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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
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Legislative Budget  
Office

S.B. 310  
133<sup>rd</sup> General Assembly

## Final Analysis

[Click here for S.B. 310's Fiscal Analysis](#)

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**Primary Sponsor:** Sen. Dolan

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## SUMMARY

### Capital appropriations

- Makes capital appropriations totaling \$2.13 billion for the FY 2021-FY 2022 biennium, and authorizes about \$1.75 billion in new debt.

### Federal funds for COVID-19 relief

- Appropriates unexpended and unencumbered cash remaining in the Coronavirus Relief Fund.
- Authorizes the Controlling Board, on the Director of Budget and Management's request, to extend deadlines related to spending and returning coronavirus relief funds distributed to local governments.

### Ed Choice scholarships for 2021-2022 school year

- Specifies that the priority application period for performance-based Educational Choice scholarships sought for the 2021-2022 school year must open March 2, 2021.

### Student wellness and success funding for FY 2021

- Requires the Department of Education, after all student wellness and success payments for FY 2021 have been made to public schools, to distribute any appropriated amounts remaining for these payments through a methodology determined by the Department in consultation with the Office of Budget and Management (OBM).

### School financing studies

- Requires the Department of Education, by December 31, 2022, to complete studies of special education, gifted services, incentives for rural districts serving identified gifted

children, educational service centers, English learners, the cost to educate e-school students, and the cost of operating community schools.

- Extends the deadline for the Department to complete the studies regarding economically disadvantaged students and preschool education required under current law from December 31, 2020, to December 31, 2022.
- Requires OBM to create, by December 31, 2022, an inventory of all state budget line items that, in OBM's determination, provide funding services to children.
- Establishes a joint legislative task force to study the transportation of community school and nonpublic school students, to determine methods to create greater efficiency and minimize costs in transporting them, and to submit a report by December 31, 2022.
- Appropriates \$3.0 million for FY 2021 from lottery profit funds for the studies.

### **Spending for student activity programs**

- For the 2019-2020 and 2020-2021 school years, waives the limit on a school district's expenditures for the operation of student activity programs.

### **Health professionals – temporary and COVID-related authority**

- Until May 1, 2021:
  - Authorizes a physician assistant in a health care facility to practice under the supervision of a physician or podiatrist who has not entered into a supervision agreement with the physician assistant.
  - Authorizes a certified nurse-midwife, clinical nurse specialist, or certified nurse practitioner in a health care facility to practice in collaboration with a physician or podiatrist who has not entered into a standard care arrangement with the nurse.
  - Authorizes an emergency medical technician (at the basic, intermediate, or paramedic level) to administer COVID-19 tests and collect and label test specimens.
  - Authorizes a respiratory care professional to direct the practice of a licensed practical nurse.
  - Authorizes a nurse, pharmacist, physician assistant, physician, respiratory therapist, or emergency medical technician whose license is expired or inactive, including because of retirement, to practice without having to reinstate or restore the license.

### **Kinship Support Program**

- Establishes the Kinship Support Program (KSP) to provide financial payments to kinship caregivers who: (1) have received placement of a child, and (2) do not have foster home certification.
- Specifies that KSP payments are \$10.20 per child, per day, with an annual cost-of-living adjustment, and subject to time limits.
- Specifies that KSP payments cease when:

- The kinship caregiver obtains foster home certification;
- In accordance with the time limits on payments; or
- Placement with the kinship caregiver ceases.
- Requires a kinship caregiver, on obtaining foster home certification, to receive foster care payments equal to the custodial agency rate as determined by the certifying agency.
- Permits the Ohio Director of Job and Family Services to adopt rules for the administration of KSP.
- Permits a recommending agency to submit a request to waive, on a case-by-case basis, nonsafety standards for a kinship caregiver seeking to obtain foster home certification.

### **Cuyahoga County lodging tax proceeds**

- Expands the purposes for which a special Cuyahoga County lodging tax may be used, and allows Cuyahoga County and the mayor of Cleveland to agree to do so without the approval of the county's other mayors.

