



OHIO LEGISLATIVE SERVICE COMMISSION

Final Analysis Amanda George, Tom Wert, and other LSC staff

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132nd General Assembly
(Passed by the General Assembly)

- Sens.** Gardner and O'Brien, Peterson, Brown, Manning, Schiavoni, Dolan, Sykes, Hottinger, Eklund, Beagle, Tavares, Balderson, Hackett, Kunze, LaRose, Lehner, Oelslager, Skindell, Thomas, Williams, Wilson, Yuko
- Reps.** Cera, Gavarone, Green, Patterson, Rogers, Anielski, Arndt, Barnes, Blessing, Boyd, Brenner, Brown, Carfagna, Celebrezze, Clyde, Craig, Dean, Dever, Edwards, Faber, Galonski, Ginter, Hambley, Hill, Holmes, Hoops, Hughes, T. Johnson, Landis, Lanese, LaTourette, Leland, Lepore-Hagan, Manning, McClain, Miller, O'Brien, Patton, Pelanda, Perales, Ramos, Reece, Reineke, Rezabek, Riedel, Ryan, Schaffer, Scherer, Schuring, Seitz, Sheehy, Slaby, K. Smith, Sprague, Stein, Strahorn, West, Wiggam, Wilkin, Young, R. Smith

Effective date: October 10, 2018; operating appropriations effective July 11, 2018

ACT SUMMARY

Lake Erie water quality programs appropriations

Main Operating Budget Act

- For fiscal year (FY) 2019, appropriates an additional \$3.5 million from the General Revenue Fund (GRF) for the Department of Agriculture to support county soil and water conservation districts in the Western Lake Erie Basin.
- Appropriates \$20 million from GRF for the Soil and Water Phosphorus Program to establish programs that assist in reducing total phosphorus and dissolved reactive phosphorus in the Western Lake Erie Basin.

Capital budget funding

- Appropriates \$2.65 million to the Higher Education Improvement Fund for the Sea Grant – Stone Laboratory for the FY 2019-FY 2020 capital biennium to be used by the Ohio Sea Grant Program for specified Stone Laboratory purposes.

- Increases appropriations for the Ohio Parks and Natural Resources Fund by \$10 million for the FY 2019-FY 2020 capital biennium to support projects that enhance efforts to reduce open lake disposal of dredged material into Lake Erie by 2020.

Additional appropriation changes

- Makes additional appropriation changes affecting the Departments of Public Safety, Higher Education, Natural Resources, and Mental Health and Addiction Services and the Development Services Agency.

OhioCorps Pilot Program

- Establishes the OhioCorps Pilot Program to guide at-risk students toward a pathway to higher education through mentorship programs operated by eligible state institutions of higher education in the 2019-2020 and 2020-2021 school years.
- Establishes the OhioCorps Scholarship for at-risk students who participate in mentorship programs, enroll in eligible state institutions of higher education, and meet other prescribed criteria.
- Establishes the OhioCorps Fund.
- Appropriates \$2.5 million for the program.

Payments for public safety levy losses

- Provides supplemental payments through the Local Government Fund to a township or fire district where a nuclear generating plant lost 30% or more of its taxable value over one year.
- Payments partly compensate for police, firefighting, and EMS levy losses and continue for 11 years in declining amounts.

CONTENT AND OPERATION

Lake Erie water quality programs appropriations

Main operating budget

Department of Natural Resources – soil and water conservation districts

For fiscal year (FY) 2019, the act appropriates an additional \$3.5 million (for a total of \$6.8 million) from the General Revenue Fund (GRF) for the Department of Agriculture. That amount is earmarked to support county soil and water conservation



districts in the Western Lake Erie Basin for staffing costs and to assist in soil testing and nutrient management plan development, including:

- (1) Manure transformation and manure conversion technologies;
- (2) Enhanced filter strips;
- (3) Water management; and
- (4) Other conservation support.¹

Department of Agriculture – Soil and Water Phosphorous Program

The act also appropriates \$20 million during FY 2019 from the GRF for a Soil and Water Phosphorus Program. The Department of Agriculture, in consultation with the Lake Erie Commission and the Ohio Soil and Water Conservation Commission, must establish programs that assist in reducing total phosphorus and dissolved reactive phosphorus in the Western Lake Erie Basin. The Department must give priority to sub-watersheds that are highest in total phosphorus and dissolved reactive phosphorus nutrient loading.

