



# OHIO LEGISLATIVE SERVICE COMMISSION

*Nicholas J Blaine*

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## Fiscal Note & Local Impact Statement

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**Bill:** H.B. 471 of the 131st G.A.

**Date:** December 8, 2016

**Status:** As Passed by the Senate

**Sponsor:** Rep. Brown

**Local Impact Statement Procedure Required:** No

**Contents:** To authorize certain land conveyances, implement the recommendations of the Sunset Review Committee, and make other changes

### State Fiscal Highlights

- The bill specifies the terms of various real estate transactions in which the state is authorized to convey state-owned property (or in two instance, to grant a perpetual easement) to designated parties for a specified amount, by auction to the highest bidder, or other specified form of agreement.
- The bill outright abolishes 53 entities. Of those, 42 have already issued final reports or are inactive. The remaining 11 are actively functioning. The result of abolishing these entities is a negligible savings, in various state funds. One of the abolished bodies in the bill, the Ohio Water Resources Council, has an appropriation and has incurred expenses of about \$11,600 in FY 2016.
- The bill renews 173 entities and subjects them to review by the Sunset Review Committee in calendar years 2019 and 2020.

### Local Fiscal Highlights

- No direct fiscal effect on political subdivisions.

## Detailed Fiscal Analysis

### Land conveyances and easements

The bill provides for the conveyance of state-owned land to various parties and specifies the terms of these transactions. The table below identifies the section in the bill containing the proposed transaction, the state agency that uses or superintends the property currently, the grantee, a brief property description, the county where the property is located, the financial or other consideration related to the transaction, and, where applicable, the state fund that is to receive the proceeds of the various conveyances. Following the table are more detailed descriptions of each of the proposed transactions.

<b>Table 1. Summary of Land Conveyances and Easements</b>					
Agency	Grantee	Description	County	Consideration	Fund
Adjutant General	Board of County Commissioners of Clark County	2.82 acres including 23,188 square foot former armory located at 4440 Laybourne Rd., Springfield	Clark	\$125,000	Armory Improvements Fund (Fund 5340)
Bowling Green State University	Mucci Farms Ltd.	95.55 acres of agricultural land located at 0 Rye Beach Rd., Huron	Erie	\$730,957.50	University accounts to be used for debt retirement purposes only
Bowling Green State University	Wooster Street Apartments LLC	4,216 square foot residential home on 0.5 acres located at 129 South Prospect St., Bowling Green	Wood	\$180,000	University accounts to be used for debt retirement purposes only
Ohio Environmental Protection Agency	Oak Openings Region Conservancy Inc.	17.096 acres of vacant land near the intersection of Dorr St. and King Rd., Toledo	Lucas	\$1.00	Not specified
Department of Developmental Disabilities	Board of County Commissioners of Gallia County or grantee to be determined	Four institutional buildings and one auxiliary building on 7.7 acres located at 2500 Ohio Ave., Gallipolis	Gallia	\$1.00	Mental Health Facilities Improvement Fund (Fund 7033) or another fund designated by OBM
Department of Rehabilitation and Correction	Grantee to be determined	1,788 square foot single family residence on 0.282 acres located at 6598 South Timberidge Ave., Austintown	Mahoning	Price determined by auction	Adult and Juvenile Correctional Facilities Bond Retirement Fund (Fund 7097)

**Table 1. Summary of Land Conveyances and Easements**

<b>Agency</b>	<b>Grantee</b>	<b>Description</b>	<b>County</b>	<b>Consideration</b>	<b>Fund</b>
Department of Rehabilitation and Correction	Ohio Power Company	8.0 acres of vacant land located at the intersection of Moundsville Rd. and State Route 104, Chillicothe	Ross	Price to be determined by real estate purchase agreement	Adult and Juvenile Correctional Facilities Bond Retirement Fund (Fund 7097)
Department of Rehabilitation and Correction	Grantees to be determined	Environmental covenant easement along the Big Darby Creek on the Orient Prison site	Pickaway	N/A	N/A
Kent State University	Grantee to be determined	2,600 square foot building located at 401 College St., East Liverpool and adjacent vacant property	Columbiana	Price determined by sealed bid or public auction	University accounts and used for debt retirement purposes only
Ohio Facilities Construction Commission	Board of Education of East Clinton Local School District	New Vienna Elementary School	Clinton	\$1.00	GRF
Ohio Facilities Construction Commission	Board of Education of Northridge Local Schools	29.79 acres adjacent to Northridge High School, Johnstown	Licking	\$1.00	GRF
Ohio History Connection	City of Piqua	Perpetual easement on 0.122 acres located east of State Route 66 at the state-owned Johnston Farm and Indian Agency property	Miami	\$426.00	Not specified
Ohio State University	Board of Trustees of the Columbus Metropolitan Library	1.30 acres of vacant land located at Taylor Ave. and East Long St., Columbus	Franklin	\$187,000	University accounts as determined by the Board of Trustees
Ohio State University	GZD Investments LLC	4.5 acres of vacant land located at North Hamilton Rd., and Beecher Rd., Gahanna	Franklin	\$1.1 million	University accounts as determined by the Board of Trustees
Ohio State University	Lennox Station Holdings LLC	0.06 acres of vacant land adjacent to 1570 Olentangy River Rd., Columbus	Franklin	\$95,000	University accounts to be used for debt retirement purposes only
Ohio State University	Carnegie Management and Development Corp.	29.8 acres of vacant land located at 0 Walker Rd., Mansfield	Richland	\$417,508	University accounts as determined by the Board of Trustees
Ohio State University	City of Columbus	Perpetual easement on 2.4 acres along Cannon Dr., Columbus	Franklin	\$1.00	Not specified
Ohio University	Grantee to be determined	1,556 square foot residential building on 0.6 acres located at 78 Columbia Ave., Athens	Athens	Price determined by sealed bid or public auction	Ohio University Endowment Fund

