



## Ohio Revised Code

### Section 101.86 Evaluating usefulness, performance, and effectiveness of agency.

Effective: December 19, 2016

Legislation: House Bill 471 - 131st General Assembly

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(A) Not later than six months prior to the date on which an agency is scheduled to expire under division (A) of section 101.83 of the Revised Code, the sunset review committee shall hold hearings to receive the testimony of the public and of the chief executive officer of each agency scheduled for review, and otherwise shall consider and evaluate the usefulness, performance, and effectiveness of the agency.

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

- (1) The agency's primary purpose and its various goals and objectives;
- (2) The agency's past and anticipated workload, the number of staff required to complete that workload, and the agency's total number of staff;
- (3) The agency's past and anticipated budgets and its sources of funding;
- (4) The number of members of its governing board or other governing entity and their compensation, if any.

(C) Each agency shall have the burden of demonstrating to the committee a public need for its continued existence. In determining whether an agency has demonstrated that need, the committee shall consider all of the following:

- (1) The extent to which the agency has permitted qualified applicants to serve the public;
- (2) The cost-effectiveness of the agency in terms of number of employees, services rendered, and administrative costs incurred, both past and present;



- (3) The extent to which the agency has operated in the public interest, and whether its operation has been impeded or enhanced by existing statutes and procedures and by budgetary, resource, and personnel practices;
  - (4) Whether the agency has recommended statutory changes to the general assembly that would benefit the public as opposed to the persons regulated by the agency, if any, and whether its recommendations and other policies have been adopted and implemented;
  - (5) Whether the agency has required any persons it regulates to report to it the impact of agency rules and decisions on the public as they affect service costs and service delivery;
  - (6) Whether persons regulated by the agency, if any, have been required to assess problems in their business operations that affect the public;
  - (7) Whether the agency has encouraged public participation in its rule-making and decision-making;
  - (8) The efficiency with which formal public complaints filed with the agency have been processed to completion;
  - (9) Whether the programs or services of the agency duplicate or overlap those of other agencies;
  - (10) Whether the purpose for which the agency was created has been fulfilled, has changed, or no longer exists;
  - (11) Whether federal law requires that the agency be renewed in some form;
  - (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.
- (D) In its initial review of each agency, the committee, whenever possible, shall realign agency titles to conform to the following descriptions:
- (1) Commission: an administrative appeals or hearing agency;



- (2) Authority: an agency empowered to issue bonds or notes;
- (3) Board: an agency having a licensing function only;
- (4) Council: an advisory body to a major agency or department;
- (5) Committee: an advisory body to a minor agency or department.