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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 101
135th General Assembly

Final Analysis

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Primary Sponsors: Reps. Bird and Schmidt

Effective date: April 30, 2024; appropriations effective January 30, 2024; certain provisions effective January 1, 2025

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SUMMARY

Village dissolution

- Allows the question of dissolution to be placed on the ballot only at a general election held in an even-numbered year.
- Modifies the process for winding up the affairs of a dissolved village as follows:
 - Requires a Transition Supervisory Board to be established to supervise the various aspects of the transition.
 - Requires the appointment of a receiver-trustee to perform certain duties including the collection of taxes, resolution of debts, distribution of property, continuity of utility services, handling of public records requests, and other matters.
 - Requires former village officials to assist the Board.

Geauga County prosecuting attorney

- Requires the Geauga County prosecuting attorney to prosecute all violations of state law arising within the unincorporated areas of Geauga County.

Competitive bidding

- Increases the competitive bidding threshold amount to \$75,000 for villages and park districts.

Large Settlements and Awards Fund

- Creates a Large Settlements and Awards Fund and directs the proceeds of any court order, judgment, settlement, or compromise exceeding \$5 million to the fund.

Reporting election results

- Requires boards of elections and the Secretary of State to transmit election results, including those of county court judge and municipal court judge, to the Administrative Director of the Supreme Court by email or other telecommunication device.
- Requires election results on the Governor, members of Congress, and others to be emailed to the Senate President, rather than mailed.

F-9 liquor permits

- Modifies eligibility for an F-9 permit as follows:
 - Eliminates the law restricting the permits to Franklin County;
 - Expands the eligible applicants to include a nonprofit that provides or manages entertainment programming at a municipal park under an agreement with the municipal corporation that owns the park; and
 - Eliminates the restriction that the park property be the subject of an agreement between various entities for hosting art or orchestral performances.
- Allows a person to possess an opened container of beer or intoxicating liquor that has been lawfully purchased for on-premises consumption from an F-9 permit holder.
- Continues to allow a person to possess on an F-9 permit premises a container of beer or intoxicating liquor that was not purchased from an F-9 permit holder with the permit holder's permission, but eliminates qualifications that a person could do so only if certain conditions applied, including attending a free art or music performance.

Treasurer of State

- Exempts from the Public Records Law certain records related to the linked deposit programs from the Treasurer of State and participating financial institutions.
- Specifies the termination date for public depositories designated on or around July 4, 2022, is Sunday, July 6, 2025.

Primary and secondary education

- Increases the minimum state share percentage for joint vocational school districts from 5% to 10% for FY 2024 and FY 2025.
- Qualifies a child for the Autism Scholarship Program if, in addition to other requirements, the child is eligible to enter school in any of grades preschool through 12 during the school year in which a scholarship is first sought.
- Clarifies that projects that received conditional approval from the Ohio Facilities Construction Commission during 2023 are subject to the 16-month window during which voters must approve bonds and tax levies.
- Continues school districts' and community schools' authority to employ an educator to teach outside of the educator's designated grade band beyond December 29, 2023.

- Clarifies that the State Board of Education, rather than the Department of Education and Workforce (DEW), is responsible for criminal records checks and RAPBACK enrollment of pre-service teaching permit holders.
- Requires DEW, rather than the State Board, to adopt and update reading competencies for all reading credentials and training.
- Removes the DEW Director from the Educator Standards Board and its subcommittees.
- Makes corrective changes related to the establishment of DEW and the transfer of State Board's and Superintendent of Public Instruction's powers and duties.

Higher education

- Exempts private, nonprofit colleges and universities from posting on their websites that students have a right to access transcripts for the purpose of seeking employment, regardless of whether they owe an institutional debt.
- Abolishes the Center for Civics, Culture, and Society at the University of Cincinnati.
- Establishes a Center for Civics, Culture, and Workforce Development at Wright State University.
- Transfers from the University of Cincinnati to Wright State a \$2 million earmark to support the center.

Preschool and school child programs

- Revises the law effective January 1, 2025, governing minimum standards for licensed preschool and school child programs, including by requiring the Department of Children and Youth to adopt those standards in rule, rather than to do so jointly and in consultation with the DEW Director.

STRS membership for pre-service teaching

- Includes, as State Teachers Retirement System members, student teachers who hold pre-service teacher permits and are employed as substitute teachers, and excludes them from School Employees Retirement System membership.

Doula services

- Modifies recently enacted law establishing doula certification by the Board of Nursing and creating a Medicaid program to cover doula services.

Respiratory care applicants' information

- Eliminates the requirement that the State Medical Board's register of applicants and licensees show the residential address of applicants to practice respiratory care.

9-1-1 charges and fees

- Applies the next generation 9-1-1 access fee to wireless service priced under \$5 per month.

- Modifies the payment sources for refunds of wireless 9-1-1 charges and next generation 9-1-1 access fees.