<b>Table 1. Summary of Land Conveyances and Easements</b>					
<b>Agency</b>	<b>Grantee</b>	<b>Description</b>	<b>County</b>	<b>Consideration</b>	<b>Fund</b>
University of Cincinnati	Children's Hospital Medical Center	2.1 acres parking lot located at 217 Erkenbreecher Ave., Cincinnati	Hamilton	\$1.9 million	University accounts as determined by the Board of Trustees
University of Cincinnati	UC Health LLC	1.4 acres parking lot located at the intersection of Highland Ave. and Martin Luther King Dr., Cincinnati	Hamilton	\$1.8 million	University accounts as determined by the Board of Trustees
Youngstown State University	Charles H. and Margaret A. Staples	0.2 acres vacant land located at West Rayen Ave. and Lincoln Ave., Youngstown	Mahoning	0.12 acres vacant land along Grant St., Youngstown	Not specified

### **Property and transaction details**

#### **Adjutant General: former armory, Clark County**

The bill authorizes the Governor to execute a deed conveying a 23,188 square foot former armory building situated on 2.82 acres located at 4440 Laybourne Road, Springfield (Clark County) to the Clark County Board of County Commissioners. The bill specifies that consideration for the conveyance is \$125,000. The bill requires the Board to pay all costs associated with the purchase, closing, and conveyance of the real estate, including surveys, title evidence, title insurance, transfer and recording costs, taxes and any other fees or assessments that may be imposed in connection with the conveyance. In the event that the Board does not complete the purchase of the property, the bill authorizes the Director of Administrative Services to use any reasonable method of sale considered acceptable by the Ohio Adjutant General's Department to convey the real estate to an alternate grantee. The bill requires proceeds of the sale to be deposited to the credit of the Armory Improvements Fund (Fund 5340). Under the bill, authorization to convey the property to either the Board or alternate grantee expires three years after the bill's effective date.

#### **Bowling Green State University: agricultural land, Erie County**

The bill authorizes the Governor to execute a deed conveying approximately 95.6 acres of agricultural land located along Rye Beach Road, Huron (Erie County) to Mucci Farms Ltd. or its affiliates. The bill specifies that consideration for the conveyance is \$730,957.50. Under the bill, closing costs are required to be paid by Bowling Green State University (BGSU) and the grantee in the manner specified in a real estate purchase agreement. The bill requires proceeds of the sale to be deposited in the appropriate university account to be used for debt retirement purposes only.

#### **Bowling Green State University: residential property, Wood County**

The bill authorizes the Governor to execute a deed conveying approximately a 4,216 square foot residential building situated on approximately one-half acre at

129 South Prospect Street, Bowling Green (Wood County) to Wooster Street Apartments LLC. The bill specifies that consideration for the conveyance is \$180,000. Under the bill, closing costs including recording costs are required to be paid by the grantee. The bill requires proceeds of the sale to be deposited in the appropriate university account to be used for debt retirement purposes only. In the event that the grantee does not complete the purchase of the property, the bill authorizes the Director of Administrative Services to use any reasonable method of sale considered acceptable by BGSU to convey the real estate to an alternate grantee. Authorization to convey the property expires three years after the bill's effective date.

**Environmental Protection Agency: vacant land, Lucas County**

The bill authorizes the Governor to execute a deed conveying approximately 17.1 acres of vacant land located at the northwest corner of the intersection of King Road and Dorr Street in Toledo (Lucas County) to Oak Openings Region Conservancy, Inc. Consideration for the conveyance is one dollar in accordance with, and subject to, the terms of a July 23, 2013, Consent Order entered in the case of *State of Ohio v. Kings Crossing North LLC, et al.*, Case No. G-4801-CI-200904585-000 (Court of Common Pleas, Lucas County). Under the Consent Order, the property was to be donated to a third party to preserve, maintain, and restore, in perpetuity, the wetlands located on the property. Under the bill, the grantee is required to pay all closing costs including recording costs. Authorization to convey the property expires three years after the bill's effective date.