### **Fireworks license moratorium**

- Extends the moratorium on issuing a fireworks manufacturer or wholesaler license and approving the geographic transfer of those licenses by one year to December 31, 2021.

### **Maritime Assistance Program**

- Expands which port authorities may apply for grants under the Ohio Maritime Assistance Program.
- Eliminates the requirement that the Director of Transportation must adopt rules in order to govern the program.

### **Holocaust and Genocide Memorial and Education Commission**

- Creates the Holocaust and Genocide Memorial and Education Commission.
- Creates the Holocaust and Genocide Memorial and Education Office to serve the Commission.

### **Medicaid appropriations**

- Makes several Medicaid appropriation changes.

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## DETAILED ANALYSIS

### Capital appropriations

The act makes capital appropriations totaling \$2.13 billion for the biennium ending June 30, 2022 (FY 2021 and FY 2022), and authorizes about \$1.75 billion in new debt.<sup>1</sup> [LSC's Capital Item Analysis](#) and [final Fiscal Note](#) provide detailed information related to the capital appropriations and related items.

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<sup>1</sup> Sections 201.10 through 527.10 and 701.10 through 812.10.

## Federal CARES Act funds for COVID-19 relief

The act appropriates any unexpended or unencumbered cash in the Coronavirus Relief Fund for FY 2021 appropriation item 042621, COVID Response Multiple Agencies, for expenses incurred related to the coronavirus pandemic. The appropriation does not apply to cash received by the state and deposited into the fund as a result of acts of Congress after November 1, 2020. The Director of Budget and Management must obtain Controlling Board approval prior to spending the money appropriated.<sup>2</sup>

The act also permits the Controlling Board, on the Director's request, to extend deadlines related to coronavirus relief funds that were distributed to local governments. Continuing law prohibits a political subdivision from using money in its local coronavirus relief fund for expenses incurred after December 30, 2020. And local fiscal officers must pay any unexpended balance to the state treasury by February 1, 2021. The act establishes legal authority to possibly extend these two dates.<sup>3</sup>

### Federal CARES Act – background

Among other provisions, the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") directed federal money to states and more populous local governments to fund "necessary expenditures incurred due to the public health emergency" connected with the COVID-19 pandemic, provided those expenses were incurred between March 1 and December 30, 2020, and were not accounted for in the state's or subdivision's budget.<sup>4</sup> Congress later extended the time within which the expenses must be incurred an additional year, until December 31, 2021.<sup>5</sup>

The state received approximately \$4.53 billion in CARES Act funding.<sup>6</sup> Local governments with a population of 500,000 or more received a direct payment from the federal government out of the state's allocation. Ohio has six of these subdivisions – the City of Columbus, and Cuyahoga, Franklin, Hamilton, Montgomery, and Summit counties – that received directly \$778 million altogether, accounting for 17% of Ohio's total share.<sup>7</sup> Thus, the state treasury received approximately \$3.75 billion of the state's total allocation. Of that amount, the General Assembly and Controlling Board have appropriated \$1.175 billion to local governments that did not receive a direct payment. This revenue was paid into a special fund of each local

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<sup>2</sup> Section 18.

<sup>3</sup> Section 601.10, 601.11, and 601.12 (amending Section 27 of H.B. 481 of the 133<sup>rd</sup> General Assembly).

<sup>4</sup> Section 5001 of the "Coronavirus Aid, Relief, and Economic Security Act," as codified in 42 United States Code (U.S.C.) 801.

<sup>5</sup> Section 1001 of the "Consolidated Appropriations Act, 2021," H.R. 133, 116<sup>th</sup> Congress.

<sup>6</sup> Grant A. Driessen, The Coronavirus Relief Fund (CARES Act, Title V): Background and State and Local Allocations, Congressional Research Service, p. 4 (August 25, 2020), available at <https://crsreports.congress.gov/product/pdf/R/R46298>.

