

Appropriations

Sub. H.B. 390

(For details of fiscal provisions of the act, see the Legislative Service Commission's Fiscal Note for H.B. 390, As Enacted, which is available at <https://www.legislature.ohio.gov/download?key=5554&format=pdf>)

Reps. Schaffer, Retherford, Amstutz, Cera, Rogers, Anielski, Antonio, Baker, Boccieri, Brenner, Brown, Buchy, Burkley, Celebrezze, Duffey, Ginter, Green, Hagan, Hall, Hambley, Huffman, Lepore-Hagan, Maag, Manning, McClain, McColley, M. O'Brien, Perales, Rezabek, Romanchuk, Ryan, Scherer, Schuring, Sears, Slaby, Slesnick, K. Smith, Sprague, Strahorn, Thompson, Young

Sens. Williams, Beagle, Bacon, Balderson, Cafaro, Coley, Eklund, Faber, Hackett, Hite, Hughes, Jordan, LaRose, Lehner, Obhof, Oelslager, Patton, Seitz

Effective date: September 28, 2016; sections related to repaying unemployment benefits debt, operating appropriations, and certain other matters effective June 28, 2016; other sections effective July 1, 2017

Repayment of current federal unemployment debt

- Requires a one-time loan to be made from unclaimed funds to the Unemployment Compensation Fund to pay unemployment benefits.
- Requires the Director of Job and Family Services to use the amount transferred from unclaimed funds to eliminate the balance advanced to the state from the federal government.
- Requires each experience-rated contributory employer to pay an increased contribution rate for contributions due in 2017 to repay the loan from unclaimed funds.

Contribution rate increase to pay principal on federal advances

- Requires, if as of the computation date an outstanding balance on advances exists, all experience-rated contributory employers to be subject to a contribution rate increase up to ½ of 1% to eliminate the principal of the outstanding advance balance.
- States that it is the intent of the General Assembly to repeal this increase in contribution rates in future legislation adopting long-term reforms to the unemployment compensation system.

Surcharge to pay interest on federal advances

- Beginning October 1, 2016, if interest is paid on federal advances from the Unemployment Compensation Interest Contingency Fund, requires, the Director to

determine the amount of a surcharge to assess against each contributory employer that generates an amount sufficient to repay any interest paid.

Correctional Institution Inspection Committee

- Modifies employment authority of the Correctional Institution Inspection Committee (CIIC).
- Requires a staff representative assigned by CIIC, rather than the Director of CIIC, to serve on certain advisory boards.

Vacant and abandoned properties – expedited foreclosure

- Allows a mortgagee to bring an expedited foreclosure action against vacant and abandoned residential property.
- Provides judicial and sale procedures for foreclosed residential property that is deemed vacant and abandoned.
- Authorizes a mortgagee of a residential property that has been found to be vacant and abandoned to enter and secure the property.
- Authorizes a mortgagee who has not yet filed a mortgage foreclosure action to enter and secure the residential property only if the mortgage contract or other documents provide for the entry.
- Extinguishes an owner's right to redemption of a mortgage on residential property found to be vacant and abandoned upon the confirmation of the property's sale.

Modifications to judicial sale procedures

Official public sheriff sale website

- Creates the official public sheriff sale website to sell property subject to foreclosure sales.
- Permits judicial sales of residential property to be conducted through the website for the first five years the website is fully operational; after this period sales on the website are required.
- Requires the Department of Administrative Services to solicit competitive sealed proposals for the creation, operation, and maintenance of the website.

Private selling officer

- Authorizes a private selling officer to conduct foreclosure sales and establishes procedures relating to those sales.
- Permits a judgment creditor in a foreclosure action to file a motion with the court requesting a specified private selling officer to sell the real property.

Other modifications to judicial sale procedures

- Makes other modifications to judicial sale procedures, including:
 - Establishes remote bidding procedures for physical location sales and website sales.
 - Establishes new procedures for appraisal of property.
 - Increases the penalty fee from 50¢ to \$50 for a freeholder who fails appraisal duties.
 - Establishes new procedures for judicial sales of residential properties subsequent to the first sale attempt.
 - Requires the purchaser of a property at a judicial sale, other than the judgment creditor, to deposit a specified amount with the sheriff or private selling officer at the time of the sale.
 - Grants the judgment creditor and the first lienholder a right of redemption under certain circumstances.
 - Permits, under certain circumstances, a county prosecutor to proceed with a foreclosure sale of residential real property.