**Developmental Disabilities: Gallipolis Developmental Center, Gallia County**

The bill authorizes the Governor to execute a deed conveying the Gallipolis Developmental Center, located at 2500 Ohio Avenue, Gallipolis (Gallia County) to the Board of County Commissioners of Gallia County. The Gallipolis Developmental Center includes four institutional buildings and one auxiliary building situated on approximately 7.7 acres. The bill requires the Director of Administrative Services to offer the real estate to the Board through a real estate purchase agreement. Under the bill, consideration for the conveyance is one dollar. If the Board fails to purchase the property within the time period specified in the real estate purchase agreement, the bill authorizes the Director of Administrative Services to offer the real estate to an alternate grantee using any reasonable method of sale considered acceptable by the Department of Developmental Disabilities (DDD). In that case, the bill requires consideration for the conveyance to be at a price acceptable to both the Director of Administrative Services and the Director of Developmental Disabilities. The bill requires DDD to pay all advertising costs, additional fees, and other costs incident to the sale of the real estate to an alternate grantee. The bill requires the grantee to pay all closing costs, including recording fees, taxes, and any other fees or assessments. The bill requires proceeds of the sale are to be deposited to the credit of the Mental Health Facilities Improvement Fund (Fund 7033) or another fund designated by the Director of Budget and Management.

**Department of Rehabilitation and Correction: residential property, Mahoning County**

The bill authorizes the Governor to execute a deed conveying a 1,788 square foot single family residence situated on 0.282 acres at 6598 South Timberidge Avenue, Austintown (Mahoning County) to a grantee to be determined by sealed bid auction. Under the bill, the grantee would be the highest bidder provided that the highest bid is acceptable to the Director of Administrative Services and the Director of Rehabilitation and Correction. Under the bill, the purchaser is required to pay 10% of the purchase price to the Director of Administrative Services not later than five business days after receiving notice that the bid has been accepted and the balance of the purchase price not later than 60 days after receiving that notice. Under the bill, if the purchaser fails to complete the purchase, the purchaser forfeits the 10% paid to the state. Additionally, if the purchaser fails to complete the purchase, the Director of Administrative Services may offer the real estate to the next highest bidder, repeat the sealed bid auction, or use an alternative sale process that is acceptable to the Department of Rehabilitation and Correction (DRC). Under the bill all closing costs, including recording fees must be paid by the purchaser. The bill requires proceeds of the sale to be deposited to the credit of the Adult and Juvenile Correctional Facilities Bond Retirement Fund (Fund 7097) and limits the use of the proceeds to debt retirement purposes only.

**Department of Rehabilitation and Correction: vacant land, Ross County**

The bill authorizes the Governor to execute a deed conveying approximately 8.0 acres of agricultural land located near Moundsville Road and State Route 104, Chillicothe (Ross County), to Ohio Power Company. The bill requires the Director of Administrative Services to offer the real estate to Ohio Power Company through a real estate purchase agreement. Consideration for the conveyance must be at a price acceptable to the directors of Administrative Services and Rehabilitation and Correction. In the event that Ohio Power Company does not complete the purchase, the bill authorizes the Director of Administrative Services to use any reasonable method of sale considered acceptable by DRC to determine an alternate grantee. The bill requires the grantee to pay all closing costs, including recording fees, and specifies that proceeds of the sale must be deposited to the credit of the Adult and Juvenile Correctional Facilities Bond Retirement Fund (Fund 7097) and used for debt retirement purposes only. Under the bill, authorization to convey the property expires three years following the bill's effective date.

**Department of Rehabilitation and Correction: environmental easement Big Darby Creek corridor in Pickaway County**

The bill requires the Director of Administrative Services to enter into an environmental covenant easement with an appropriate party to protect a corridor along Big Darby Creek on the Orient Prison site in Pickaway County. The bill does not require consideration for the easement but does require the party receiving the easement to record the easement and pay all costs of recordation.

**Kent State University: property in Columbiana County**

The bill authorizes the Governor to execute a deed conveying property located at 401 College Street and Pleasant Lane, East Liverpool (Columbiana County) to a grantee to be determined. The property includes a 2,600 square foot building situated on approximately 0.08 acres and an adjacent lot of approximately 0.09 acres. The bill requires the Director of Administrative Services to conduct the sale via sealed bid or public auction. Under the bill, the property would be sold to the highest bidder, provided that the bid is acceptable to the Director of Administrative Services and Kent State University (KSU). The bill requires the purchaser to pay 10% of the purchase price to DAS within five days of being notified by the Director that the purchaser's bid has been accepted. Under the bill, the remaining balance would be due at closing. In the event that the purchaser fails to complete the sale, the bill authorizes the Director to offer the real estate to the next highest bidder, repeat the sealed bid or public auction, or use an alternative sale process that is acceptable to KSU to determine an alternate grantee. The bill requires costs of a secondary sale to be paid by KSU. The bill requires all closing costs, including recording fees to be paid by the purchaser. Proceeds of the sale are required to be paid to KSU and deposited in the appropriate university accounts to be used for debt retirement purposes only.