<sup>7</sup> CRS CARES Act Report, p. 7.

government called the local coronavirus relief fund and required to be spent only as authorized under the CARES Act.

Ohio law expressly prohibits local governments from using CARES Act revenue appropriated by the state for expenses incurred after December 30, 2020. This prohibition reflected federal law at the time of its enactment but, due to Congress's one-year extension, it now operates as an additional constraint on local governments' use of the revenue. State law otherwise requires local governments to return any unspent CARES Act revenue to the state treasury by February 1, 2021. It specifies that, for the period beginning December 31, 2020, and ending February 1, 2021, a local government's local coronavirus relief fund may be held open for accounting purposes only.

## **Ed Choice scholarships for the 2021-2022 school year**

The act specifies that the priority application period for performance-based Educational Choice (Ed Choice) scholarships sought for the 2021-2022 school year must open March 2, 2021. The provision does not, however, affect the priority application period for income-based scholarships.<sup>8</sup>

Under continuing law, this priority application period must open on February 1 immediately prior to the school year for which the scholarship is sought.<sup>9</sup> S.B. 89 of the 133<sup>rd</sup> General Assembly required the priority application period for scholarships sought for the 2021-2022 school year to open on March 1, 2021, but S.B. 89 did not take effect in time.<sup>10</sup>

### **Background**

The Ed Choice Scholarship Program operates statewide in every school district except Cleveland to provide scholarships for students who (1) are assigned or would be assigned to district school buildings that have persistently low academic achievement (known as "traditional" or "performance-based" Ed Choice) or (2) are from low-income families (known as "income-based" Ed Choice Expansion).

Students may use their scholarships to enroll in participating chartered nonpublic schools. For students who qualify based on the performance of their resident districts' schools, the scholarships are deducted from the districts' state aid accounts. For students who qualify based on family income, the scholarships are paid from a specific appropriation of the General Assembly.<sup>11</sup>

## **Student wellness and success funding for FY 2021**

The act requires the Department of Education, after all student wellness and success payments for FY 2021 have been made to public schools, to distribute any amounts remaining

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<sup>8</sup> Section 9.

<sup>9</sup> R.C. 3310.16, not in the act.

<sup>10</sup> Section 4 of S.B. 89 of the 133<sup>rd</sup> General Assembly, not in the act.

<sup>11</sup> R.C. 3310.01 to 3310.17, none in the act.

in appropriation item 200604, Student Wellness and Success, through a methodology determined by the Department in consultation with the Office of Budget and Management (OBM).<sup>12</sup>

H.B. 166 of the 133<sup>rd</sup> General Assembly (the main operating budget act) required the Department to make two student wellness and success payments to public schools for FY 2020 and FY 2021: (1) student wellness and success funds and (2) student wellness and success enhancement funds. The former are paid to all school districts, community schools, and STEM schools. The latter are paid to city, local, and exempted village school districts that received supplemental targeted assistance funding for FY 2019 and joint vocational school districts, community schools that are not e-schools, and STEM schools based on the per-pupil amount of enhancement funding that is paid to each student's district of residence. All districts, community schools, and STEM schools must spend these funds for specified purposes, develop a plan for utilizing the funding in coordination with one or more specified organizations, and submit a report to the Department at the end of each fiscal year describing how the funds were spent.<sup>13</sup>

## **School financing studies**

### **New studies by Department of Education**

The act requires the Department of Education to complete studies of the following topics:

1. Special education;
2. Gifted services;
3. Incentives for rural districts serving identified gifted children;
4. Educational service centers (ESCs);
5. English learners;
6. The cost to educate internet- or computer-based community school (e-school) students; and
7. The cost of operating community schools.

All of these studies must be submitted by December 31, 2022, to the Superintendent of Public Instruction, the President of the State Board of Education, and the chairs, vice-chairs, and ranking members of the House and Senate standing committees and finance subcommittees regarding K-12 education and the House and Senate finance committees.

