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## MISCELLANEOUS

### Online public records

- Requires a public office that posts a public record on its web site, or on a public web site maintained by the state, to post the record in such a way that the public record, or the data contained in the public record, is capable of being searched and downloaded by the public, and is in a format that is machine readable.

### Trafficking in persons and promoting prostitution

- Extends the period within which a prosecution for trafficking in persons must be commenced from six years to 20 years after the offense is committed.
- Eliminates as an element of the offense of promoting prostitution that the transportation of a person for sexual activity be across the boundary of Ohio or any county of Ohio.
- Prohibits, as an element of the offense of promoting prostitution, establishing, maintaining, operating, managing, supervising, controlling, or having an interest in any enterprise the purpose of which is to facilitate engagement in sexual activity for hire.

### Annual report on risk management reserves

- Eliminates the requirement for an annual actuarial examination and written report for the preceding calendar year to be sent to the legislative leaders reporting on the amounts reserved and disbursements made from reserves in the state's Risk Management Reserve Fund.

### Joint Legislative Committee on the Affordable Care Act

- Creates the Joint Legislative Committee on the Affordable Care Act (Committee) to review or study any matter that it considers relevant to the operation and impact of the Affordable Care Act in Ohio.
- Requires the Committee to consist of six members: three members of the House of Representatives appointed by the Speaker, and three members of the Senate appointed by the President.
- Requires that two members of the Committee appointed by the Speaker of the House and two members appointed by the President of the Senate be from the majority party, and one member appointed by the Speaker and one member appointed by the President be from the minority party.



- Requires each member's appointment to last during the General Assembly in which the member was appointed and until a successor is appointed, regardless of the adjournment sine die of the General Assembly or the expiration of a member's term.
- Requires vacancies to be filled in the manner of the original appointment.
- Authorizes the Committee to have the same powers as other standing or select committees of the General Assembly and to request assistance from the Legislative Service Commission.

### **Public official bonding requirements**

- Eliminates the requirement for the Governor's approval and for multiple sureties to assure official public office bonds for the statewide elected officials, and requires instead that only one surety authorized to do business in Ohio assure the bond in the amount stated under current law for each officer, conditioned for the faithful discharge of the duties of the respective offices.
- Removes the requirement for the Governor to approve the surety for bonds given by cabinet-level department appointees, and removes the requirement for the Governor to fix the amount of the bond, which must be not less than \$10,000.
- Allows the Department of Administrative Services to procure a schedule or blanket bond from an authorized corporate surety authorized to do business in Ohio for these appointees and any other office the Governor designates.
- Removes the current authority for the director of each department, with the Governor's approval, to require any chief of a division, or any officer or employee in the director's department, to give bond in the amount the Governor prescribes.

### **Retention of investment interest**

- Provides that the investment earnings on the cash balance of the following funds are to be credited to the respective fund: the Job Ready Site Development Bond Service Fund, the Mental Health Facilities Improvement Fund, the Parks and Recreation Improvement Fund, the Facilities Establishment Fund, and the Coal and Research Development Fund.

### **Court of Claims**

- Specifies, in certain actions in the Court of Claims, that there is no limitation on compensatory damages for "the actual loss of the person who is awarded the damages," and, except in wrongful death actions, limits the damages not representing that actual loss to not more than \$250,000 in favor of any one person.



- In an action described in the preceding dot point, provides that recoveries against the state are to be reduced by *benefits* or other collateral recovery (existing law), defines "benefits" and "collateral recovery," and prohibits any person from bringing a civil action under a subrogation provision in an insurance or other contract against the state with respect to those benefits.

### **Screening tool for high-risk youth**

- Requires the Office of Health Transformation to convene a team comprised of various state departments to evaluate the feasibility of implementing a trauma screening tool for high-risk youth, and permits the Department of Youth Services to receive funds for piloting the recommended tool in detention centers.
- Reduces the current law age requirement for certain members of the Ohio Advisory Council for the Aging, the Chemical Dependency Professionals Board, the State Board of Optometry, and the Insurance Agent Education Advisory Council.
- Exempts religious corporations, associations, educational institutions, and societies from the Ohio Civil Rights Law's prohibitions relating to the unlawful discriminatory practices in employment, with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by that religious corporation, association, educational institution, or society.