**Ohio Facilities Construction Commission: New Vienna Elementary School, Clinton County**

The bill authorizes the Governor to execute a deed conveying New Vienna Elementary School (Clinton County) to the Board of Education of East Clinton Local School District. The real estate was originally conveyed to the state as collateral for school construction facility bonds with the intention of conveying title for the real estate to the school district once the construction project was completed. Under the bill, consideration for the conveyance is one dollar which would be deposited to the credit of the GRF. The bill requires the grantee to pay all closing costs, including recording fees. Authorization to convey the property expires three years after the bill's effective date.

**Ohio Facilities Construction Commission: Northridge High School property, Licking County**

The bill authorizes the Governor to execute a deed conveying approximately 29.8 acres adjacent to Northridge High School (Licking County) to the Board of Education of Northridge Local School District. The real estate was originally conveyed to the state as collateral for school construction facility bonds. Under the bill, consideration for the conveyance is one dollar which would be deposited to the credit of the GRF. The bill requires the grantee to pay all closing costs, including recording fees. Authorization to convey the property expires three years after the bill's effective date.

**Ohio History Connection: perpetual easement, Miami County**

The bill authorizes the Director of Administrative Services to execute a perpetual easement granting the city of Piqua a perpetual water line easement on approximately 0.12 acres along State Route 66 at the state-owned Johnston Farm and Indian Agency property. The city will use the easement to connect the city's water supply and water treatment plants. The bill sets consideration for the easement at \$426.00 and requires the city to pay recording costs and fees.

**Ohio State University: vacant land, Franklin and Richland Counties**

The bill authorizes the Governor to execute deeds conveying various tracts of vacant land owned by the Ohio State University in Franklin and Richland counties. Under the bill, the tracts would be sold to various grantees pursuant to the terms of real estate purchase agreements. Under the bill, closing costs, including recordation fees would be paid by the grantees and OSU in the manner provided for in the real estate purchase agreements. Table 2, below, provides the specific properties, purchasers, and the consideration to be tendered for each conveyance.

<b>Number</b>	<b>Grantee</b>	<b>Description</b>	<b>County</b>	<b>Consideration</b>
1	Board of Trustees of the Columbus Metropolitan Library	1.30 acres of vacant land located at Taylor Ave. and East Long St., Columbus	Franklin	\$187,000
2	GZD Investments LLC	4.5 acres of vacant land located at North Hamilton Rd., and Beecher Rd., Gahanna	Franklin	\$1.1 million
3	Lennox Station Holdings LLC	0.06 acres of vacant land adjacent to 1570 Olentangy River Rd., Columbus	Franklin	\$95,000
4	Carnegie Management and Development Corp.	29.8 acres of vacant land located at 0 Walker Rd., Mansfield	Richland	\$417,508

Proceeds from the sales of properties numbered 1, 2, and 4 in Table 2 would be deposited into university accounts for purposes to be determined by OSU's Board of Trustees. Under the bill, proceeds from the sale of the property numbered 3 would be deposited to university accounts but may only be used for debt retirement purposes. For the properties numbered 2, 3, and 4, if any of the grantees fails to complete their purchase within the timeframe specified in the real estate purchase agreement, the bill allows OSU to use any reasonable means of sale acceptable to OSU's Board of Trustees to determine alternate grantees. For all of the OSU properties to be conveyed under the bill, authorization to complete the conveyances expires three years following the bill's effective date.

**Ohio State University: perpetual easement, Franklin County**

The bill authorizes the Director of Administrative Services to execute a perpetual easement granting the city of Columbus a perpetual easement for sanitary sewer



purposes on approximately 2.4 acres along Cannon Drive between King Avenue and John H. Herrick Drive, Columbus (Franklin County). The bill sets consideration for the easement at one dollar and requires the city to pay recording costs and fees.