Tax law

- Makes clarifying changes to a recently enacted income tax deduction for contributions to homeownership savings accounts.
- Makes technical corrections to various tax laws that were amended or enacted in H.B. 33 of the 135th General Assembly, the main appropriations act.

Other appropriations

- Makes other appropriations.

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DETAILED ANALYSIS

Village dissolution

There are three pathways to a village dissolution: surrender of corporate powers by the electors, dissolution of a village in fiscal emergency, and dissolution of a village that meets population, size, and other factors.¹ The act modifies one aspect of the first pathway (surrender by the electors), and overhauls the process for winding up the affairs of a dissolved village. Under the act, no matter how a dissolution is initiated, all will utilize the same process to wind up the village's affairs.²

Surrender by electors

The act modifies when a question of dissolution may appear on the ballot. Under continuing law, the residents of a village may submit a petition to the village's legislative authority to put the question of dissolution on the ballot; the legislative authority must hold a special election. If the legislative authority fails to do so, the petitioners may file the petition with the board of elections, which must place the question on the ballot at a special or general election. The act changes this by requiring the question to appear only at an election held in November of an even-numbered year.

The act specifies that a petition, which is filed with the board of elections for the dissolution of a village, is only valid if it is filed during an even-numbered year on or after July 1, and at least 90 days before the next general election. This provides approximately one month to file a petition. Additionally, this provision limits to approximately four months the amount of time that a village would have to operate under the restrictions described below under "**Dissolution in question.**"³

Dissolution in question

While a dissolution is in question but not yet decided,⁴ the act prohibits the village from creating any new debts, obligations, or liabilities unless necessary to continue providing utilities. Once it is decided a dissolution will not occur, the village may resume its normal activities.⁵

¹ R.C. 703.33 (formerly R.C. 703.20), 118.31, and 703.34 (formerly R.C. 703.201).

² R.C. 703.32. Formerly, all proceeded under the same process (former R.C. 703.21, repealed by the act), but a receiver-trustee was appointed to assist when the dissolution was initiated due to a fiscal emergency. R.C. 118.31.

³ R.C. 703.33.

⁴ Beginning when the electors file a petition to place the question of dissolution on the ballot and ending when the election result is certified. Alternatively, beginning when the Attorney General initiates a legal action and ending when the court makes its decision. R.C. 703.31.

⁵ R.C. 703.35(A).

Because a village will cease to exist quickly upon a decision being made (by the electors or by the court), the act also requires a village – while the dissolution is in question – to select an official or employee of the village to act as a representative during a dissolution should one occur. The representative must be knowledgeable on village matters and, if a dissolution occurs, will assist in winding up the village’s affairs.⁶ If the village did not select a representative before being dissolved, one will be selected after the dissolution.⁷

Dissolution is effective

Once it is decided a dissolution will occur (the act refers to this date as the “date the dissolution is effective”),⁸ the following take effect:⁹

- The village ceases to exist and its officials cease to hold office.
- All laws of the village are extinguished; no new laws can take effect (except some tax laws; see “**Taxes**,” below).
- All leases terminate as specified in the respective lease agreements.¹⁰
- A “Transition Supervisory Board” is created (see “**Transition Supervisory Board**,” below).
- The territory of the village becomes part of the township or townships in which the village was located, along existing township boundaries.¹¹
- All resolutions of the township apply in the territory as applicable, including zoning resolutions (or county zoning may apply).

Transition period

The “transition period” is when the work is done to wind up the affairs of the village. It begins on the date the dissolution is effective and ends when the Transition Supervisory Board determines all outstanding debts, obligations, and liabilities of the dissolved village have been resolved, all real and personal property of the dissolved village has been transferred or otherwise disposed of, and all utility property and utility services have been transferred.¹²

⁶ R.C. 703.35(B).

⁷ R.C. 703.361(F).

⁸ The date an election result in favor of dissolution is certified or a court’s order of dissolution is filed. R.C. 703.31.

⁹ R.C. 703.36. Unrelated to the act, a dissolution taking effect also terminates the existence of a financial planning and supervision commission that exists with respect to the dissolved village. See R.C. 118.27. See also R.C. 703.23, requiring courts to take judicial notice of a dissolution.

¹⁰ The Transition Supervisory Board resolves any disputes regarding lease terminations.

¹¹ The Transition Supervisory Board resolves any ambiguities regarding territory.

¹² R.C. 703.31 and 703.37.