### **Online public records**

(R.C. 149.63)

The bill requires a public office that posts a public record on its web site, or on a public web site maintained by the state, to post the record in such a way that the public record, or the data contained in the public record, is capable of being searched and downloaded by the public, and is in a format that is machine readable.

This provision does not apply to public records that were posted on a public web site prior to the effective date of the section of law in which it is contained. Under the bill, "public office" means "any state agency, public institution, political subdivision, or other organized body, office, agency, institution, or entity established by the laws of this state for the exercise of any function of government."<sup>176</sup>

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<sup>176</sup> R.C. 149.011, not in the bill.



## Trafficking in persons and promoting prostitution

(R.C. 2901.13 and 2907.22)

### Statute of limitations for trafficking in persons

Current law provides that, generally speaking, a prosecution for a felony offense is barred unless it is commenced within six years after the offense is committed, including the offense of trafficking in persons. For certain offenses including voluntary manslaughter, involuntary manslaughter, kidnapping, rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, compelling prostitution, and aggravated arson, a prosecution is barred unless it is commenced within 20 years after the offense is committed. The bill provides that trafficking in persons is subject to this 20-year period of limitation.

### Promoting prostitution

Under current law, a person is prohibited, in part, from (1) knowingly establishing, maintaining, operating, managing, supervising, controlling, or having an interest in a brothel and (2) from knowingly transporting another, or causing another to be transported across the boundary of Ohio or of any county in Ohio, in order to facilitate the other person's engaging in sexual activity for hire. Whoever violates either prohibition is guilty of "promoting prostitution," a third or fourth degree felony depending upon the circumstances of the offense.

The bill modifies the offense of promoting prostitution by also prohibiting a person from knowingly establishing, maintaining, operating, managing, supervising, controlling, or having an interest in any other enterprise a purpose of which is to facilitate engagement in sexual activity for hire. It also removes from the prohibition in (2) above the requirement that transporting of another be *across the boundary of Ohio or of any county in Ohio*.

## Joint Legislative Committee on the Affordable Care Act

(R.C. 101.392)

The bill creates the Joint Legislative Committee on the Affordable Care Act to review or study any matter that the Committee considers relevant to the operation and impact of the federal Patient Protection and Affordable Care Act of 2010 in Ohio, including related regulations or guidance. The Committee is required to consist of six members: three members of the House of Representatives appointed by the Speaker of the House, and three members of the Senate appointed by the President of the Senate. Of these six members, the bill requires that two members appointed by the Speaker and



two members appointed by the President be from the majority party, and one member appointed by the Speaker and one member appointed by the President be from the minority party.

Each Committee member's appointment lasts during the General Assembly in which the member was appointed and until a successor is appointed, regardless of the adjournment sine die of the General Assembly or the expiration of a member's term. The bill requires vacancies to be filled in the manner of the original appointment.

The bill authorizes the Committee to have the same powers as other standing or select committees of the General Assembly. Additionally, the bill permits the Committee to request assistance from the Legislative Service Commission.

### **Public official bonding requirements**

(R.C. 109.06, 111.02, 113.02, 117.03, and 121.11)

The bill eliminates the current requirement for the Governor's approval and for multiple sureties to assure official public office bonds for the statewide elected officials (Attorney General, Secretary of State, Treasurer of State, and Auditor of State), and requires instead that only one surety authorized to do business in Ohio assure the bond in the amount stated under current law for each officer, conditioned for the faithful discharge of the duties of the respective offices.

The bill removes the requirement for the Governor to approve the surety for bonds of cabinet-level department appointees, and removes the requirement for the Governor to fix the amount of the bond, which must be not less than \$10,000. The bill retains the \$10,000 threshold but does not state who determines the amount.