**Ohio University: residential structure, Athens County**

The bill authorizes the Governor to execute a deed conveying property located at 78 Columbia Avenue, Athens (Athens County) owned by Ohio University (OU) to a grantee to be determined. Under the bill, the property which contains a 1,556 square foot residential structure would be sold via public sealed bid or public auction. Under the bill, the property would be sold to the highest bidder, provided that the bid is acceptable to the Director of Administrative Services and OU. The bill requires the purchaser to pay 10% of the purchase price to DAS within five days of being notified by the Director that the purchaser's bid has been accepted. Under the bill, the remaining balance would be due at closing. In the event that the purchaser fails to complete the sale, the bill authorizes the Director to offer the real estate to the next highest bidder, repeat the sealed bid or public auction, or use an alternative sale process that is acceptable to OU to determine an alternate grantee. The bill requires costs of a secondary sale to be paid by OU. The bill requires all closing costs, including recording fees to be paid by the purchaser. Proceeds of the sale are required to be paid to OU and deposited into the Ohio University Endowment Fund.

**University of Cincinnati: parking lots, Hamilton County**

The bill authorizes the Governor to execute deeds conveying two properties owned by the University of Cincinnati (UC). Under the bill, the sales would be conducted via real estate purchase agreements. The first property, a 2.1 acres parking lot located at 217 Erkenbreecher Avenue, Cincinnati (Hamilton County) would be conveyed to Children's Hospital Medical Center. Consideration for the property is \$1.9 million under the bill. The second property, a 1.4 acres parking lot located at the intersection of Highland Avenue and Martin Luther King Drive, Cincinnati (Hamilton County) would be conveyed to UC Health LLC. Consideration for this property is \$1.8 million under the bill. For either property, if the grantee does not complete the purchase the alternate grantees can be selected using any reasonable method of sale acceptable to UC's Board of Trustees. Under the bill, the grantees would be responsible to pay all closing costs, including recordation costs and fees. The bill requires proceeds from the sales to be deposited into university accounts for purposes to be determined by UC's Board of Trustees. Authorization to convey the properties expires three years following the bill's effective date.

**Youngstown State University: vacant land, Mahoning County**

The bill authorizes the Governor to execute a deed conveying 0.2 acres of vacant land located at West Rayen Avenue, and Lincoln Avenue, Youngstown (Mahoning County) to Charles H. and Margaret A. Staples. Under the bill, consideration for the conveyances is 0.12 acres of vacant land along Grant Street, Youngstown (Mahoning

County). The bill requires the grantee to pay all closing costs including recordation costs and fees.

### **Sunset Review Committee**

The bill implements the recommendations of the Sunset Review Committee by abolishing, renewing, or modifying various state entities that are subject to the review of the Committee, a nine-member body established to periodically evaluate these entities. In this fiscal analysis, the entities that are abolished are presented in five categories: (1) general government, (2) health and human services, (3) justice and public safety, (4) education, and (5) insurance and taxation. Within each functional category, a table lists the entities, codes for the agencies that provide administrative support to them, their legal authority and operating status, and the form of compensation provided to their members. Following the tables is a glossary of agency codes.

The bill abolishes outright 53 entities. Most of the active entities have been funded without a specific appropriation or a formal budget. In these cases, any expenses are likely accounted for within the budgets of the state agencies chiefly responsible for providing them with support. These expenses can include reimbursements of expenses or per diem compensation for members serving on these bodies. In most cases, the result of abolishing the active entities is some small savings in the various state funds that are used to support them. However, one of the entities, the Ohio Water Resources Council (OWRC), which is discussed in more detail below, has a specific appropriation for the FY 2016-FY 2017 biennium.

The bill also renews 173 entities and re-establishes the Sunset Review Committee to undertake its review of public bodies in calendar years 2019 and 2020. These renewed entities will expire on December 31, 2020 unless they are retained under the next Sunset Review Committee process.

#### **Ohio Water Resources Council**

The OWRC, along with the affiliated State Agency Coordinating Group and Advisory Group, was established by statute on July 1, 2001 to provide a forum for policy development, coordination and strategic direction with respect to state water resource programs among state agencies and commissions. The Council consists of ten members, the Advisory Group consists of 24 members, and the State Agency Coordinating Group consists of ten members.

OWRC is funded through intrastate transfers from the departments of Agriculture, Development Services, Environmental Protection, Health, Natural Resources, and Transportation to the Ohio Water Resources Council Fund (Fund 4X80), managed by the Department of Natural Resources. This fund is used to pay for expenses of the OWRC. The OWRC has an adjusted appropriation for FY 2017 of \$138,005, however actual expenditures in recent years have been much lower than this, totaling just \$11,689 in FY 2016.