Transition Supervisory Board

The Transition Supervisory Board is responsible for managing the transition of the dissolved village. The Board has three voting members: the county auditor, the county recorder, and one county commissioner. The Board also has, as a nonvoting member, a township representative from each township affected by the dissolution; it must be a township trustee or the township fiscal officer. The county auditor is the chairperson.¹³ If the general election that determined the date the dissolution is effective also included an election for an office in which the office holder is designated as a Board member, the individual declared as elected to the office must serve on the Board. Further, the act prohibits an individual who is a resident of the dissolved village from serving on the Board. Such an individual who is designated as a Board member must designate a suitable replacement to serve on the Board.¹⁴

The “village representative” (discussed above) and the individuals serving as fiscal officer and primary legal counsel before the village dissolved are required to provide consultation to the Board.¹⁵

The Board appoints and supervises a receiver-trustee (from a list of options provided by the Auditor of State) to assist the Board with winding up the dissolved village’s affairs.¹⁶

The receiver-trustee has the following duties:¹⁷

- Resolve the outstanding debts, obligations, and liabilities of the dissolved village;
- Approve necessary operations and budgetary functions of the dissolved village;
- Settle or resolve any legal claims against the dissolved village (claimants have 90 days to bring a claim);¹⁸
- Administer and collect taxes and special assessments levied by the dissolved village;
- Wind down the dissolved village’s involvement in community improvement corporations, special improvement districts, and tax increment financing arrangements;
- Dispose of the dissolved village’s real and personal property;
- Manage the dissolved village’s utility services, then transfer them;

¹³ R.C. 703.361(A) and (B). If a village is located in more than one county, the county members from the county wherein a majority of the village was located serve on the Board.

¹⁴ R.C. 703.361(A)(3) and (4).

¹⁵ R.C. 703.361(F).

¹⁶ R.C. 703.361(E). If necessary, the Board may replace the receiver-trustee with the Auditor of State’s approval.

¹⁷ R.C. 703.362.

¹⁸ 90 days from the date the receiver-trustee is appointed. Any claim brought after that date is void. R.C. 703.39.

- Respond to requests for the dissolved village's public records and transfer custody of the records to the proper entity;
- Conduct all other necessary business to conclude the village's affairs.

The act specifies the Board is subject to the Open Meetings Law¹⁹ and that it is not liable for acting in accordance with the act's requirements, except for liability imposed as a result of a finding for recovery or other citation in the Auditor of State's final audit of the dissolved village. The Board exists until the Auditor of State completes the final audit of the dissolved village.²⁰

Taxes

If the receiver-trustee determines that the revenue from an existing municipal property or income tax or special assessment is needed to pay any outstanding debts, obligations, or liabilities of a dissolved village, those taxes or assessments can continue to be levied and collected after the dissolution is effective solely to pay those obligations. During the transition period, the receiver-trustee administers and receives payments and settlements of the taxes. After the transition period, the payments are administered by the fiscal officer of the township that assumed most of the village's territory. Once those obligations are paid in full, the taxes may no longer be levied in subsequent tax years or taxable years. Within 30 days after the date on which the obligations are paid in full, the receiver-trustee or township fiscal officer administering the tax must notify the county auditor and other members of the appropriate county budget commission, in the case of property taxes, or the Tax Commissioner, in the case of income taxes, of which taxes will no longer be levied and the date on which the outstanding obligations were paid in full.²¹

If the revenue from an existing tax or special assessment is not needed to pay the dissolved village's outstanding obligations, it can no longer be levied after the tax year or taxable year which includes the date on which the dissolution is effective. Within 30 days after that date, the receiver-trustee or township fiscal officer administering the tax must notify the county auditor and other members of the appropriate county budget commission, in the case of property taxes, or the Tax Commissioner, in the case of income taxes, of which taxes will no longer be levied and the dissolution's effective date.²²

Property taxes levied by the township(s) into which a village is dissolved on all property within the township begin to apply to property within the former boundaries of the village in the tax year after which the village's property taxes are no longer levied. Property taxes that are levied on a portion of a township's property must be amended to include property in the village's

¹⁹ R.C. 121.22, not in the act.

²⁰ R.C. 703.361(C), (D), and (G).

²¹ R.C. 703.371(A), (C), and (E).

²² R.C. 703.371(B) and (D).

former territory. Taxes levied by subdivisions other than such townships continue unimpeded by the dissolution of the village.²³

Under the act, refunds of illegal, erroneous, or excessive payments made by taxpayers to the dissolved village pursuant to a municipal income tax are considered outstanding debts of the dissolved village. During the transitional period, the receiver-trustee must estimate the amount of refunds likely to be requested and approved from the date the dissolution is effective to the first day of the fourth year following the last year those taxes are levied. (Municipal income tax refunds generally must be requested within four years after an overpayment is made.) 110% of that estimate must be deposited into a separate fund, administered by the absorbing township's fiscal officer, to pay the refunds. After four years, the fund is extinguished and distributed among the townships into which the village dissolved in proportion to the amount of territory each township absorbed. The revenue must be used to benefit the territory of the dissolved village. No refund claims may be brought for the dissolved village's taxes after the fund is extinguished.²⁴

Any revenue collected from municipal taxes and assessments that is not or cannot be used to pay off the dissolved village's outstanding obligations must be paid to the townships into which the village is dissolved, in proportion to the amount of former village territory in each. A township must deposit the revenue into the township general fund, and it must be used to directly or indirectly benefit the territory of the dissolved village.²⁵

Debt

In general, the township(s) into which the territory of a village is dissolved do not assume the voted debts, obligations, or liabilities of the village. There are exceptions for obligations imposed by Special Improvement Districts and Tax Increment Financing arrangements that a township may be required to take on as discussed in those respective sections below.

