Commerce	(a) Commissioner of Securities (b) Superintendent of Real Estate and Professional Licensing (c) Superintendent of Financial Institutions (d) Fire Marshal (e) Superintendent of Labor and Worker Safety (f) Superintendent of Liquor Control (g) Superintendent of Industrial Compliance
(2) Department of Administrative Services	(a) State Architect and Engineer (b) Equal Employment Opportunity Coordinator

CURRENT ENTITY	CREATED OFFICE
(3) Department of Agriculture	<ul style="list-style-type: none"> (a) Chief of the Division of Administration (b) Chief of the Division of Animal Industry (c) Chief of the Division of Dairy (d) Chief of the Division of Food Safety (e) Chief of the Division of Plant Industry (f) Chief of the Division of Markets (g) Chief of the Division of Meat Inspection (h) Chief of the Division of Consumer Analytical Laboratory (i) Chief of the Division of Amusement Ride Safety (j) Chief of the Division of Enforcement (k) Chief of the Division of Weights and Measures
(4) Department of Natural Resources	<ul style="list-style-type: none"> (a) Chief of the Division of Water (b) Chief of the Division of Mineral Resources Management (c) Chief of the Division of Forestry (d) Chief of the Division of Natural Areas and Preserves (e) Chief of the Division of Wildlife (f) Chief of the Division of Geological Survey (g) Chief of the Division of Parks and Recreation



CURRENT ENTITY	CREATED OFFICE
	(h) Chief of the Division of Watercraft (i) Chief of the Division of Recycling and Litter Prevention (j) Chief of the Division of Soil and Water Conservation (k) Chief of the Division of Real Estate and Land Management (l) Chief of the Division of Engineering
(5) Department of Insurance	(a) Deputy Superintendent of Insurance (b) Assistant Superintendent of Insurance, Technical (c) Assistant Superintendent of Insurance, Research

3. The bill repeals R.C. 121.03(U) under which the Governor must appoint the Administrator of Workers' Compensation as the administrative head of the Bureau of Workers' Compensation with the advice and consent of the Senate. However, the bill's reorganization provisions are unclear as to whether they contemplate the inclusion of the functions of the Bureau under one of the proposed new departments. An application of rules of statutory construction would suggest that, because the Bureau is not created in R.C. 121.02 as an "administrative department," and because R.C. 4121.121 (not in the bill) actually creates the Bureau and *also* authorizes the Governor to appoint a person having certain qualifications as its Administrator, the bill may not impact the Bureau or its Administrator despite the repeal of R.C. 121.03(U).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-22-05	p. 226

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