The bill allows the Department of Administrative Services to procure a schedule or blanket bond covering those cabinet level appointees and any other officers the Governor designates from any duly authorized corporate surety authorized to do business in Ohio.

The bill removes the authority for the director of each department, with the Governor's approval, to require any chief of a division, or any officer or employee in the director's department, to give bond in the amount the Governor prescribes.

### **Retention of investment interest in funds**

(R.C. 151.11, 154.20, 154.22, 166.03, and 1555.15)

The bill provides that the investment earnings on the cash balance in each of the following funds are to be credited to the respective fund:



- (1) Job Ready Site Development Bond Service Fund;
- (2) Mental Health Facilities Improvement Fund;
- (3) Parks and Recreation Improvement Fund;
- (4) Facilities Establishment Fund;
- (5) Coal and Research Development Fund.

## **Court of Claims – state waiver of immunity; recovery standards**

(R.C. 2743.02)

### **Standards for recovery against the state**

The bill provides that, notwithstanding any other provision of the Revised Code or rules of a court to the contrary, in an action against the state to recover damages for injury, death, or loss to person or property caused by an act or omission of the state itself, of any officer or employee of the state while acting within the scope of employment or official responsibilities, or of any other person authorized to act on behalf of the state that occurred while engaged in activities at the request or direction, or for the benefit, of the state, the following apply:

(1) Punitive or exemplary damages cannot be awarded.

(2) Recoveries against the state must be reduced by the aggregate of "benefits" (the definition below includes insurance proceeds and disability awards in existing law and others added by the bill) or other "collateral recovery" (existing law and the bill define this term) received by the claimant for the injury, death, or loss. If a claimant receives or is entitled to receive benefits or other collateral recovery, the claimant or the claimant's attorney must disclose the benefits or other collateral recovery to the court, and the court must deduct the amount of the benefits or other collateral recovery from any award against the state recovered by the claimant. No insurer or other person is entitled to bring a civil action under a subrogation provision in an insurance or other contract against the state with respect to those benefits or other collateral recovery. Nothing in this provision affects or is to be construed to limit the rights of a beneficiary under a life insurance policy or the rights of sureties under fidelity or surety bonds. The provision described in this paragraph does not apply to civil actions in the Court of Claims against a state university or college under the circumstances described in R.C. 3345.40 (damages recoverable against state university or college). The collateral benefits provisions of R.C. 3345.40(B)(2) apply under those circumstances.



(3) There cannot be any limitation on compensatory damages that represent "the actual loss of the person who is awarded the damages," as defined below. However, except in wrongful death actions, damages that arise from the same cause of action, transaction or occurrence, or series of transactions or occurrences and that do not represent the actual loss of the person who is awarded the damages must not exceed \$250,000 in favor of any one person. This limitation does not apply to court costs that are awarded to a claimant, or to interest on a judgment rendered in favor of a claimant, in an action against the state.

## Definitions

The bill defines the following terms:

(1) "Benefits" includes, but is not limited to, proceeds from a policy or policies of insurance, social security benefits, veterans' benefits, unemployment compensation, workers' compensation, Medicaid benefits, Medicare benefits, and disability awards.

(2) "Collateral recovery" includes, but is not limited to, any settlements with and judgments against third parties that arise out of the same operative facts involved, and the injury, death, or loss allegedly incurred, in the action against the state, or any other source of recovery for any such injury, death, or loss.