## General Government

Table 3. General Government Entities Abolished				
Entity Name	Agency	Legal Authority	Status	Compensation
Federal-Military Jobs Commission	ADJ	R.C. 193.03	Inactive	Not specified
Ohio Military Reserve Homeland Security Study Commission	ADJ	Section 560.03 of H.B. 66, 126th G.A.	Inactive	None
Legislative Task Force to Study Anaerobic Digesters for Agricultural Use and Application in the State	AGR	Section 3 of H.B. 276, 129th G.A.	Report Completed August 2012	None
Labor-Management Government Advisory Council	BWC	R.C. 4121.70	Active	Expenses only
Ohio Cemetery Law Task Force	COM	Section 747.10 of H.B. 59, 130th G.A.	Inactive	None
Public Health Care Advisory Committee	DAS	R.C. 9.901(C)	Inactive	Not specified
State Facility Utilization and Consolidation Task Force	DAS	Section 753.30 of H.B. 59, 130th G.A.	Report Completed August 2016	Expenses only
Coastal Resources Advisory Council	DNR	R.C. 1506.12	Active	Expenses only
Council on Un-reclaimed Strip Mined Lands	DNR	R.C. 1513.29	Active	Expenses only
Ohio Geology Advisory Council	DNR	R.C. 1505.11	Active	Expenses only
Ohio Natural Areas Council	DNR	R.C. 1517.03 and 1517.04	Inactive	None
Ohio Parks and Recreation Council	DNR	R.C. 1546.30 and 1546.31	Active	Expenses only
Ohio Water Resources Council	DNR	R.C. 1521.19	Active	Expenses only
Ohio Water Resources Council, Advisory Group	DNR	R.C. 1521.19	Active	Expenses only
Ohio Water Resources Council State Agency Coordinating Group	DNR	R.C. 1521.19	Active	Expenses only
Recreation and Resources Commission	DNR	R.C. 1501.04	Active	Expenses only
Compact with Ohio Cities Task Force	DOT	H.R. 20, 128th G.A.	Report Completed January 2010	Not specified

<b>Table 3. General Government Entities Abolished</b>				
<b>Entity Name</b>	<b>Agency</b>	<b>Legal Authority</b>	<b>Status</b>	<b>Compensation</b>
Committee to Evaluate the Implementation of TANF Youth Diversion Programs	GOV, Various	Section 5 of H.B. 57, 124th G.A.	Inactive	Not specified
Direct Care Worker Advisory Workgroup	GOV, Various	Section 323.234 of H.B. 59, 130th G.A.	Inactive	Not specified
Governor's Policy Information Working Group	GOV	Section 313 of H.B. 420, 127th G.A.	Inactive	None
Graduate Medical Education Study Committee	GOV	Section 327.320 of H.B. 64, 131st G.A.	Report Completed December 2015	None
Ohio Housing Study Committee	HFA	Section 701.40 of H.B. 153, 129th G.A., as amended by H.B. 487, 129th G.A.	Inactive	Not specified
Select Committee on Telecommunications Regulatory Reform	OCC	Section 5 of S.B. 162, 128th G.A., as amended by H.B. 153, 129th G.A.	Inactive	Not specified
Ohio Legislative Commission on the Education and Preservation of State History	REP/SEN	Section 701.05 of H.B. 1, 128th G.A., as amended by H.B. 393, 128th G.A.	Report Completed September 2010	None
School Transportation Joint Task Force	REP/SEN	Section 263.560 of H.B. 64, 131st G.A.	Never convened	Not specified

## Health and Human Services

<b>Table 4. Health and Human Services Entities Abolished</b>				
<b>Entity Name</b>	<b>Agency</b>	<b>Legal Authority</b>	<b>Status</b>	<b>Compensation</b>
Unified Long-Term Care System Advisory Workgroup	AGE	Section 209.40 of H.B. 153, 129th G.A.	Inactive	None
ICF/IID Quality Incentive Workgroup	DDD	Section 259.270, of H.B. 64, 131st G.A.	Active	Expenses only
Council to Advise on the Establishment and Implementation of the Birth Defects Information System	DOH	R.C. 3705.34, repealed in 2004	Inactive	None
Data Collection and Analysis Group	DOH	R.C. 3727.32	Inactive	None

<b>Table 4. Health and Human Services Entities Abolished</b>				
<b>Entity Name</b>	<b>Agency</b>	<b>Legal Authority</b>	<b>Status</b>	<b>Compensation</b>
Director of Health's Committee on Concussions and Head Injuries Sustained by Athletes	DOH	R.C. 3707.521	Report Completed March 2015	None
Hospital Measures Advisory Council	DOH	R.C. 3727.31	Inactive	None
Infection Control Group	DOH	R.C. 3727.321	Inactive	None
Intergovernmental Council and Advisory Panel of the Lupus Educational and Awareness Program	DOH	R.C. 3701.77	Never convened	None
Legislative Committee on Public Health Futures	DOH	Section 737.10 of H.B. 64, 131st G.A.	Inactive	Expenses only
Physician Loan Repayment Advisory Board	DOH	R.C. 3702.81	Active	None
Private Water Systems Advisory Council	DOH	R.C. 3701.346	Inactive	None
Nursing Facility Distinct Part Advisory Workgroup	MCD	Section 323.235 of H.B. 59, 130th G.A.	Inactive	Not specified
Community Behavioral Health Services Study Group	MHA	Section 751.13 of H.B. 1, 128th G.A.	Inactive	None