The act specifies that it is the intent of the General Assembly that:

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<sup>12</sup> Section 20.

<sup>13</sup> R.C. 3314.088, 3317.0219, 3317.163, 3317.26, and 3326.42, none in the act.

1. The recommendations regarding ESCs will be the basis of legislation to take effect for FY 2023 (which begins July 1, 2022); and
2. The recommendations regarding special education, gifted services, incentives for rural districts serving identified gifted children, English language learners, and the cost to educate e-school students will be the basis of legislation to take effect for FY 2024 (which begins July 1, 2023).<sup>14</sup>

### **Deadlines for existing studies**

The act extends the deadline for the Department to complete the studies of economically disadvantaged students and preschool education required under continuing law from December 31, 2020, to December 31, 2022. The studies must be submitted to the same officials who were required to receive them under the law in effect prior to this act (the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House, and the members of the standing committees of the Senate and House that consider legislation regarding primary and secondary education).<sup>15</sup>

### **OBM inventory**

The act requires OBM to create an inventory of all state budget line items that, in OBM's determination, provide funding services to children. This inventory must be submitted by December 31, 2022, to the state Superintendent, the President of the State Board of Education, and the chairs, vice-chairs, and ranking members of the House and Senate standing committees and finance subcommittees regarding K-12 education and the House and Senate finance committees.<sup>16</sup>

### **Transportation study; joint legislative task force**

The act establishes a joint legislative task force consisting of six members, three each appointed by the Speaker of the House and the President of the Senate, to study the transportation of community school and nonpublic school students and to determine methods to create greater efficiency and minimize costs in transporting those students. The task force must report its findings and a recommendation for a funding formula for the transportation of those students by December 31, 2022, to the Speaker and the Senate President.<sup>17</sup>

### **Appropriation**

The act appropriates \$3.0 million in lottery profit funds to the Department of Education for FY 2021 for the various studies.<sup>18</sup>

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<sup>14</sup> Section 5(A)(2) to (7), (B), and (C), and Section 6.

<sup>15</sup> Repealed R.C. 3317.60; Section 4.

<sup>16</sup> Section 5(A)(1) and (B).

<sup>17</sup> Section 7.

<sup>18</sup> Section 15.



## Spending limitation for student activity programs

For the 2019-2020 and 2020-2021 school years, the act waives the limit on a school district's expenditures for the operation of student activity programs specified under continuing law.<sup>19</sup> That law, which is unchanged by the act, permits the board of education of any school district to expend moneys from its general revenue fund for the operation of student activity programs provided the expenditures do not exceed five-tenths of one percent of the board's annual operating budget.<sup>20</sup>

## Health professionals – temporary and COVID-related changes

### Physician assistants and advanced practice registered nurses

Until May 1, 2021, the act authorizes the following to occur regarding specified mid-level practitioners employed by or under contract with a hospital or other health care facility:

- A physician assistant may practice under the direction, control, and supervision of a physician or podiatrist without having a supervision agreement with that physician or podiatrist.
- A certified nurse-midwife, clinical nurse specialist, or certified nurse practitioner may practice with a physician or podiatrist without having a standard care arrangement with that physician or podiatrist, as long as the physician or podiatrist continuously available to communicate with the nurse either in person or by electronic communication.
- A physician or podiatrist may supervise or collaborate with the physician assistant, certified nurse-midwife, clinical nurse specialist, or certified nurse practitioner without entering into a supervision agreement or standard care arrangement.
- Services may be performed by the physician assistant or one of the specified advanced practice registered nurses only if authorized by the hospital or other health care facility.<sup>21</sup>

The act specifies that its provisions do not limit the authority of a physician assistant or specified advanced practice registered nurse to administer, deliver, or distribute drugs under a protocol implemented following the declaration of a public health emergency. In the case of a physician assistant, the act also specifies that its provisions do not limit the authority to provide medical care in response to a need precipitated by a disaster or emergency.<sup>22</sup>

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<sup>19</sup> Section 8.