The programs supported by the Department may include the following:

- (1) The purchase of equipment for subsurface placement of nutrients into the soil, nutrient placement based on geographic information system data, and manure transformation and manure conversion technologies;
- (2) Soil testing;
- (3) Implementation of variable rate technology;
- (4) Tributary monitoring;
- (5) Water management and edge-of-field drainage management; and
- (6) An agricultural phosphorus reduction revolving loan program.

The act limits the maximum amount of the \$20 million appropriation that can be used on any single activity to 40% of the total amount appropriated.²

¹ Section 4.

² Section 4.



Capital funding

Department of Higher Education-Sea Grant – Stone Laboratory

The act appropriates \$2.65 million to the Higher Education Improvement Fund for the Sea Grant – Stone Laboratory in the capital budget act for the FY 2019-FY 2020 biennium. That amount is earmarked for use by the Ohio Sea Grant Program to construct new laboratory space at Stone Laboratory and to purchase new in-lake monitoring equipment, including real-time buoys and water treatment plant monitoring sondes. The act also increases the amount of bonds that the Ohio Public Facilities Commission may issue and sell to provide the money for the appropriation.³

Department of Natural Resources – Healthy Lake Erie Initiative

The act increases appropriations for the Ohio Parks and Natural Resources Fund by \$10 million for a total of \$20 million for the FY 2019-FY 2020 capital biennium. The additional amount is earmarked to support projects that enhance efforts to reduce open lake disposal of dredged material into Lake Erie by 2020. The act also increases the amount of bonds that the Ohio Public Facilities Commission may issue and sell by \$10 million, from \$24 million to \$34 million, to finance the appropriation.⁴

Additional appropriation changes

Department of Public Safety – flooding assistance

The act appropriates \$7,165,500 during FY 2019 from the GRF for the Local Disaster Assistance Fund. That money must be used to assist eligible local governments in meeting the required match to utilize federal disaster assistance funds released as a result of the Major Disaster Declaration issued by the U.S. President on April 17, 2018, to address flooding in Ohio. That declaration covered 18 counties in southern and southeastern Ohio that were affected by severe storms, flooding, and landslides in February 2018.⁵

³ Section 8.

⁴ Section 8.

⁵ Section 4. See <https://www.fema.gov/news-release/2018/04/17/president-donald-j-trump-approves-major-disaster-declaration-ohio>.



Department of Higher Education – National Guard scholarships

The Department of Higher Education's GRF appropriations for Ohio National Guard scholarships are increased by \$1.5 million, to a total of \$20.4 million, in FY 2019.⁶

Development Services Agency – broadband data

The act appropriates \$1 million in both FY 2018 and FY 2019 through the Third Frontier Research and Development Fund. That money must be used to contract with one or more independent organizations that have experience working with Ohio broadband providers to collect and analyze state broadband data and do other activities regarding broadband service.⁷

Department of Natural Resources – Kelley Nature Preserve boat ramp

The Parks and Recreation Improvement Fund's supplemental appropriation is increased by \$50,000 for the FY 2019–FY 2020 capital biennium. This additional amount is to support the Kelley Nature Preserve boat ramp project.⁸

Department of Mental Health and Addiction Services – visitation facility

The act eliminates the capital earmark of \$50,000 for the Child Focus Opiate Addiction Supervised Visitation Facility at Batavia project during the FY 2019-FY 2020 capital biennium, and reduces capital appropriations for the Mental Health Facilities Improvement Fund by the same amount.⁹

Department of Public Safety – Clermont County sheriff's training center

The act changes the funding source of a \$500,000 capital budget appropriation for the Clermont County Sheriff's Safety and Training Center that was included in H.B. 292 of the 132nd G.A. Instead of funding this project through the Public Safety – Highway Purposes Fund, the act appropriates it from the Administrative Building Fund.¹⁰

⁶ Section 4.

