



Richard Bloedel

*Bill Analysis*  
Legislative Service Commission

## **S.B. 245**

123rd General Assembly

(As Introduced)

(excluding appropriations, fund transfers, and similar provisions)

Sen. Ray

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### **BILL SUMMARY**

- Makes corrections in several budget and related acts.

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### **CONTENT AND OPERATION**

#### **Pay schedules for certain public employees**

(R.C. 124.15)

The bill corrects three printing errors that appeared in the compensation schedules for certain public employees as set forth in Am. Sub. S.B. 144 of the 122rd General Assembly, effective March 30, 1999. In two of the cases, the hourly rate was incorrect but the annual rate was correct. In the third case, the hourly rate was correct but the annual rate was incorrect.

#### **Abolition of the Highway Obligations Construction Fund and creation of the Highway Capital Improvement Fund**

(R.C. 126.06, 127.14, and 5528.30; R.C. 5528.41 (repealed))

The bill abolishes the Highway Obligations Construction Fund, which formerly received the proceeds of highway construction bonds issued under Article VIII, Section 2i of the Ohio Constitution. Am. Sub. H.B. 163, the Transportation Appropriations Act for the biennium ending June 30, 2001, authorized the Director of Budget and Management to (1) cancel encumbrances associated with the fund, (2) reestablish them in the Highway Capital Improvement Fund, and (3) transfer any remaining cash balance in the Highway Obligations Construction Fund to the Highway Capital Improvement Fund. However, the act failed to abolish the Highway Obligations Construction Fund, which is no longer used.

**Reimbursement of moving expenses for specified officials**

(R.C. 126.32)

Current law permits state agencies to reimburse members of the Governor's cabinet and other specified officials for actual and necessary moving expenses when their appointment requires a permanent change of residence. In specifying the persons to whom this provision applies, existing law refers to the Administrator of Workers' Compensation specifically, and also cross-references the list of members of the Governor's cabinet, which includes the Administrator. The bill eliminates this dual reference to the Administrator by abolishing the specific reference while retaining the reference to the Governor's cabinet.

**Rural Industrial Park Loan Fund**

(R.C. 166.03)

Existing law states that certain transfers of money may be made from the Facilities Establishment Fund to other specified funds administered by the Department of Development, including, until June 30, 1999, the Rural Industrial Park Loan Fund. Am. Sub. H.B. 283, the Main Operating Appropriations Act for the biennium ending June 30, 2001, reestablished the Urban and Rural Initiative Grant Program and extended the Rural Industrial Park Loan Fund until June 30, 2001. Roughly consistent with this change, the bill states that transfers may be made from the Facilities Establishment Fund to the Rural Industrial Park Loan Fund until July 1, 2001.

**Distribution of federal assistance by the Division of Watercraft in the Department of Natural Resources**

(R.C. 1547.72(C))

Under existing law, the Division of Watercraft in the Department of Natural Resources, with the approval of the Director of Natural Resources, may distribute money for the purpose of administering federal assistance under the Clean Vessel Act of 1992. Such money may be distributed to public and private entities for the construction, renovation, operation, and maintenance of pumpout stations and waste reception facilities and for any other purpose provided under that act. Public and private entities receiving money may charge fees in accordance with guidelines established under the act.

The bill removes references to the Clean Vessel Act and the specified purposes for which public and private entities may use money. Instead, the bill authorizes the Division, with the Director's approval, to distribute money for the

purpose of administering federal assistance to public and private entities in accordance with guidelines established under each federal grant program. Public and private entities that receive such money may charge fees at the facilities in accordance with the applicable federal guidelines.

**Elimination of the county auditor's role regarding school district certificates of resources**

(R.C. 3313.483, 3313.487, and 3313.489)

Am. Sub. H.B. 282, the Education Appropriations Act for the biennium ending June 30, 2001, amended R.C. 5705.412 to eliminate the role of county auditors in enforcing the requirement that school districts certify that they have sufficient resources to support various financial commitments. However, the act failed to amend a companion statute, R.C. 3313.489(B), and two cross-references to it. The bill corrects the oversight.

**Calculation of community school special education payments**

(R.C. 3314.08(C)(2) and (E))

The bill corrects the following two errors dealing with special education payments to community schools that appeared in the Education Appropriations Act:

(1) The act revised the method for calculating the payments but inadvertently left out part of the formula.

(2) The act granted community schools access to state "catastrophic costs" funds available to school districts if their costs of providing special education to a Category 3 student exceeds \$25,000 in any year. Category 3 includes students with autism, both visual and hearing handicaps, or traumatic brain injuries. The act should have stated that the state will pay the community school for the costs it incurs above \$25,000 but stated, instead, that the state would pay the school district.