Owner's physical harm to property

- Provides that an owner who knowingly and with the purpose to diminish the value or enjoyment of the residential property moves, defaces, damages, or otherwise improperly tampers with the person's own residential property is guilty of criminal mischief if the property is the subject of a foreclosure action.

Attorney General reports and database

- Requires all officers appointed or authorized by a court to conduct a foreclosure sale of certain residential properties to submit quarterly reports to the Attorney General.
- Requires the Attorney General to establish and maintain a public database containing information submitted in the reports.

Responsibilities of the clerk of the court of common pleas

- Prohibits a clerk from restricting, prohibiting, or modifying the rights of parties seeking service on party defendants.

Enforcement of lost instrument

- Modifies one of the three conditions that must be satisfied for a person to enforce a lost instrument under Ohio Commercial Paper Law.

Tax certificate foreclosure sales

- Permits private selling officers to conduct tax certificate foreclosure sales.
- Establishes sale procedures conducted online.
- Specifies the amount that is considered reasonable for attorney, private selling officer, and title agent and title insurance company fees charged as costs against property.

Auctioneers

- Requires auctioneers who are not private selling officers who conduct judicial sales to be Ohio residents.

Exempt state employee salary schedules

- Eliminates Schedule E-1 for Step Eight Only, which is a salary schedule for exempt state employees, on July 1, 2017.
- Gradually moves exempt state employees paid under Schedule E-1 for Step Eight Only into the corresponding pay range in Schedule E-1.
- Creates a new step for pay ranges 12 through 16 of Schedule E-1, Step 8, which provides for a higher maximum amount of pay than Schedule E-1 for Step Eight Only.

Certificates of need

- Provides that any failure to conduct a reviewable activity in substantial accordance with an approved certificate of need is itself a reviewable activity if the failure occurs within five years of the reviewable activity's implementation.

Community health assessments, implementation plans, and tax information

- Requires boards of health and tax-exempt hospitals to submit to the Department of Health assessments of community health and implementation plans every three years, beginning in 2020.
- Requires tax-exempt hospitals to submit to the Department certain tax information annually, beginning July 1, 2017.

Alternative Fuel Vehicle Conversion grants

- Establishes the Alternative Fuel Vehicle Conversion Grant Program to make grants to businesses that purchase large alternative fuel vehicles or convert large traditional fuel vehicles to run on alternative fuel.

Controlling Board

- Changes the name of the Controlling Board Emergency Purposes Fund to the Controlling Board Emergency Purposes/Contingencies Fund.
- Transfers up to \$25 million of surplus GRF revenues for use by the Controlling Board.

Movie production tax credit

- Adjusts how the refundable motion picture tax credit is calculated.
- Removes the \$5 million limit on the maximum credit amount that may be awarded to a production.
- Increases the total amount of credits that may be awarded each year from \$20 million to \$40 million.
- Authorizes motion picture companies to transfer the authority to claim a credit to another person.
- Creates a program for certifying resident film crew trainees and authorizes the state to make payments to motion picture companies equal to 50% of those trainees' salaries.

Other tax-related provisions

- Exempts from sales and use tax the sale of natural gas by a municipal gas company and applies the exemption retroactively.
- Authorizes abatement of unpaid property taxes, penalties, and interest owed on property owned by a metropolitan housing authority that would have qualified for tax exemption if not for a failure to comply with certain procedures.
- Clarifies the role of the Director of Budget and Management, Tax Commissioner, and Superintendent of Insurance in reviewing taxpayer applications for job retention tax credits.
- Eliminates the authority of counties to levy a tax on utility services purchased by consumers in the county.
- Authorizes library boards to issue special obligation bonds for facilities backed by a property tax levied for the library board by the board's taxing authority.

School district performance audits

- Requires the Auditor of State, in consultation with the Department of Education and the Office of Budget and Management, to determine for which school districts to conduct performance audits, with priority given to districts in fiscal distress.

- Requires the Auditor of State, rather than the Department, to pay the costs of the performance audits and transfers \$1 million for FY 2017 from the Department to the Auditor of State for that purpose.

Veterinarian licensing

- Expands the requirements to obtain a license to practice veterinary medicine to additionally require an applicant to have passed the nationally recognized examination approved by the State Veterinary Medical Licensing Board.

Ohio Turnpike and Infrastructure Commission

- Allows designees of the Directors of Transportation and Budget and Management to serve on the Ohio Turnpike and Infrastructure Commission.