Unvoted debt serviced by property taxes levied by the village within the ten-mill limitation, however, must be assumed by the townships into which the village is dissolved, apportioned based on the total assessed valuation of territory that each township absorbs in the tax year in which the dissolution is effective.²⁶

Property

The receiver-trustee must transfer the dissolved village's utility property to the entity that takes over the utility services. And, the receiver-trustee must sell the dissolved village's liquidable assets and use the proceeds to pay the outstanding debts, obligations, and liabilities as necessary. The remaining property is transferred to the township into which the village dissolved.

²³ R.C. 703.371(H) and (I).

²⁴ R.C. 703.371(F).

²⁵ R.C. 703.371(G).

²⁶ R.C. 703.372.

If multiple townships are involved, the receiver-trustee directs the townships to agree on a distribution of the remaining property;²⁷ the receiver-trustee helps the townships evaluate the remaining property as necessary. If the townships cannot reach an agreement within 60 days of the date the dissolution is effective, the receiver-trustee decides how the property should be distributed. Prior law specified that if an agreement could not be reached, the property vested by operation of law in proportion to the amount of territory each township had within the dissolved village, which led to ambiguity.²⁸

The receiver-trustee provides all relevant documentation to the county recorder in the county or counties where transferred property is located. The county recorder must make appropriate notations in the county records to reflect the transfers and must include a reference to the dissolution.²⁹

Utilities

The act requires the dissolved village's utilities to continue uninterrupted. The receiver-trustee is responsible for providing that continued service until the receiver-trustee is able to transfer each utility to an appropriate entity. Any relevant real or personal property is also transferred to the entity taking over the utility.³⁰

Public records

The receiver-trustee must review the dissolved village's records to determine which should be disposed of, transferred to an entity taking over a utility service, or transferred to the township or townships into which the village dissolved. The receiver-trustee has 90 days to complete its review and is assisted by the county records commission of the county where most of the village was located.

Before records are transferred, requests for the dissolved village's public records are submitted to the receiver-trustee, and the receiver-trustee is responsible for responding. Continuing law requires each village to have a records retention schedule depicting how long each classification of records is retained by the village before disposal.³¹ The act requires the receiver-trustee to evaluate the dissolved village's records retention schedule to determine if it is viable for future responses to public records requests. If viable, the receiver-trustee follows the schedule. But if not viable, the receiver-trustee and the county records commission must create a schedule. If a request is submitted for a record the Board already transferred to another entity, the receiver-trustee must tell the requestor that the record may be available from the other

²⁷ Former law required the dissolving village to be involved in the agreement. R.C. 703.21, repealed.

²⁸ R.C. 703.21, repealed.

²⁹ R.C. 703.373.

³⁰ R.C. 703.374.

³¹ R.C. 149.39.

entity. The entities take over all responsibilities related to public records when the transition period is over.³²

Community improvement corporations

If a dissolved village designated a community improvement corporation (CIC) as its economic development agency, and the village is the only subdivision to have so designated the CIC, the act dissolves the CIC upon the village's dissolution. If other subdivisions also designated the CIC, the CIC either dissolves and apportions its remaining assets to all of those subdivisions, or it liquidates the dissolved village's share of its assets only and amends its articles of incorporation to reflect that it is no longer the agency of the village. The assets apportioned to the dissolved village are disposed of by the receiver-trustee.³³

Special improvement districts

If a dissolving village is a participating subdivision in a special improvement district (SID), the act prohibits the SID from creating new debts, obligations, or liabilities during the dissolution period, except where necessary to continue providing utilities. During the transition period, the receiver-trustee must call a meeting to consider winding down or transitioning the SID's affairs to the townships that will assume the SID territory. There, the Transition Supervisory Board, affected legislative authorities, and members of the SID who collectively own more than half the real property in the SID, may vote to amend the SID plan to replace the dissolving village with the townships that will assume the SID territory and all rights and responsibilities of the dissolved village. Alternatively, the SID will be dissolved and any special assessments imposed will continue until all bonds, notes, and other SID obligations are paid. Any assets or rights, after the obligations are paid, are to be distributed to each subdivision based on the value of real property located in the subdivision compared to the SID as a whole. Assets or rights apportioned to the dissolved village are to be disposed of by the receiver-trustee or dispersed to the townships that assumed the SID territory.³⁴

Tax increment financing

If a dissolved village is receiving service payments in lieu of taxes for a property tax exemption granted pursuant to a tax increment financing arrangement (TIF), the townships into which the subject property is dissolved must assume all rights and responsibilities of the village related to the TIF.³⁵

LGF payments

Under continuing law, Local Government Funds (LGF) are distributed by the state to local subdivisions directly pursuant to law or according to an apportionment plan adopted by the

³² R.C. 703.375.