<sup>20</sup> R.C. 3315.062, not in the act.

<sup>21</sup> Sections 10 and 11.

<sup>22</sup> R.C. 3701.048 and 4730.04, neither in the act.

## **Emergency medical technicians – COVID test administration**

The act authorizes, until May 1, 2021, emergency medical technicians at the basic, intermediate, or paramedic levels to administer COVID-19 tests and to collect and label test specimens.<sup>23</sup> To be eligible to perform these activities, an emergency medical technician must first receive proper training.

## **Respiratory therapist direction of LPNs**

The act authorizes, until May 1, 2021, a respiratory care professional (often referred to as a respiratory therapist) to direct the practice of a licensed practical nurse (LPN). In turn, the act authorizes an LPN to practice under a respiratory care professional's direction.<sup>24</sup>

After May 1, 2021, as before the act, an LPN may practice only under the direction of the following: a registered nurse, including an advanced practice registered nurse; a physician, including a podiatrist; or a physician assistant, dentist, optometrist, or chiropractor.<sup>25</sup>

## **Retired or inactive health professionals**

Until May 1, 2021, the act authorizes a health care professional who meets the following conditions to practice without a current license or certificate:

- In the five-year period before December 29, 2020 (the act's effective date), the individual held a license or certificate to practice issued by the Board of Nursing, State Board of Pharmacy, State Medical Board, or State Board of Emergency Medical, Fire, and Transportation Services; and
- In the same five-year period, the individual's license or certificate expired or became inactive, which may have occurred because of retirement from practice.<sup>26</sup>

In such a case, the health care professional is deemed to be practicing under a temporary license, as if it were issued by the respective licensing board. The professional is not required to reactivate, restore, or renew the prior license or certificate. However, the act does not authorize an inactive or retired individual to practice if either:

1. The licensing board revoked or suspended the individual's prior license or certificate; or
2. The individual's prior license or certificate was surrendered in an effort to avoid disciplinary or other adverse action.

The types of inactive or retired health care professionals eligible to practice using this authority are: licensed practical nurses, registered nurses, and advanced practice registered nurses; pharmacists; physician assistants; physicians, including podiatrists; respiratory care

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<sup>23</sup> Section 12.

<sup>24</sup> Section 13.

<sup>25</sup> R.C. 4723.01(F), not in the act.

<sup>26</sup> Section 14.

professionals; and emergency medical technicians at the basic, intermediate, or paramedic levels.

## **Kinship Support Program**

The act establishes the Kinship Support Program (KSP) to provide payments to kinship caregivers who: (1) have received placement of a child in the temporary or permanent custody of a public children services agency or under the Title IV-E agency with legal responsibility for the care and placement of the child, and (2) do not have foster home certification. The Ohio Department of Job and Family Services (ODJFS) must coordinate and administer the program to the extent that funds are appropriated and allocated for it.<sup>27</sup>

A “kinship caregiver” is defined as any of the following who is 18 or older and is caring for a child in place of the child’s parents:<sup>28</sup>

1. The following individuals related by blood or adoption to the child:
  - a. Grandparents, including those with the prefix “great,” “great-great,” or “great-great-great”;
  - b. Siblings;
  - c. Aunts, uncles, nephews, and nieces, including such relatives with the prefix “great,” “great-great,” “grand,” or “great-grand”;
  - d. First cousins and first cousins once removed.
2. Stepparents and stepsiblings of the child;
3. Spouses and former spouses of individuals in (1) and (2);
4. A legal guardian of the child;
5. A legal custodian of the child;
6. Any nonrelative adult that has a familiar and long-standing relationship or bond with the child or the family, which relationship or bond will ensure the child’s social ties.