Oil and gas unit operations of ODOT-owned lands

- Requires the Chief of the Division of Oil and Gas Resources Management, by order, to approve or deny an application for unit operation of an oil and gas pool involving ODOT by August 12, 2016, if a hearing was conducted concerning the application prior to June 28, 2016.
- Specifies that an applicant to whom the above provision applies is not required to commence unit operations within 24 months of the effective date of the Chief's order.

Ohio Judicial Conference

- Exempts the Ohio Judicial Conference from sunset review in 2016.

Capital Case Attorney Fee Council

- Creates the Capital Case Attorney Fee Council, replacing the Supreme Court of Ohio as the entity that sets the rate of compensation for counsel selected by indigent persons or appointed by the courts in capital cases.

Land conveyance

- Repeals a prior authorization for a land conveyance of Department of Job and Family Services property in Columbus and instead authorizes the property to be conveyed to the Columbus Downtown Development Corporation or a grantee to be determined.

Appropriations

- Makes capital and other appropriations.
- States the General Assembly's intent regarding capital appropriations and reappropriations, including that:

- Appropriations and reappropriations are for capital construction projects that are ready to begin construction or for projects that will be completed within the fiscal biennium.
- Projects that are neither started nor completed within the biennium will be allowed to lapse and not be reappropriated, barring extraordinary circumstances.

Am. Sub. S.B. 260

(For details of capital reappropriations for the biennium ending June 30, 2018, and certain capital appropriations see the LSC fiscal note, available at <https://www.legislature.ohio.gov/download?key=4447&format=pdf>)

Sens. Coley, LaRose, Gardner, Tavares, Burke, Eklund, Hite, Hottinger, Lehner, Manning, Oelslager, Patton, Sawyer, Seitz, Thomas, Williams, Yuko

Reps. Schuring, Amstutz, Anielski, Antonio, Arndt, Ashford, Baker, Bishoff, Blessing, Brown, Celebrezze, Conditt, Dovilla, Driehaus, Fedor, Ginter, Green, Hackett, Hall, Hambley, Kuhns, Landis, Lepore-Hagan, Manning, M. O'Brien, S. O'Brien, Patterson, Perales, Phillips, Ramos, Reece, Reineke, Rogers, Ruhl, Schaffer, Scherer, Sears, Sheehy, Slaby, Slesnick, K. Smith, R. Smith, Sweeney, Young

Effective date: May 23, 2016

- Makes capital reappropriations for the biennium ending June 30, 2018.
- Makes certain capital appropriations.

S.B. 310

(For details of the act's fiscal provisions, see the LSC Fiscal Note and Capital Item Analysis, As Enrolled, available at <http://www.lsc.ohio.gov/fiscal/capitalbudget131/default.htm>)

Sens. Oelslager, Coley, Hite, Tavares, Gentile, Bacon, Balderson, Beagle, Brown, Burke, Cafaro, Eklund, Hackett, Hughes, LaRose, Lehner, Obhof, Patton, Sawyer, Seitz, Thomas, Uecker, Williams, Yuko

Reps. Anielski, Burkley, Cera, Dovilla, Ramos, Amstutz, Antani, Antonio, Arndt, Ashford, Baker, Blessing, Boose, Boyd, Buchy, Celebrezze, Clyde, Conditt, Derickson, Dever, DeVitis, Driehaus, Duffey, Fedor, Ginter, Green, Grossman, Hambley, Hayes, Hill, T. Johnson, Kuhns, Kunze, Landis, LaTourette, Leland, Lepore-Hagan, Manning, McClain, McColley, M. O'Brien, Patmon, Patterson, Pelanda, Perales, Reece, Reineke, Rogers, Ruhl, Schaffer, Schuring, Sears, Slaby, K. Smith, R. Smith, Sweeney, Terhar, Rosenberger

Effective date: August 16, 2016; capital appropriations effective July 1, 2016

Capital appropriations

- Makes capital appropriations for the biennium ending June 30, 2018.

Research and development project bonds

- Updates the amount of general obligations that may be issued for research and development projects, from \$500 million to \$1.2 billion, to reflect the 2010 amendment by the voters of Article VIII, section 2p of the Ohio Constitution.

Local government public infrastructure capital improvements

Issuance of bonds

- Implements the provisions of Article VIII, section 2s of the Ohio Constitution, approved by the voters in 2014, regarding the issuance of general obligation debt for local government public infrastructure capital improvements.

