



# Ohio Legislative Service Commission

## Final Analysis

Jennifer A. Parker

### H.B. 245

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

**Reps.** Sykes, Brown, Chandler, DeBose, Domenick, Letson, Luckie, Pryor, B. Williams, Winburn, Yates

**Sens.** Carey, Harris

**Effective date:** July 7, 2009

---

## ACT SUMMARY

- Makes operating appropriations for the period beginning July 8, 2009, and ending July 14, 2009.

---

## CONTENT AND OPERATION

### Operating appropriations for July 8, 2009, through July 14, 2009

(Sections 1 to 3)

The act makes appropriations to each agency, board, commission, department, office, authority, or other organization for which an appropriation was made by the 127th General Assembly for the period beginning July 8, 2009, and ending July 14, 2009. The appropriations are to be made out of the same funds of the state treasury from which appropriations were made for the 2009 fiscal year. The appropriations must take into account Controlling Board actions and executive budget reductions. The act's appropriations are to be considered cumulatively with any subsequent appropriation act of the 128th General Assembly. The appropriations must be made in amounts equal to the following:

(1) For General Revenue Fund appropriations, 70% of 1/52 of each item's adjusted spending levels for the 2009 fiscal year, as adjusted by all budget directives

issued by the Office of Budget and Management (OBM) pursuant to Executive Order 2008-01S.<sup>1</sup>

(2) For federal special revenue, state special revenue, or proprietary appropriation items, 100% of 1/52 of each item's adjusted spending levels for the 2009 fiscal year as adjusted by all budget directives issued by OBM pursuant to the above-referenced Executive Order.

Additional appropriations are to be made as follows:

(1) An amount from the state treasury equal to 100% of spending levels equal to the second foundation payment made in June of 2009 for school foundation funding. Foundation funding is to be based on the formula used to calculate the second foundation payment made in June of 2009.

(2) An amount from the state treasury equal to 1/12 of spending levels for the 2009 fiscal year for the State Share of Instruction (SSI). SSI subsidy payments are to be based on the formula in existence as of June 30, 2009.

(3) Any amounts received from the federal government under the American Recovery and Reinvestment Act are to be appropriated to the Board of Regents (\$5,959,116), Department of Education (\$7,453,537), and the Department of Rehabilitation and Corrections (\$638,881) as specified (*see* Section 3 of the act).

(4) Any amounts necessary for expenses incurred related to the Medicaid program. Medicaid provider reimbursement must be made at the same rates as in effect on June 29, 2009.

(5) Any amounts necessary to pay the wages, benefits, and other payroll-related expenses of state employees who are paid directly by warrant of the Director of Budget and Management, including elected state officials.

The act expressly provides that no money is appropriated for programs or agencies that were terminated by action of law, other than the expiration of an appropriation item, prior to June 30, 2009. Additionally, no money may be spent by any state agency for any program that is new or to the extent it has been expanded other than by operation of law. No money is appropriated for any purpose for which appropriations are made elsewhere in the act. The act does not include any capital appropriations other than by reappropriation of unexpended balances of existing

---

<sup>1</sup> Executive Order 2008-01S implemented expenditure reductions and spending control strategies to maintain a balanced budget and was issued by Governor Ted Strickland on January 31, 2008, <http://governor.ohio.gov/Portals/0/Executive%20Orders/Executive%20Order%202008-01S.pdf> (last visited June 30, 2009).

appropriations and no money is appropriated for purposes that have full fiscal year 2010 appropriations by another act of the General Assembly.

### **Duties of the Director of Budget and Management**

The act requires the Director of Budget and Management to establish accounts indicating the source and amount of funds for each appropriation made by the act and to determine the form and manner in which appropriation accounts are to be maintained. Additionally, the Director must account for the expenditures from appropriations made in the act accordingly.

### **Legislative and judicial branch appropriations**

The act appropriates, for the time period beginning July 8, 2009, and ending July 14, 2009, to the legislative and judicial branches and their respective agencies, 70% of 1/52 of those agencies' adjusted spending levels for the 2009 fiscal year as adjusted by all budget directives issued by OBM pursuant to Executive Order 2008-01S.

### **H.B. 16 application**

(Section 4)

The act provides that any general financial provision of H.B. 16 of the 128th General Assembly (appropriations for the Industrial Commission for the biennium beginning July 1, 2009, and ending June 30, 2011) that applies to appropriations and expenditures under that act also applies to appropriations and expenditures under this act.

### **Effective date**

(Section 5)

Because the act contains appropriations related to current expenses, the act's provisions go into immediate effect when the act becomes law.

---

## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	06-30-09
Reported, H. Rules & Reference	07-01-09
Passed House (84-11)	07-01-09
Reported, S. Rules	07-06-09
Passed Senate (32-0)	07-06-09

09-hb245-128.docx/kl