³³ R.C. 703.376 and 1724.07.

³⁴ R.C. 703.377.

³⁵ R.C. 703.378.

county budget commission.³⁶ The budget commission of a county in which a dissolved village was fully or partially located must continue to make those LGF payments until the end of the apportionment plan. During the transition period, the payments are distributed to the receiver-trustee. After the transition period, the payments are distributed to the fiscal officer of the township that assumed most of the village's territory. After first putting those funds towards any outstanding debts, obligations, or liabilities of the village, that fiscal officer then apportions the amount to all of the townships into which the village was dissolved, in proportion to the amount of former village territory in each.

The budget commission cannot amend the apportionment plan to reallocate the village's portion until after the transition period has begun. Once the transition period has begun, if the commission does adopt a new apportionment plan, it must then exclude the dissolving village.³⁷

Fund transfers

After a village is dissolved, any money remaining in a village account may be transferred by the receiver-trustee to a special account solely for the purpose of paying the village's outstanding obligation or to the general fund of a township to benefit the village's former territory. This transfer may be made without the approval of the Tax Commissioner, as would otherwise appear to have been required under prior law.³⁸

Transition over

The transition period ends when the Transition Supervisory Board determines all outstanding debts, obligations, and liabilities of the dissolved village have been resolved, all real and personal property of the dissolved village has been transferred or otherwise disposed of, and all utility property and utility services have been transferred.³⁹ The Board must notify the Auditor of State and all entities affected by or participating in the dissolution that the transition period is over. Within 30 days after the transition period ends, the Auditor begins the final audit of the dissolved village. When completed, the Auditor provides the audit to the Board.⁴⁰ The Board ceases to exist when the Board receives the final audit.⁴¹

Finally, the act specifies that after a dissolution, the lot number previously assigned to a tract, parcel, or lot of land may continue in use.⁴²

³⁶ R.C. 5747.50, 5747.503, 5747.51, and 5747.53, not in the act.

³⁷ R.C. 703.379.

³⁸ R.C. 5705.14.

³⁹ R.C. 703.31.

⁴⁰ R.C. 703.38.

⁴¹ R.C. 703.361(G).

⁴² R.C. 317.115 and 317.18.

Geauga County prosecuting attorney

The act expressly authorizes the Geauga County prosecuting attorney to prosecute violations of state law arising within the unincorporated areas of Geauga County. Generally, under ongoing law, the chief legal officer of a municipal corporation in which a municipal court is located is responsible for prosecuting criminal cases arising in the unincorporated areas within the territory of the municipal court.⁴³ It appears that Chardon Municipal Court includes unincorporated areas of the county, and a legal officer of the city of Chardon has been prosecuting such cases.

Competitive bidding

The act increases the threshold for village and park district purchases that are subject to a competitive bidding procedure from \$50,000 to \$75,000 through calendar year 2024. For calendar year 2025 and each year thereafter, the amount will increase by 3% each year.⁴⁴

F-9 liquor permits

The act expands eligibility for the F-9 liquor permit as follows:

- Eliminates the law restricting the permits to Franklin County;
- Expands the entities eligible to apply for an F-9 permit to include a nonprofit that provides or manages entertainment programming at a municipal park pursuant to an agreement with the municipal corporation that owns the park; and
- Eliminates law that required the park property that was the subject of an F-9 permit to be the subject of an agreement between a municipal corporation, a national nonprofit organization that is a foundation, and an Ohio-based nonprofit organization for the hosting of outdoor performing arts events or orchestral performances.⁴⁵

An F-9 permit holder may sell beer or intoxicating liquor by the individual drink at specific events conducted within the park property and appurtenant streets during times the sale of beer and intoxicating liquor on the premises is otherwise permitted by law. The permit is valid for up to nine months.

Additionally, the act does both of the following regarding the Opened Container Law and the F-9 permit:

- Allows a person to possess an opened container of beer or intoxicating liquor that has been lawfully purchased for on-premises consumption from an F-9 permit holder; and
- Continues to allow a person to possess on the F-9 permit premises an opened or unopened container of beer or intoxicating liquor that was not purchased from an

⁴³ R.C. 1901.34(A) and (B).

⁴⁴ R.C. 731.14 and 1545.07; and R.C. 9.17, not in the act.

⁴⁵ R.C. 4303.209(A)(1).

F-9 permit holder with the permission of the permit holder. However, the act eliminates two qualifications that a person could do so only if:

- The person was attending an orchestral performance and the F-9 permit holder granted permission for the possession and consumption of the beer or intoxicating liquor; or
- The person was attending an outdoor performing arts event or orchestral performance that was free and the F-9 permit holder annually hosted at least 25 other events or performances that were free on the permit premises.⁴⁶

Reporting election results

The act requires boards of elections to transmit unofficial election results to the Administrative Director of the Supreme Court by email, or other telecommunication device, as determined by the Supreme Court, when the results of ballots have been ascertained. Continuing law requires boards of elections, when the results of ballots have been ascertained, to compile and prepare an unofficial count and transmit those results to the Secretary of State or to the board of the most populous county in the district, no later than noon on the day following the election.⁴⁷

The act also requires additional election results to be reported after the votes have been canvassed – those for the judge of a county court, and for the judge of a municipal court. Under continuing law, after the canvass of election results has been completed – i.e., the official election results – those results are reported on 6 forms, numbers 1 through 6, which have different election results.