⁷ Section 4.

⁸ Section 8.

⁹ Section 8.

¹⁰ Section 10.



OhioCorps Pilot Program

The act establishes the OhioCorps Pilot Program to guide at-risk students toward a pathway to higher education through mentorship programs operated by eligible state institutions of higher education in the 2019-2020 and 2020-2021 school years. Eligible institutions are state universities, technical colleges, state community colleges, and community colleges. An at-risk student is a primary or secondary school student who is at least 13 years old and who also meets one of the following conditions:

(1) Is eligible for a free or reduced price lunch;

(2) In grade 12, would have an expected family contribution for higher education of zero dollars, as determined by the Free Application for Federal Student Aid (FAFSA);
or

(3) Is impacted by family opioid addiction or has entered recovery for opioid addiction, as those terms are as defined by the Chancellor of Higher Education.¹¹

OhioCorps mentorship program

By January 8, 2019 (90 days after the act's effective date), the Chancellor must adopt rules to administer the OhioCorps mentorship program.¹²

Rules for program proposals

The rules must specify that each mentorship program proposal from a state institution of higher education include:

(1) A service-learning component that allows the institution's students to mentor elementary and secondary school at-risk students, and to help the at-risk students' parents with (a) preparing for college and career planning, (b) tutoring in reading, writing, and math, or (c) opioid and drug education programs.

(2) A plan for training student mentors, including seminars on financial literacy, opioid addiction education best practices, career guidance, and tutoring skills. The plan also may include other elements of community service within service-learning beyond mentoring opportunities.

(3) A stipend to be paid to student mentors in an amount determined by each institution.

¹¹ R.C. 3333.80(A) and (B).

¹² R.C. 3333.80(C).



(4) A plan for how eligible institutions will partner with local providers and existing programs, such as AmeriCorps and the Ohio Commission on Service and Volunteerism.

(5) Criminal records checks and adherence to the recommended best practices adopted by the Ohio Commission on Service and Volunteerism regarding volunteers with unsupervised access to children. However, a program cannot require an individual to comply with the criminal records check provision or any screening procedures, if the individual has already undergone a criminal records check as part of the individual's current participation in an AmeriCorps program or an existing program connected to the Ohio Commission on Service and Volunteerism.

An eligible institution also may include in its mentorship program summer learning camps or programs that provide higher education experiences, and College Credit Plus program opportunities offered in the summer specifically for at-risk students.¹³

Administration rules

The Chancellor's rules also must contain:

(1) Procedures for an eligible institution to apply for a mentorship program, including application deadlines; and

(2) A method to determine funding for each approved mentorship program.¹⁴

OhioCorps Scholarship

The act establishes the OhioCorps Scholarship to provide a one-time award of \$1,000 to eligible at-risk students. The Chancellor may, however, adjust the amount based on the availability of funds appropriated by the General Assembly and other funds remaining in the OhioCorps Fund (see below). The scholarship is paid to the state institution of higher education at which an eligible at-risk student enrolls to be credited to the student's account.

To be eligible for an OhioCorps Scholarship, an at-risk student must do all of the following:

¹³ R.C. 3333.80(C)(1).

¹⁴ R.C. 3333.80(C)(2) and (3).



(1) Fully participate in a mentorship program administered by an eligible institution for as long as such a program is in existence, or until the student completes high school;

(2) Enroll in an eligible state institution of higher education;

(3) Either, (a) demonstrate that the student's expected family contribution for higher education would equal zero dollars in grade 12, as determined by the FAFSA, or (b) receive a letter indicating that the student is in recovery for opioid addiction or impacted by family opioid addiction (see "**Opioid impact letter**" below);

(4) Achieve either, (a) a score that meets remediation-free standards on a nationally standardized assessment of college and career readiness and is used for college admission, or (b) a high school cumulative grade point average of 3.0 or higher on a 4.0 scale;

(5) Complete a college preparatory curriculum, as determined by the Chancellor;

(6) Complete a community service training program offered by a local partner and complete at least 40 hours of community service for each school year that the student is enrolled in high school; and