## **Justice and Public Safety**

<b>Table 5. Justice and Public Safety Entities Abolished</b>				
<b>Entity Name</b>	<b>Agency</b>	<b>Legal Authority</b>	<b>Status</b>	<b>Compensation</b>
Ohio Privacy/Public Record Access Study Committee	AGO, Various	Section 3 of H.B. 204, 125th G.A.	Report Completed October 2007	Not specified
Preservation of Biological Evidence Task Force of the Bureau of Criminal Identification and Investigation	AGO	R.C. 109.561	Inactive	None
Deputy Registrar Funding Study Committee	DPS	Section 745.10 of H.B. 64, 131st G.A.	Inactive	None
Study Group to Study and Make Recommendations to Improve Services Related to Vehicle Registrations, Driver's License and Identification Card Issuance, and Vehicle Title Issuance	DPS	Section 755.40 of H.B. 2, 128th G.A.	Inactive	None
Service Coordination Workgroup	DYS	Section 751.20 of H.B. 1, 128th G.A.	Report Completed January 2011	Not specified

## Education

Table 6. Education Entities Abolished				
Entity Name	Agency	Legal Authority	Status	Compensation
Ohio Appalachian Center for Higher Education Board of Directors	BOR	R.C. 3333.58	Inactive	Not specified
Public-Private Collaborative Commission	BOR	Section 8 of S.B. 311, 126th G.A., as amended by H.B. 190, 127th G.A.	Inactive	Not specified
Foreign Language Advisory Council	EDU	Section 3 of S.B. 311, 126th G.A.	Inactive	Not specified
Ohio Digital Learning Task Force	EDU	Section 371.60.80 of H.B. 153, 129th G.A., as amended by H.B. 487, 129th G.A.	Report Completed February 2013	None
School-Based Health Care Advisory Workgroup	EDU, Various	Section 5 of H.B. 487, 130th G.A.	Inactive	None
Speed to Scale Task Force	EDU, Various	Section 375.60.80 of H.B. 119, 127th G.A.	Inactive	Not specified
National Museum of Afro-American History and Culture Planning Committee	OHS	R.C. 149.303	Inactive	None

## Insurance and Taxation

Table 7. Insurance and Taxation Entities Abolished				
Entity Name	Agency	Legal Authority	Status	Compensation
Insurance Agent Education Advisory Council	INS	R.C. 3905.483	Inactive	None
Municipal Income Tax Revenue Reporting Study Committee	TAX	Section 5 of H.B. 5, 130th G.A.	Never convened	None

## **Agency Code Glossary**

- ADJ – Adjunct General
- AGE – Department of Aging
- AGO – Office of the Attorney General
- AGR – Department of Agriculture
- BOR – Department of Higher Education
- BWC – Bureau of Workers' Compensation
- COM – Department of Commerce
- DAS – Department of Administrative Services
- DDD – Department of Developmental Disabilities
- DNR – Department of Natural Resources
- DOH – Department of Health
- DOT – Department of Transportation
- DPS – Department of Public Safety
- DYS – Department of Youth Services
- EDU – Department of Education
- GOV – Office of the Governor
- HFA – Ohio Housing Finance Agency
- INS – Department of Insurance
- JFS – Department of Job and Family Services
- MCD – Department of Medicaid
- MHA – Department of Mental Health and Addiction Services
- OCC – Office of Consumers' Counsel
- OHS – Ohio History Connection
- REP – House of Representative
- SEN – Senate
- TAX – Department of Taxation

## **Other Changes**

The bill makes the following changes, with regards to the Sunset Review Committee, which have minimal fiscal effects:

- Clarifies that the Ohio Casino Control Commission is not subject to review by the Sunset Review Committee because the Commission is created directly pursuant to the Ohio Constitution and because the Commission issues final adjudicatory orders subject to appeal by a court of common pleas;

- Clarifies that the Ohio Peace Officer Training Commission is not subject to review by the Sunset Review Committee because the Commission issues final adjudicatory orders subject to appeal by a court of common pleas;
- Modifies the composition of the Advisory Board of the Governor's Office of Faith-Based and Community Initiatives;
- Modifies the composition of the Criminal Justice Recodification Committee and extends the deadline for the Committee to complete its report;
- Modifies the composition of the Housing Trust Fund Advisory Committee;
- Modifies the requirements for serving on the Maternity and Newborn Advisory Council;
- Removes the Superintendent of Insurance from the Mine Subsidence Insurance Governing Board;
- Re-designates the Ohio Tuition Trust Authority Board as the "Ohio Tuition Trust Authority Investment Board" and modifies the requirements for serving as a member;
- Modifies the composition of the Technical Advisory Committee to Assist the Director of the Ohio Coal Development Office; and
- Eliminates the requirement to establish numerous river advisory councils and instead establishes a single Wild, Scenic, or Recreational River Advisory Council.