## **Payment amount and duration**

KSP payments are \$10.20 per child, per day, to the extent that funds are available. ODJFS must increase the amount on January 1, 2022 and January 1 annually by the cost-of-living adjustment made in the immediately preceding December.<sup>29</sup> The cost-of-living adjustment is determined by the Social Security Commissioner, pursuant to federal law.<sup>30</sup>

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<sup>27</sup> R.C. 5101.881 and 5101.884.

<sup>28</sup> R.C. 5101.88(B); R.C. 5101.85, not in the act.

<sup>29</sup> R.C. 5101.885.

<sup>30</sup> R.C. 5101.88(A); R.C. 5107.04, not in the act.

Payment duration depends on when the child was placed with the kinship caregiver, as summarized in the table below:<sup>31</sup>

When was the child placed with the kinship caregiver?	Duration of payments
As of the act's December 29, 2020, effective date	For not more than nine months after December 29, 2020
During the nine-month period, December 29, 2020, to September 29, 2021	For not more than nine months after placement of the child
After September 29, 2021	For not more than six months after placement of the child

Payments stop when any of the following occur:<sup>32</sup>

1. The kinship caregiver obtains foster home certification;
2. The duration of payments has expired according to the table above;
3. Placement with the kinship caregiver is terminated or otherwise ceases.

## Rulemaking

The act allows the ODJFS Director to adopt rules for the administration of KSP in accordance with rulemaking procedures under R.C. 111.15.<sup>33</sup>

### Foster home certification of a kinship caregiver

A recommending agency may submit a request to ODJFS, on a case-by-case basis only, to waive any nonsafety standards for a kinship caregiver seeking foster home certification. These standards include training hours and other requirements in the Revised Code and Administrative Code that were established in accordance with federal law on certification.<sup>34</sup>

The act requires a kinship caregiver who has obtained foster home certification to receive foster care maintenance payments at the custodial agency rate as determined by the

<sup>31</sup> R.C. 5101.886(A) to (C).

<sup>32</sup> R.C. 5101.887(A)-(C).

<sup>33</sup> R.C. 5101.8811.

<sup>34</sup> R.C. 5103.0329(A).

certifying agency, which is either the custodial agency, private child placing agency, or private noncustodial agency.<sup>35</sup>

## **Cuyahoga County lodging tax proceeds**

The act expands the allowable uses of proceeds from a special Cuyahoga County lodging tax and allows Cuyahoga County and the mayor of Cleveland to do so without the approval of the county's other mayors. Cuyahoga County, under continuing law, may impose up to a 2% excise tax on hotel lodging to fund the capital or operating costs of a convention center. However, those proceeds may also be used for other capital improvements if the county and the mayor of Cleveland execute an agreement to that effect at the time that tax is levied or increased, and the mayors of the majority of the other municipalities in the county approve. (Alternatively, the approval of an organization representing municipal mayors and managers in the county is sufficient.)

The act allows Cuyahoga County and the mayor of Cleveland to amend that agreement, without the approval of the other mayors, to additionally authorize proceeds from that tax to be used to pay the costs of promoting or supporting tourism or of tourism-related programs.<sup>36</sup>

## **Fireworks license moratorium**

The act extends the moratorium on issuing a fireworks manufacturer or wholesaler license and approving the geographic transfer of those licenses from December 31, 2020, to December 31, 2021.<sup>37</sup>

## **Maritime Assistance Program**

The act expands which port authorities may apply for grants under the Ohio Maritime Assistance Program. Specifically, if a port authority has *jurisdiction within* (rather than only *located within*) a specified federally qualified opportunity zone, it may now apply for the program. Under law unchanged by the act, the federally qualified opportunity zone must:

- Have an active marine cargo terminal with a stevedoring operation; and
- Be located on the shore of Lake Erie or the Ohio River.<sup>38</sup>

The program is administered by the Department of Transportation and provides grant money for various construction, repair, and acquisition projects associated with a port authority that manages a marine cargo terminal. The act eliminates the requirement that the Director of Transportation must adopt rules in order to govern the program. Thus, the Director may create

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<sup>35</sup> R.C. 5101.889.

