

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 73**

**Representatives Lepore-Hagan, Gerberry  
Cosponsors: Representatives O'Brien, S., Driehaus, Antonio, Stinziano, Strahorn**

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**A BILL**

To enact section 107.31 of the Revised Code to 1  
establish provisions regarding the possible 2  
closing, sale, or privatization of state 3  
institutional facilities. 4

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

**Section 1.** That section 107.31 of the Revised Code be 5  
enacted to read as follows: 6

**Sec. 107.31.** (A) As used in this section: 7

(1) "State agency" means an agency or department of state 8  
government. 9

(2) "State institutional facility" means any institution 10  
or other facility for the housing of any person that is under 11  
the control of the department of rehabilitation and correction, 12  
the department of youth services, the department of 13  
developmental disabilities, the department of mental health and 14  
addiction services, or any other state agency. 15

(3) "Target state agency" means the state agency that the 16  
governor identifies in a notice provided under division (C) (1) 17

of this section and that operates an institutional facility or 18  
facilities the governor believes should be closed, sold, or 19  
privatized. 20

(B) Notwithstanding any other provision of law, the 21  
governor shall not order the closure, sale, or privatization of 22  
any state institutional facility other than in accordance with 23  
this section. 24

(C) If the governor determines that one or more state 25  
institutional facilities should be closed, sold, or privatized, 26  
all of the following apply: 27

(1) The governor shall determine which state agency's 28  
institutional facility or facilities the governor believes 29  
should be closed, sold, or privatized, shall notify the general 30  
assembly and that agency of that determination and the rationale 31  
for that determination, and shall specify in the notice the 32  
number of facilities of that agency that the governor believes 33  
should be closed, sold, or privatized. If the rationale for the 34  
closure, sale, or privatization is expenditure reductions or 35  
budget cuts, the notice also shall specify the anticipated 36  
savings to be obtained through that closure or those closures. 37

(2) Upon the governor's provision of the notice described 38  
in division (C) (1) of this section, a state facilities closure 39  
commission shall be created as described in division (D) of this 40  
section regarding the target state agency. Not later than seven 41  
days after the governor provides that notice, the officials with 42  
the duties to appoint members of the commission for the target 43  
state agency, as described in division (D) of this section, 44  
shall appoint the specified members of the commission, and as 45  
soon as possible after the appointments, the commission shall 46  
meet for the purposes described in that division. Not later than 47

thirty days after the governor provides the notice described in 48  
division (C) (1) of this section, the state facilities closure 49  
commission shall provide to the general assembly, the governor, 50  
and the target state agency a report that contains the 51  
commission's recommendation as to the state institutional 52  
facility or facilities of the target state agency that the 53  
governor may close, sell, or privatize. If the commission 54  
recommends closure, sale, or privatization for expenditure 55  
reductions or budget cuts, the anticipated savings to be 56  
obtained by the commission's recommendation shall be 57  
approximately the same as the anticipated savings the governor 58  
specified in the governor's notice provided under division (C) 59  
(1) of this section, and if the recommendation identifies more 60  
than one facility, it shall list them in order of the 61  
commission's preference for closure, sale, or privatization. 62

(3) Upon receipt of the report of the state facilities 63  
closure commission under division (C) (2) of this section for a 64  
target state agency, the governor may close, sell, or privatize 65  
state institutional facilities of the target state agency that 66  
are identified in the commission's recommendation contained in 67  
the report. Except as otherwise provided in this division, the 68  
governor shall not close, sell, or privatize any state 69  
institutional facility of the target state agency that is not 70  
listed in the commission's recommendation, and shall not close, 71  
sell, or privatize multiple institutions in any order other than 72  
the order of the commission's preference as specified in the 73  
recommendation. The governor is not required to follow the 74  
recommendation of the commission in closing, selling, or 75  
privatizing an institutional facility if the governor determines 76  
that a significant change in circumstances make the 77  
recommendation unworkable and the governor calls for a new 78

commission regarding the target state agency. If the governor 79  
calls for a new commission, the new commission shall be created 80  
as described in division (D) of this section, and the procedures 81  
and rules specified in this section shall apply regarding the 82  
commission's and governor's activities. 83

(D) A state facilities closure commission shall be created 84  
at the time and in the manner specified in division (C) (2) or 85  
(3) of this section. If more than one state agency is a target 86  
state agency, a separate state facilities closure commission 87  
shall be created for each such target state agency. Each 88  
commission consists of thirteen members. Three members shall be 89  
members of the house of representatives, with two of these 90  
members being members of the majority political party in the 91  
house of representatives appointed by the speaker of the house 92  
of representatives and one of them being a member of the 93  
minority political party in the house of representatives 94  
appointed by the minority leader of the house of 95  
representatives. Three members shall be members of the senate, 96  
with two of these members being members of the majority 97  
political party in the senate appointed by the president of the 98  
senate and one being a member of the minority political party in 99  
the senate appointed by the minority leader of the senate. One 100  
member shall be the director of budget and management or the 101  
director's designee. One member shall be the director or other 102  
agency head of the target state agency or the director's or 103  
agency head's designee. Four members shall have experience in 104  
the work of the target agency, with one of these members being 105  
appointed by the speaker of the house of representatives, one 106  
being appointed by the minority leader of the house of 107  
representatives, one being appointed by the president of the 108  
senate, and one being appointed by the minority leader of the 109

senate. One member shall be a representative of the employees' 110  
association representing the largest number of employees of the 111  
target state agency, as certified by the director or other 112  
agency head of the target state agency, with that member being 113  
appointed by the president of that association. The officials 114  
with the duties to appoint members of the commission shall make 115  
the appointments, and the commission shall meet, within the time 116  
periods specified in division (C) (2) of this section. The 117  
members of the commission shall serve without compensation. At 118  
the commission's first meeting, the members shall organize and 119  
shall appoint a chairperson and vice-chairperson. 120

The commission shall determine which, if any, state 121  
institutional facility or facilities under the control of the 122  
target state agency for which the commission was created should 123  
be closed, sold, or privatized. In making this determination, 124  
the commission shall consider, at a minimum, the following 125  
factors: 126

(1) Whether there is a need to reduce the number of 127  
facilities; 128

(2) The availability of alternate facilities; 129

(3) The cost effectiveness of the facilities; 130

(4) The geographic factors associated with each facility 131  
and its proximity to other similar facilities; 132

(5) The opportunities for, and barriers to, transitioning 133  
staff of the facilities to other appropriate employment; 134

(6) The utilization and maximization of resources; 135

(7) Continuity of the staff and ability to serve the 136  
facility population; 137

(8) Continuing costs following closure, sale, or privatization of a facility; 138  
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(9) The impact of the closure, sale, or privatization on the local economy; 140  
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(10) Alternatives and opportunities for consolidation with other facilities and for collaboration with other state agencies and political subdivisions. 142  
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The commission shall meet as often as necessary to make its determination, may take testimony and consider all relevant information, and shall prepare and provide in accordance with division (C) (2) of this section a report containing its recommendations. Upon providing the report regarding the target state agency, the commission shall cease to exist, provided that another commission shall be created for the same state agency if the governor calls for a new commission for that agency pursuant to division (D) of this section or if the agency is made a target state agency in another report provided under division (C) (1) of this section and provided that another commission shall be created for a different state agency if that other agency is made a target state agency in a report provided under that division. 145  
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**Section 2.** Section 107.31 of the Revised Code shall apply to all state institutional facilities, as defined in section 107.31 of the Revised Code as enacted by this act, that were in operation on or after January 1, 2015. 159  
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