(7) Participate in the College Credit Plus program, and under that program receive a passing grade in at least one course each of English language arts and math.¹⁵

Opioid impact letter

A letter indicating a student is recovering from opioid addiction or impacted by family opioid addiction must be written by a teacher, administrator, judge, case worker, police officer, healthcare professional, cleric, specified employee of a county job and family services department, or individual from a public entity approved by the Chancellor. The student must submit the letter to the student's school district or school. A district or school in possession of the letter must treat it as a student record in accordance with state student privacy laws and must make it available to the Chancellor when requested in accordance with those laws.¹⁶

OhioCorps Fund

The act establishes the OhioCorps Fund, which consists of amounts appropriated by the General Assembly, the federal government, or other sources.

¹⁵ R.C. 3333.801.

¹⁶ R.C. 3333.801(A)(3)(b). See R.C. 3319.321, not in the act.



The Fund must be used to award OhioCorps scholarships and to assist eligible state institutions of higher education in establishing and administering mentorship programs. The Fund also may be used by the Chancellor to implement and administer the OhioCorps Pilot Program.¹⁷

Appropriation

The act appropriates \$2.5 million from the General Revenue Fund to the OhioCorps Fund specifically to assist eligible state institutions of higher education in establishing and administering mentorship programs. Up to \$50,000 of the total appropriation may be used by the Chancellor for administration. No amount is earmarked for the OhioCorps scholarships.¹⁸

Report

The Chancellor must submit a report to the General Assembly at the end of the 2020-2021 school year regarding the implementation and outcomes of the OhioCorps Pilot Program.¹⁹

Payments for public safety levy losses

The act provides for state payments to a township or fire district where a nuclear power plant is located to partly compensate for public safety-related tax levy revenue losses resulting from a one-year decline of 30% or more in the plant's taxable value.²⁰ The payments are to be made over an 11-year period beginning with FY 2018 and ending with 2028. The payments for the first two fiscal years equal the revenue loss resulting from the decline in taxable value between 2016 and 2017. The payment for each of the nine succeeding years equals 90% of the preceding year's payment (i.e., a 10% reduction year-over-year). Levies are compensated only if they are levied specifically for police or fire protection, emergency medical service, ambulance service, or a combination of those purposes. A levy for a fixed annual sum of money would not be compensated (since the rate of such a levy would increase across all properties to offset the reduction in the plant's value). Payments must be applied to fund police, fire, EMS, or ambulance services.

¹⁷ R.C. 3333.802.

¹⁸ Sections 4 and 12.

¹⁹ R.C. 3333.80(D).

²⁰ R.C. 5747.50(E).



Payments are to be made monthly through the existing mechanism of the LGF. The source of the payments would be the General Revenue Fund; the payments do not reduce or otherwise affect LGF payments to any subdivision. Payment amounts are based on tax year 2017 tax rates and on the reduction in taxable value of a nuclear plant's equipment and other tangible personal property between 2016 and 2017, as indicated by the preliminary assessment or amended preliminary assessment issued by the Department of Taxation. (A preliminary or amended preliminary assessment represents the initial valuations the Department proffers based on a utility's reporting; they do not reflect subsequent adjustments in response to a utility's formal appeals, the Department's final determination on an appeal, or findings by the Board of Tax Appeals or a court.) The act affects only townships and fire districts where a nuclear plant is located because the act's definition of "eligible power plant" refers specifically to power plants subject to a federal regulation, 10 Code of Federal Regulations Part 73, that governs the physical protection of nuclear materials and sites from sabotage or theft.

The act directs the Tax Commissioner to compute the payments and certify the computation to the Office of Budget and Management by the first day of the month that begins after the act's effective date.²¹ An appropriation is made for FYs 2018 and 2019 to fund the payments.²²

HISTORY

ACTION	DATE
Introduced	05-09-18
Reported, S. Finance	06-06-18
Passed Senate (33-0)	06-06-18
Reported, H. Finance	06-27-18
Passed House (93-0)	06-27-18
Senate concurred in House amendments (30-0)	06-27-18

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²¹ Section 3.

²² Section 6.