<sup>36</sup> R.C. 5739.09(Q)(6).

<sup>37</sup> R.C. 3743.75.

<sup>38</sup> R.C. 5501.91(B)(2).

the grant application, evaluation and award processes, and determinations for how the grant money may be spent by a port authority without adopting rules through JCARR.<sup>39</sup>

## **Holocaust and Genocide Memorial and Education Commission**

The act creates the Holocaust and Genocide Memorial and Education Commission.<sup>40</sup> It also creates the Holocaust and Genocide Memorial and Education Office to serve the Commission.<sup>41</sup> For these purposes, it defines “genocide” and “holocaust” as follows:<sup>42</sup>

- “Genocide” is an internationally recognized crime where the following acts are committed against a national, ethnic, racial, or religious group’s members with the intent to destroy, in whole or in part, the group:
  - Killing;
  - Causing serious bodily or mental harm;
  - Deliberately inflicting life conditions calculated to bring about physical destruction, in whole or in part;
  - Imposing measures intended to prevent births;
  - Forcibly transferring a group’s children to another group.
- “Holocaust” means the systematic, state-sponsored persecution and murder of approximately six million Jews by the Nazi regime and its allies and collaborators. Other victims, including the Roma and Sinti, also known as Gypsies, homosexuals, Poles, people with disabilities, and Jehovah’s Witnesses, were also persecuted and murdered by the Nazi regime.

### **Commission duties**

The Commission must do the following:<sup>43</sup>

- Gather and disseminate Holocaust and genocide information throughout Ohio;
- Take inventory of current statewide Holocaust and genocide memorial and education initiatives, and propose programming to fill gaps;
- Secure appropriate recognition of the contributions of Holocaust and genocide survivors, liberators, and Ohioans active in rescue and resettlement efforts, and make their stories accessible for educational purposes;
- Promote public education programs;

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<sup>39</sup> R.C. 5501.91(F).

<sup>40</sup> R.C. 197.03.

<sup>41</sup> R.C. 197.11 and 197.13.

<sup>42</sup> R.C. 197.01.

<sup>43</sup> R.C. 197.08.

- Partner with public and private organizations that serve Holocaust and genocide survivors, veterans, and liberators for educational purposes;
- Advise and educate the Governor, General Assembly, and state agencies regarding Holocaust and genocide memorial and education, and develop policies and programs to address those needs;
- Seek opportunities to provide resources for schools to teach effectively about the Holocaust and genocide;
- Review and approve grants administered or subcontracted by the Commission or the Office;
- Coordinate with and provide information regarding available state services to meet the needs of Holocaust and genocide survivors, liberators, educators, students, and public safety and law enforcement;
- Review and approve the Office's annual report.

## Members

The Commission must consist of the following 15 members:

- Two members of the House, one from each party, appointed by the Governor after consultation with the Speaker. The members serve for the remainder of the General Assembly during which they are appointed.
- Two members of the Senate, one from each party, appointed by the Governor after consultation with the Senate President. The members serve for the remainder of the General Assembly during which they are appointed.
- Three nonvoting ex officio members:
  - The Superintendent of Public Instruction;
  - The Chancellor of Higher Education;
  - The Director of Veterans Services.
- Eight members appointed by the Governor with the advice and consent of the Senate, to serve a term of three years, as follows:
  - At least three members must be involved in Holocaust and genocide memorial and education or have a personal connection or experience with the Holocaust or genocide;
  - At least three members must have expertise regarding the Holocaust and research regarding genocide.