Form No. 4 has the offices of State Board of Education, court of appeals, common pleas judge, judge of the probate court, and all the county-wide elected offices. The act adds “judge of the county court” to the list for Form No. 4. A judge of a county court is a type of judge distinct from a common pleas court judge, with jurisdiction in a county area not including municipal court jurisdictions.⁴⁸

Form No. 6 has the election results for municipal offices, township offices, and local boards of education. The act adds “judge of a municipal court” to this list.

The act also requires boards of elections to email a copy of Form No. 2 to the Senate President, rather than mail a copy.⁴⁹ Form No. 2 contains all the statewide offices, the Ohio Supreme Court, and members of Congress.

⁴⁶ R.C. 4301.62(C)(1) and (5).

⁴⁷ R.C. 3505.30.

⁴⁸ See R.C. Chapter 1907, not in the act.

⁴⁹ R.C. 3505.33.

Finally, the act requires the Secretary of State to digitize Form Nos. 4 and 6 upon receipt (continuing law only required Form Nos. 1, 2, and 3) and then email or otherwise electronically transmit a copy of those two forms to the Administrative Director of the Supreme Court.⁵⁰

Large Settlements and Awards Fund

Beginning in 2025, the act modifies the disbursements of settlement and award funds received by the state. Under the act, all money collected or received by the Attorney General from a judgment, court order, settlement, or other compromise of claims is deposited into the Attorney General Court Order and Settlement Fund (previously called the Attorney General Court Order Fund).

- For amounts under \$5 million, the money is then disbursed by the Director of Budget and Management, in consultation with the Attorney General, to one or more custodial funds. The Director or Attorney General must provide notice of the transfer to the Director of the Legislative Service Commission (LSC). The notice must include the amount and rationale supporting the transfers.
- For amounts of \$5 million or more,⁵¹ the OBM Director must transfer the funds to the Large Settlements and Awards Fund, which the act creates in the state treasury. The Director or Attorney General must provide notice of the transfer to the LSC Director. The notice must include the amount, terms, and any applicable laws.

Under continuing law, all amounts the Attorney General receives as reimbursement for legal services and other services, or as reimbursement for costs and fees associated with representation, are paid into the Attorney General Reimbursement Fund.

Also beginning in 2025, the act requires the Attorney General, when seeking an order or judgment of a court, or when entering into a settlement agreement or other compromise of claims on the state's behalf, to seek to secure payment of all costs, expenses, and contractual obligations related to the legal services and other services provided, unless those items are to be paid with available funds.⁵²

Treasurer of State

Public records – linked deposit programs

The act specifies that the records of the Treasurer of State and an eligible financial institution participating in a linked deposit program are not subject to Ohio Public Records Law if any of the following applies:

⁵⁰ R.C. 3505.33 and 3505.35.

⁵¹ This does not include the Attorney General's reimbursements, amounts paid to the state or a political subdivision under a collection, or amounts payable to a specified person or class of persons for a particular injury.

⁵² R.C. 109.11, 109.111, 109.112, and 109.113; Section 701.10.

- The record is provided by an eligible borrower or participant to an eligible financial institution, to obtain a financial service or product from the institution;
- The record results from a transaction between the eligible borrower or participant and the eligible financial institution, involving a financial product or service;
- An eligible financial institution otherwise obtains the record about an eligible borrower or participant in connection with providing a financial product or service.

The act specifies that these records may include names, addresses, telephone numbers, Social Security numbers, income, credit scores, information obtained through cookies and other internet collection devices, loan amounts, contributors to a linked deposit savings account, and amounts contributed to, earned by, or distributed from a linked deposit savings account.⁵³

In a linked deposit program, the Treasurer invests state funds in certificates of deposit or other instruments at eligible financial institutions. The Treasurer agrees to accept a reduced rate of return on the investment and, in turn, the financial institution agrees to pass the savings on to approved borrowers or participants.

Treasurer of State reporting

In addition, the act specifies that for purposes of the Homeownership Savings Linked Deposit Program, the Treasurer of State must report to the Tax Commissioner any information in the Treasurer's possession deemed necessary by the Tax Commissioner to properly administer the tax deduction provided to eligible participants under that program.⁵⁴

Public depositories

In 2023, H.B. 33 of the 135th General Assembly, the main appropriations act, changed the timeline for designating public depositories of state funds from a two-year cycle to a four-year cycle, starting in 2025. H.B. 33 specified that public depositories of state funds designated in 2022 retain that designation for three years, instead of two, until the new timeline is implemented.