## **Public records and employment reinstatement for military service**

### **Public records**

The bill adds to the list of records that are not "public records" orders for active military service or other documentation regarding the call to order of an individual serving or with previous service in the U.S. Armed Forces, including a reserve component, or the Ohio organized militia (the Ohio National Guard, Ohio Naval Militia, and the Ohio Military Reserve). Thus, these call-to-service orders are exempt from disclosure under the Public Records Act until 15 years after the published date or effective date of the call to order. LSC estimates that the number of individuals to whom this record disclosure exemption applies totals over 900,000, including active duty and reserve military and veterans.

The bill will affect state and local government agencies with staff responsible for complying with public records requests, as these individuals may require additional training related to the disclosure exemption. However, LSC's research into this matter suggests that the cost to adjust existing public records training and records policy is not likely to exceed minimal.



It is uncertain whether a given government agency will experience an increase in workload related to ensuring that exempted information is not disclosed, as the volume of requests for these records varies by office. Presumably, any increase in administrative work, including additional time and effort to comply with the exemption, will be minimal and easily handled utilizing existing staff and resources.

### **Reemployment and reinstatement protections**

The bill extends reemployment and reinstatement protection to a person who works in Ohio but who is absent from employment due to service in a militia outside of Ohio. Current Ohio law provides for the same reemployment and reinstatement rights that the federal Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) provides to members of the uniformed services<sup>1</sup> and also extends the same rights to a member of the Ohio National Guard, the Ohio Naval Militia, or the Ohio Military Reserve, collectively referred to as the Ohio Organized Militia.

### **Civil remedy**

The bill's civil remedy will affect the courts of common pleas and the Court of Claims, and possibly the state or a political subdivision if either has allegedly denied reemployment or reinstatement rights. Given the relatively small number of additional individuals entitled to these rights and the infrequency that protections would be denied, the bill is not expected to result in ongoing direct fiscal effects on the state or any of its political subdivisions.

A person who is denied reemployment or reinstatement rights may seek redress through a court of common pleas unless the defendant is the state, in which case the Court of Claims has jurisdiction. The bill is not likely to generate a discernible increase in the annual operating expenses of any given court of common pleas or the Court of Claims because the few cases likely to be filed annually can be easily handled utilizing existing staff and resources.

The state or a political subdivision may, as a defendant, incur costs related to a case in which a favorable judgement is found for a public employee. Financial liabilities include court costs and possibly attorney's fees, expert witness fees, and other litigation expenses. LSC's research into this matter suggests that denial of reemployment and reinstatement rights by a government entity is extremely rare. Thus, it seems reasonable to expect that the state and political subdivisions generally will comply with the bill's extended protections and rarely incur financial settlement costs.

### **Criminal prohibition**

Any employer that denies reemployment or reinstatement rights to a qualifying person may be fined up to \$1,000, imprisoned for up to six months, or both. This offense is an unclassified misdemeanor that falls under the subject matter jurisdiction of a

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<sup>1</sup> Uniformed services include members of the armed forces, Army National Guard or Air Force National Guard members, and the Commissioned Corps of the Public Health Services.

municipal or county court. There should be no discernible prosecution, adjudication, and sanctioning costs for any given county or municipality to process the few criminal cases that might arise annually. There may also be occasional revenue gained for the state, counties, and municipalities in the form of court costs, fees, and fines.

### **Investment of interim funds of the state**

Current law allows the Treasurer of State to invest the state's interim funds in the obligations of a political subdivision (county, township, municipality, or school district) issued under Uniform Public Securities Law (R.C. Chapter 133.). The bill would expand the investment authority to obligations issued by or on behalf of a political subdivision under the aforementioned Uniform Public Securities Law or under Article XVIII, Section 12, of the Ohio Constitution, which allows municipalities to issue mortgage bonds for costs associated with constructing or extending a public utility. The bill also expands the definition of political subdivision, for this purpose, to include any government body smaller than the state. These changes would give the Treasurer of State the ability to choose to invest interim funds in a broader range of debt products.

### **Fire and ambulance district boards of trustees**

Currently, the governing body of a fire and ambulance district is to consist of at least three, but no more than nine members. The bill removes this limitation regarding the number of members. Thus, local fire and ambulance districts may be impacted if these numbers change since members can receive compensation (up to \$30 per meeting for up to 15 meetings per year) and can also be reimbursed for all necessary expenses.

### **Commodity marketing programs**

The bill makes various changes to the governance of agricultural commodity marketing programs, including the process for amending a marketing program and the handling of assessments, and, in the case of the Ohio Beef Marketing Program, the disposition of refunds of assessments to producers. The fiscal effect of this change on the Department of Agriculture which oversees these commodity marketing programs is uncertain.