Commission members serve without compensation, but must be reimbursed for expenses actually and necessarily incurred in the performance of their duties. Vacancies must be filled in the same manner as appointment. Any member appointed to fill a vacancy will hold office for that term's remainder. Any appointed member must continue in office after

expiration of that member's term until the member's successor takes office or until 60 days has elapsed, whichever occurs first.<sup>44</sup>

## **Meetings**

The Commission must meet at least six times during a calendar year. At the first meeting, it must elect a chairperson, vice-chairperson, and other officers from the voting members. The Commission must adopt rules governing the Commission. Eight voting members constitute a quorum. The Commission can take no action without the affirmative vote of eight voting members.<sup>45</sup>

## **Holocaust and Genocide Memorial and Education Office**

The act creates the Office to serve the Commission. The Office Director must be appointed by, and serves at the pleasure of, the Commission. The Director, with the Commission's approval, must appoint employees, who serve at the Director's pleasure.<sup>46</sup>

The Office must:<sup>47</sup>

- Advise the Commission on statewide programs and new opportunities to further Holocaust and genocide memorial and education;
- Serve as a clearinghouse to review, comment on, and propose initiatives that meet Holocaust and genocide memorial and education needs;
- Apply for and accept grants and gifts from public and private sources, to be administered by the Office or subcontracted to local public or nonprofit agencies;
- Monitor and evaluate all subcontracted programs and ensure that grants or gifts are used for the purpose intended;
- Endeavor to ensure that Holocaust and genocide survivors, liberators, educators, and others involved in Holocaust and genocide education and memorial have access to decision-making bodies in local, state, national, and international agencies and organizations;
- Establish advisory committees for special subjects, as needed, to facilitate and maximize community participation and subject matter expertise in the Commission's operation;
- Establish relationships with local and state governments, federal officials, nonprofit organizations, and the private sector to promote and ensure the highest standards of Holocaust and genocide memorial and education;

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<sup>44</sup> R.C. 197.04 and 197.07.

<sup>45</sup> R.C. 197.05 and 195.06.

<sup>46</sup> R.C. 197.11 and 197.12.

<sup>47</sup> R.C. 197.13.



- Submit a written annual report of its activities, accomplishments, and recommendations to the Commission.

## Medicaid appropriations

Due to the enhanced federal medical assistance percentage enacted as a result of the COVID-19 pandemic, the act increases Medicaid appropriations by a total of \$3.52 billion in FY 2021. This total breaks down by each impacted line item as follows:

1. GRF line item 651525, Medicaid Health Care Services, increased by \$1.04 billion (about \$566.4 million decrease in state share; \$1.60 billion increase in federal share);
2. Federal Fund 3F00 line item 651623, Medicaid Services – Federal, increased by \$2.60 billion;
3. Dedicated Purpose Fund 5TN0 line item 651684, Medicaid Services – HIC Fee, increased by \$200.0 million;
4. GRF line item 651526, Medicare Part D, decreased by \$136.9 million;
5. Dedicated Purpose Fund 5DL0 line item 651639, Medicaid Services – Recoveries, decreased by \$180.0 million.<sup>48</sup>

The act further increases Medicaid appropriations by a total of \$700.0 million in FY 2021, as follows:

1. Dedicated Purpose Fund 5GF0 line item 651656, Medicaid Services – Hospital Upper Payment Limit, increased by \$175.0 million; and
2. Federal Fund 3F00 line item 651623, Medicaid Services – Federal, increased by \$525.0 million.<sup>49</sup>

Finally, the act appropriates \$80.0 million in FY 2021 to Federal Fund 3A40 line item 653654, Medicaid Services, under the Department of Developmental Disabilities.<sup>50</sup>

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<sup>48</sup> Section 16.

<sup>49</sup> Section 17.

<sup>50</sup> Section 15.

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## HISTORY

Action	Date
Introduced	05-05-20
Reported, S. Finance	05-06-20
Passed Senate (33-0)	05-06-20
Reported, H. Finance	06-04-20
Passed House (87-8)	06-04-20
Senate refused to concur in House amendments (10-22)	06-10-20
House requested conference committee	09-16-20
House agreed to conference report (89-0)	12-17-20
Senate agreed to conference report (29-0)	12-18-20

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