The act adds a specific date to this timeline and specifies that the termination date for public depositories designated on or around July 4, 2022, is on the day before the first Monday of July 2025.⁵⁵ This date is Sunday, July 6, 2025.

⁵³ R.C. 135.61(E).

⁵⁴ R.C. 135.71(E).

⁵⁵ Sections 601.10 and 601.20.

Primary and secondary education

Minimum state share percentage

The act makes a corrective change to the school financing system by increasing the minimum state share percentage for joint vocational school districts from 5% to 10% for FY 2024 and FY 2025.⁵⁶

H.B. 33 of the 135th General Assembly, the main appropriations act, increased the minimum state share percentage for all other school districts to 10% for those fiscal years.

Autism Scholarship Program eligibility

The act qualifies a child for the Autism Scholarship Program if, in addition to other requirements, the child is eligible to enter school in any of grades preschool through 12 in the school district in which the child is entitled to attend school during the school year in which the scholarship is first sought for the child. Under former law, a child was eligible for the scholarship if, in addition to other requirements, the child was either enrolled in or eligible to enter school in any of grades preschool through 12 in the school year *prior* to the year in which a scholarship is first sought for the child.⁵⁷

Conditional approval for school facilities projects

H.B. 33 extended the time in which school district voters must approve bond and tax levies related to a state-assisted school facilities project from 13 to 16 months after the Ohio Facilities Construction Commission grants the project conditional approval. The act clarifies that the 16-month time period applies to any projects that received conditional approval during 2023.⁵⁸

Employment outside designated grade bands

H.B. 33 authorized school districts and community schools to employ licensed educators to teach outside the grade band designated on their licenses, but only included that authority in the version of the law that was effective until December 29, 2023. The act continues that authority beyond December 29, 2023.

Under that authority, a district or school may employ a licensed educator to teach one or two grade levels outside the grade band designated on the educator's license for up to two school years at a time. The district or school may opt to renew the educator's eligibility to teach outside of grade band every two years.⁵⁹

⁵⁶ R.C. 3317.16(A)(1)(a).

⁵⁷ R.C. 3310.41(A)(6).

⁵⁸ R.C. 3318.05 and 3318.41.

⁵⁹ R.C. 3319.22(A)(1) and (4).

Pre-service teaching permits

The act clarifies that the State Board of Education, rather than the Department of Education and Workforce (DEW), is responsible for criminal records checks and RAPBACK enrollment of pre-service teaching permit holders.⁶⁰

Reading competencies

The act requires DEW, rather than the State Board, to adopt reading competencies for all reading credentials and training. It also permits the Department to review and update the competencies as necessary.⁶¹

Educator Standards Board

The act removes the DEW Director, or the Director's designee, from the Educator Standards Board and its subcommittees.⁶²

Corrective changes

The act makes various corrective changes related to the establishment of DEW and the transfer of State Board's and Superintendent of Public Instruction's powers and duties to DEW.⁶³

Higher education

Institutional debt

The act exempts private, nonprofit colleges and universities from recently enacted requirements (1) to make clear on their websites that students have a right to access transcripts for the purpose of seeking employment, regardless of whether the student owes an institutional debt, and (2) to post a list of resources available to students who owe an institutional debt. The requirements were enacted in 2023 by H.B. 33 of the 135th General Assembly, the main appropriations act. They continue to apply to state institutions and private, for-profit career colleges and schools.⁶⁴

Center for Civics, Culture, and Workforce Development

The act abolishes the Center for Civics, Culture, and Society that was to be created at the University of Cincinnati under H.B. 33 of the 135th General Assembly and, in its place, establishes a new Center at Wright State University. It also transfers the \$2 million earmark for a center from the University of Cincinnati to Wright State.

Wright State's Center is an independent academic division that must be located at its Dayton campus. The Center must conduct teaching and research in the historical ideas,

⁶⁰ R.C. 3319.0812. See also R.C. 3319.316, 3319.391, and 3327.10, none in the act.

⁶¹ R.C. 3301.077; conforming changes in R.C. 3313.608, 3319.233, and 3333.049.

⁶² R.C. 3319.60, 3319.611, and 3319.612.

⁶³ R.C. 2950.11, 3301.55, 3313.7117, 3314.017, 3317.22, 3319.22, 3322.24, 3333.048, and 3701.0212.

⁶⁴ R.C. 3345.60.

traditions, and texts that have shaped the American constitutional order and society and the U.S armed forces. The Center has authority to establish its own bylaws, and the act stipulates that the bylaws must require the Center to do the following:

1. Educate students by means of free, open, and rigorous intellectual inquiry to seek the truth;
2. Affirm its duty to equip students with the skills, habits, and dispositions of mind they need to reach their own informed conclusions on matters of social and political importance;
3. Affirm the value of intellectual diversity in higher education and aspire to enhance the intellectual diversity of the university;
4. Affirm a commitment to create a community dedicated to an ethic of civil and free inquiry, which respects the intellectual freedom of each member, supports individual capacities for growth, and welcomes the differences of opinion that must naturally exist in a public university community.