**Correction of certain printing errors**

(R.C. 3317.02, 3317.022, 3317.0216, 3317.16, 3318.01, 3318.011, and 3318.36; Section 68; and Section 72 with regard to Sections 11 and 17 of Am. Sub. H.B. 282 of the 123rd General Assembly)

A number of education funding formulas were misprinted in the version of the Education Appropriations Act that was sent to the Governor for his signature.

Primarily they involved the substitution of the numeral 6 for the left bracket and the substitution of the numeral 7 for the right bracket. The bill corrects the errors.

**Correction of the school district transportation aid guarantee**

(R.C. 3317.022(D))

The appropriations made in the Education Appropriations Act assumed that no school district would receive less in *total* state transportation subsidies in FY 2000 than it received in *total* state transportation subsidies in FY 1999. This minimum guarantee allows for a one-year transition to the new transportation subsidy formulas that the act put into place. However, the act's codified language miscalculates this one-year minimum, guaranteeing only the amount of Category I and II transportation subsidies, which are subsidies paid for transporting students on district-operated or contractor-operated school buses. The bill conforms the codified language with the assumptions contained within the appropriation. The conformed language directs that each district's total FY 2000 transportation payment, including subsidies for transporting disabled students and the new "rough road" subsidy, be no less than its total FY 1999 transportation subsidy.

**School district FY 2000 enhancement guarantee**

(R.C. 3317.0212(D))

The codified language of the Education Appropriations Act inadvertently based the "enhanced FY 2000" guarantee to school districts on the amount of state aid they would have received in FY 1999 if the amount had not been capped. The act's appropriations, however, assumed that the enhanced guarantee takes the cap into account. (Unlike the "regular" guarantee that applies every fiscal year, the "enhanced" guarantee is available only in FY 2000, includes school districts' transportation subsidies, and so guarantees a higher state aid "floor" in FY 2000.) The bill corrects the codified language to limit the amount of the FY 2000 enhanced guarantee to the amount school districts actually received in FY 1999, that is, the amount they received in FY 1999 after application of the cap.

**Funding formula for multicounty educational service centers**

(R.C. 3317.11)

The Education Appropriations Act changed the per pupil funding for multicounty educational service centers from a percentage of the base cost formula amount to a set dollar amount (\$40.52) but neglected to remove the words "times the formula amount" from the subsidy language. The bill removes the phrase.

**Technical correction pertaining to the Environmental Remediation Fund**

(R.C. 3734.281)

The bill corrects a technical error by clarifying that money from settlements associated with enforcement orders, emergency orders, and civil actions under the Solid, Hazardous, and Infectious Waste Law may be paid into the state treasury to the credit of the Environmental Remediation Fund. That fund must be used by the Environmental Protection Agency to remediate conditions at a hazardous or solid waste facility or other location at which there is a substantial threat to public health or safety or the environment.

**Fund for the receipt and payment of child support payments**

(R.C. 5101.325)

The Division of Child Support in the Department of Job and Family Services is required to collect and pay out all support payments due under support orders. At present the Division is required to handle such payments through a separate account. The bill provides, instead, that the payments are to be deposited into a custodial fund of the Treasurer of State, to be called the Child Support Payments Fund. A custodial fund is not part of the state treasury, and money may be drawn from it without being appropriated by the General Assembly. As with the account currently authorized, interest earned on money in the fund is to be retained in the fund and used for support enforcement activities.

**Elimination of a nonexistent cross-reference**

(R.C. 5111.23)

Until the Main Operating Appropriations Act required the Department of Job and Family Services to establish a rate for direct care costs for each eligible nursing facility and intermediate care facility for the developmentally disabled annually, the rate for ICF-MRs was required to be established quarterly. The bill eliminates an obsolete reference in the law to the setting of rates for ICF-MRs quarterly.

**Provision of "total income" and "current total income" amounts to the Director of Development**

(R.C. 5117.071; Section 78)

Effective July 1, 2000, Am. Sub. S.B. 3 of the 123rd General Assembly transfers the administration of the Ohio Energy Credit Program from the Tax Commissioner to the Director of Development. Under the program, low-income

heads of household who are 65 years of age or older or who are permanently and totally disabled are eligible for a specified credit or payment related to their heating bills. The Tax Commissioner is required to adjust annually the "total income" and "current total income" amounts used to establish eligibility for the credit or payment.

Effective July 1, 2000, the bill requires the Tax Commissioner to furnish the Director of Development with these amounts each year. It also requires the Director, rather than the Tax Commissioner, to use the adjusted total income and current total income amounts in administering the program.

**Other corrections to the Education Appropriations Act**

(Section 72 with regard to Sections 4.13 and 7.01 of Am. Sub. H.B. 282 of the 123rd General Assembly)

The bill corrects a typographical error that appeared in a cross-reference of the Education Appropriations Act concerning gifted education units. In addition, it restores the portion of the table used to compute the plant operation and maintenance subsidy paid by the Board of Regents to institutions of higher education that was omitted when the act was enrolled.

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**HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	01-20-00	p. 1320

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