Revisions to the allocation formula

- Changes the amount of financial assistance for capital improvements to villages and to townships with less than 5,000 people in unincorporated areas from \$15 million per program year to 10% of the net proceeds of obligations issued to finance local subdivision public infrastructure capital improvements.
- Changes the amount of financial assistance allocated to local subdivisions for capital improvements necessary for the immediate preservation of public health, safety, and welfare from \$3 million per program year to 2% of the net proceeds of obligations issued to finance local subdivision public infrastructure capital improvements.

Evaluation for capital improvement applications

- Permits a District Public Works Integrating Committee to exercise discretion over whether to require certain capital infrastructure information from a local subdivision seeking assistance in financing a capital improvement project, instead of requiring a capital improvement study and report, as former law provided.
- Repeals a requirement that a local subdivision annually review and update its report on capital improvements and provide the report and updates, on request, to certain agencies.

OFCC energy efficiency and conservation programs

Lease or construction analysis requirements

- Eliminates the requirement that a state entity obtain an energy consumption analysis in order to lease a state-funded facility.
- Increases, from 5,000 to 20,000, the square footage of a building for which a state entity must disclose to the Ohio Facilities Construction Commission a life-cycle cost analysis before construction.
- Authorizes the Commission to waive the life-cycle cost analysis requirement or to require a life-cycle cost analysis for buildings with less than 20,000 square feet.

Energy efficiency and conservation standards

- Narrows the authority of the Commission to establish cost-effective, energy efficiency and conservation standards by eliminating its authority to govern the lease of certain state-funded facilities.

Building operator requirement

- Removes the Commission's authority to require that certain state-funded facilities be managed by a building operator.

Other changes

- Eliminates the definition of "energy performance index," for which the Commission may establish specifications to audit and evaluate competing construction design proposals.
- Allows the Commission to create a process by which a manager of certain state-funded facilities may *receive*, rather than *apply for*, a waiver of compliance.
- Corrects two references to the Office of Energy Services by instead referencing the Commission.

Open space acquisition and related development projects

- Allows the awarding of grants from the Clean Ohio Conservation Fund for *either* open space acquisition projects *or* for the related development of open spaces acquired with such a grant, rather than for projects that include *both* open space acquisition and related development.

School facilities assistance

- Qualifies a "stand-alone segment" of a building that serves grades K-12 for segmentation under the Classroom Facilities Assistance Program (CFAP).
- Eliminates the requirement that, for each segment under CFAP, a school district's portion must be valued at a minimum of 2% of the district's tax valuation.
- Specifies that cash resulting from a school district's lease-purchase agreement may be applied toward the district's share of a state-assisted classroom facilities construction project, provided that the agreement and the related financing documents contain provisions protecting the state's superior interest in the project.

District detention facility financial assistance

- Eliminates the restriction that Department of Youth Services (DYS) financial assistance for district detention facility acquisition or construction cannot be used to pay architects' fees.

- Increases the maximum amount of financial assistance DYS may grant from 50% to 60% of a county's share of the cost of constructing or acquiring a detention facility.
- Eliminates the \$6,500 per bed unit financial assistance cap for district detention facilities.

S.B. 315

Sens. Manning, Yuko, Brown, LaRose, Uecker, Bacon, Coley, Eklund, Gardner, Hackett, Hite, Lehner, Obhof, Patton, Sawyer, Skindell, Thomas

Reps. R. Smith, Dovilla, Amstutz, Anielski, Antonio, Baker, Barnes, Boccieri, Brown, Buchy, Burkley, Celebrezze, Craig, DeVitis, Driehaus, Fedor, Green, Hambley, Hill, Howse, Landis, Lepore-Hagan, Manning, McClain, M. O'Brien, S. O'Brien, Patterson, Perales, Phillips, Reineke, Rezabek, Rogers, Ruhl, Schuring, Sears, Sheehy, Slesnick, K. Smith, Strahorn, Sweeney, Sykes

Effective date: Emergency, May 26, 2016

- Provides the Ohio Department of Transportation (ODOT) with additional appropriations for highway construction and transit projects available to Ohio as a result of three sources of revenue received, or anticipated to be received, by the Department:
 - Federal funding from the Fixing America's Surface Transportation Act (FAST) of 2015;
 - Federal funding awarded under the TIGER Discretionary Grant Program operated by the U.S. Department of Transportation; and
 - Money authorized for ODOT from bonds issued by the Ohio Turnpike and Infrastructure Commission.