



Ohio Legislative Service Commission

Final Analysis

Maura Campbell-Orde

Sub. S.B. 79

128th General Assembly
(As Passed by the General Assembly)

- Sens.** Stewart, Roberts, Gibbs, Gillmor, Turner, Wagoner, Hughes, Carey, Wilson, Strahorn, Schuler, Sawyer, Patton, Niehaus, Morano, D. Miller, Kearney, Harris, Husted, Fedor, Coughlin, Cafaro, R. Miller, Schaffer, Smith
- Reps.** J. Adams, R. Adams, Bacon, Balderson, Belcher, Blair, Bolon, Book, Boyd, Brown, Bupp, Burke, Carney, Celeste, Chandler, Coley, Combs, Daniels, DeBose, DeGeeter, Derickson, Dodd, Dolan, Driehaus, Dyer, Evans, Fende, Foley, Gardner, Garland, Garrison, Gerberry, Goodwin, Goyal, Grossman, Hackett, Hagan, Harris, Harwood, Heard, Hite, Hottinger, Huffman, Jones, Koziura, Letson, Luckie, Mallory, Mandel, McClain, Moran, Murray, Newcomb, Oelslager, Okey, Patten, Phillips, Pillich, Pryor, Ruhl, Sayre, Sears, Skindell, Slesnick, Snitchler, Stautberg, Stewart, Szollosi, Uecker, Ujvagi, B. Williams, S. Williams, Winburn, Yates, Yuko, Zehringer

Effective date: October 6, 2009

ACT SUMMARY

- Changes the name of the Department of Mental Retardation and Developmental Disabilities to the Department of Developmental Disabilities.
- Changes the name of county boards of mental retardation and developmental disabilities to county boards of developmental disabilities.
- Renames related state entities and state and county funds.
- Confirms the abolishment of the Community Mental Retardation and Developmental Disabilities Trust Fund Advisory Council.

CONTENT AND OPERATION

Department and Director of Mental Retardation and Developmental Disabilities renamed

(R. C. 121.02, 121.03, and 5123.014)

The act changes the name of the Department of Mental Retardation and Developmental Disabilities to the Department of Developmental Disabilities. The Director of Mental Retardation and Developmental Disabilities is renamed the Director of Developmental Disabilities. Whenever the Department or Director of Mental Retardation and Developmental Disabilities is referred to or designated in any statute, rule, contract, grant, or other document, the act requires that the reference or designation be deemed to refer to the Department or Director of Developmental Disabilities, respectively.

County boards renamed

(R.C. 5126.011 and 5126.02)

The act changes the name of county boards of mental retardation and developmental disabilities to county boards of developmental disabilities. Whenever a county board of mental retardation and developmental disabilities is referred to or designated in any statute, rule, contract, grant, or other document, the act requires that the reference or designation be deemed to refer to a county board of developmental disabilities.

Authority to use previously purchased office supplies

(Section 13)

The act authorizes the Department of Developmental Disabilities and county boards of developmental disabilities to use until they are exhausted their remaining supplies of papers, business cards, and other materials that were purchased in bulk and that refer to the Department as the Department of Mental Retardation and Developmental Disabilities or the boards as county boards of mental retardation and developmental disabilities.

Multicounty boards

(R.C. 5126.021 to 5126.027)

Under prior law, counties were permitted to create multicounty boards of mental retardation and developmental disabilities before January 1, 2007, but not multicounty



boards were created. The act repeals the law that allowed multicounty boards to be created.

Name changes of related state entities

In addition to changing the name of the Department, the act renames two related state-level entities as follows:

(1) The Joint Council on Mental Retardation and Developmental Disabilities is renamed the Joint Council on Developmental Disabilities (R.C. 101.37; Sections 11 and 12).

(2) The Mental Retardation and Developmental Disabilities Center Closure Commission is renamed the Developmental Disabilities Developmental Center Closure Commission (R.C. 5123.032).

State funds renamed

The act renames five state-level funds as follows:

(1) The Mental Retardation Operating Fund is renamed the Developmental Disabilities Operating Fund (R.C. 5121.01).

(2) The Community Mental Retardation and Developmental Disabilities Trust Fund is renamed the Community Developmental Disabilities Trust Fund (R.C. 5123.352 and 5126.19).

(3) The MR/DD Community Capital Replacement Facilities Fund is renamed the Developmental Disabilities Community Capital Replacement Facilities Fund (R.C. 5123.375).

(4) The State MR/DD Risk Fund is renamed the State Developmental Disabilities Risk Fund (R.C. 5123.049 and 5123.0413).¹

(5) The State Insurance Against MR/DD Risk Fund is renamed the State Insurance Against Developmental Disabilities Risk Fund (R.C. 5123.0413).²

¹ Am. Sub. H.B. 1 of the 128th General Assembly abolishes this fund.

² Am. Sub. H.B. 1 of the 128th General Assembly abolishes this fund.

Renaming of related county funds

In addition to changing the name of county boards of mental retardation and developmental disabilities, the act renames three related county funds as follows:

(1) Counties' community mental retardation and developmental disabilities residential services funds are renamed community developmental disabilities residential services funds (R.C. 5126.47).

(2) Counties' mental retardation and developmental disabilities general funds are renamed developmental disabilities general funds (R.C. 5705.091).

(3) Counties' mental retardation and developmental disabilities capital funds are renamed developmental disabilities capital funds (R.C. 5705.091).

Correction regarding the Community MR/DD Trust Fund Advisory Council

(Sections 11 and 12)

Am. Sub. H.B. 516 of the 125th General Assembly abolished the Community Mental Retardation and Developmental Disabilities Trust Fund Advisory Council by repealing the Revised Code section that established the advisory council (R.C. 5123.353). However, an uncodified section of H.B. 516 continued to provide for the Advisory Council to exist.

The act corrects this discrepancy by eliminating the reference to the Community Mental Retardation and Developmental Disabilities Trust Fund Advisory Council from the uncodified section providing for its continuation. This confirms the advisory council's abolishment.

HISTORY

ACTION	DATE
Introduced	03-11-09
Reported, S. State & Local Gov't & Veterans Affairs	04-21-09
Passed Senate (32-0)	04-22-09
Reported, H. Local Gov't & Public Administration	06-10-09
Passed House (99-0)	06-10-09
Senate concurred in House amendments (32-0)	06-17-09