(3) Except as described in (4), below, "the actual loss of the person who is awarded the damages" includes all of the following:

(a) All wages, salaries, or other compensation lost by the person injured as a result of the injury, including wages, salaries, or other compensation lost as of the date of a judgment and future expected lost earnings of the injured person;

(b) All expenditures of the injured person or of another person on behalf of the injured person for medical care or treatment, rehabilitation services, or other care, treatment, services, products, or accommodations that were necessary because of the injury;

(c) All expenditures to be incurred in the future, as determined by the court, by the injured person or by another person on behalf of the injured person for medical care or treatment, rehabilitation services, or other care, treatment, services, products, or accommodations that will be necessary because of the injury;

(d) All expenditures of a person whose property was injured or destroyed or of another person on behalf of the person whose property was injured or destroyed in order to repair or replace that property;



(e) All expenditures of the injured person, of the person whose property was injured or destroyed, or of another person on behalf of either of those persons in relation to the actual preparation or presentation of the claim involved;

(f) Any other expenditures of the injured person, of the person whose property was injured or destroyed, or of another person on behalf of either of those persons that the court determines represent an actual loss experienced because of the personal or property injury or property loss.

(4) "The actual loss of the person who is awarded the damages" does not include either of the following:

(a) Any fees paid or owed to an attorney for any services rendered in relation to the personal or property injury or property loss;

(b) Any damages awarded for pain and suffering, for the loss of society, consortium, companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, or education of the injured person, for mental anguish, or for any other intangible loss.

## **Screening tool for high-risk youth**

(Section 501.10)

Under the bill, the Office of Health Transformation is to convene a team comprised of the Departments of Youth Services, Medicaid, Job and Family Services, Health, and Mental Health and Addiction Services. The team is required to evaluate the feasibility of implementing a trauma screening tool for high-risk youth and issue a report that includes (1) the recommended trauma screening tool to be used to evaluate high-risk youth, (2) training in the administration of the recommended tool, (3) screening protocols, (4) the persons to whom the recommended tool should apply, and (5) the implications for treatment. The report is to be completed by December 1, 2013, and distributed to the Governor. The bill permits the Department of Youth Services to receive funds for piloting the recommended tool in detention centers.

## **Religious exemption from Ohio's Civil Rights Law**

(R.C. 4112.02)

The bill adds a religious employer exemption to the unlawful discriminatory practices provisions of Ohio's Civil Rights Law. Under continuing law, the following are considered unlawful and discriminatory practices:



- For any employer, because of the race, color, *religion*, sex, military status, national origin, disability, age, or ancestry (protected status) of any person, to discharge without just cause, to refuse to hire, or otherwise to discriminate against that person with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment.
- For an employment agency or personnel placement service, because of a protected status, to do either of the following:
  - Refuse or fail to accept, register, classify properly, or refer for employment, or otherwise discriminate against any person;
  - Comply with a request from an employer for referral of applicants for employment if the request directly or indirectly indicates that the employer fails to comply with the provisions of Ohio's Civil Rights Law.
- For any labor organization to do either of the following:
  - Limit or classify its membership on the basis of a protected status;
  - Discriminate against, limit the employment opportunities of, or otherwise adversely affect the employment status, wages, hours, or employment conditions of any person as an employee because of a protected status.
- For any employer, labor organization, or joint labor-management committee controlling apprentice training programs to discriminate against any person because of a protected status in admission to, or employment in, any program established to provide apprentice training.
- Except where based on a bona fide occupational qualification certified in advance by the commission, for any employer, employment agency, personnel placement service, or labor organization, prior to employment or admission to membership, to elicit or attempt to elicit any information concerning the protected status of an applicant for employment or membership, as well as utilizing such information in other specified circumstances.

Under the bill, the unlawful discriminatory practices outlined above do not apply to a religious corporation, association, educational institution, or society with respect to the employment of an individual of a particular religion to perform work



connected with the carrying on by that religious corporation, association, educational institution, or society of its activities.

### **Age requirements for various board and council members**

(R.C. 173.03, 3905.483, 4725.03, and 4758.10)

Reduces, from 60 to 50, the age required under current law for the following Board and Council members:

- The majority of members of the Ohio Advisory Council for the Aging;
- One of the public members of the Chemical Dependency Professionals Board;
- The public member of the State Board of Optometry;
- One of the consumer representatives on the Insurance Agent Education Advisory Council.