The prescribed requirements adopted under the bylaws described above take priority over any other bylaws adopted by the Center. The act permits the university's board of trustees to change the Center's name in accordance with the university's philanthropic naming policies and practices.⁶⁵

Instructional requirements

The Center must offer instruction in:

1. The books and major debates which form the intellectual foundation of free societies, especially the United States;
2. The principles, ideals, and institutions of the American constitutional order, including the armed forces;
3. The foundations of responsible leadership and informed citizenship;
4. The origin, purpose, and role of Wright-Patterson Air Force Base and surrounding defense-related industries in supporting the United States; and
5. The workforce needs of Wright-Patterson Air Force Base and industries that support it.⁶⁶

Furthermore, the Center must focus on offering university-wide programming related to the values of free speech and civil discourse, expanding the intellectual diversity of the university's academic community, and increasing awareness of Wright-Patterson Air Force Base and supporting workforce needs to sustain and attract missions at the base.⁶⁷

⁶⁵ R.C. 3352.16(A) and 3361.06, repealed.

⁶⁶ R.C. 3352.16(C)(1).

⁶⁷ R.C. 3352.16(C)(2).

The act grants the Center authority to offer courses and develop certificate, minor, and major programs as well as graduate programs and to offer degrees.⁶⁸

Academic council

The university's board of trustees must appoint, with the advice and consent of the Senate, a seven-member academic council by July 29, 2024. However, a new member cannot begin service until confirmed by the Senate. Four members form a quorum.

The act requires the academic council be comprised of scholars with relevant expertise and experience. Not more than three members may be employees of the university, and best efforts must be made to have at least three members from Ohio.

Three members must serve initial terms of two years and four members must serve initial terms of four years. The members must determine which members will serve which terms at the first meeting and select replacements for vacant seats as needed. However, the act does not specify the duration of terms after the initial ones.⁶⁹

Director search and responsibilities

The academic council must conduct a nationwide search for candidates for the Center's director. The act specifically requires that the nationwide search adhere to all relevant state and federal laws. The council must submit a list of candidates to the university president, from which the president must select and appoint a director. This appointment is subject to the approval of the board of trustees. The act further requires that the director consult with the provost; however, the director must report directly to the president.

The act grants the director the sole and exclusive authority to manage the recruitment and hiring process and to extend offers for employment for all faculty and staff of the Center, and to terminate employment of all staff, subject to the approval of the university's board of trustees. Additionally, the director must oversee, develop, and approve the Center's curriculum.⁷⁰ It also prohibits any university policy from governing the development and approval of curriculum within the Center.⁷¹

The director must submit annually a report to the university's board of trustees and the General Assembly. The report must provide a full account of the Center's achievements, opportunities, challenges, and obstacles in developing the academic unit.⁷²

⁶⁸ R.C. 3352.16(E)(3).

⁶⁹ R.C. 3352.16(D).

⁷⁰ R.C. 3352.16(E)(1), (2), and (3).

⁷¹ R.C. 3352.16(B).

⁷² R.C. 3352.16(F).

Faculty

The act grants the Center authority to house faculty who hold appointments in the Center. It also permits, but does not require, faculty appointed to the Center to hold joint appointments with any other division of the university. The act expressly prohibits faculty from outside the Center from blocking faculty hires.⁷³

Benefits for military service members

The act grants certain benefits to military members. Specifically, it requires the Center to develop standards and procedures to maximize granting academic credit for military training, experience, and coursework. It also prohibits Wright State from charging more than its in-state tuition and fees to any current or honorably discharged member of the armed forces, or the spouse or dependents of a member, who enrolls in a Center program, regardless of whether the student is an Ohio resident.⁷⁴

Preschool and school child programs

The act revises the law, effective January 1, 2025, governing minimum standards for licensed preschool and school child programs by requiring the Ohio Department of Children and Youth (DCY) to adopt those standards in rule, rather than doing so jointly and in consultation with the DEW Director.⁷⁵

The act also makes various corrective and harmonizing changes to the law governing preschool and school child program licensure, including standards regarding the provision of special education and related services for preschool children with disabilities, to reflect both of the following resulting from the enactment of H.B. 33 of the 135th General Assembly:

- The establishment of DCY and DEW; and
- The transfer of licensing duties from DEW to DCY.

These changes take effect January 1, 2025.⁷⁶

STRS membership for pre-service teaching

The act includes, as State Teachers Retirement System (STRS) members, student teachers who hold pre-service teacher permits and are employed as substitute teachers by a school district or school. It excludes them from School Employees Retirement System membership.⁷⁷

H.B. 33 of the 135th General Assembly, the main appropriations act, created a three-year pre-service teacher permit for student teachers. A student teacher who holds a permit may substitute teach and receive compensation for that service. A student teacher who holds this

⁷³ R.C. 3352.16(B).

⁷⁴ R.C. 3352.16(E)(4) and (5).

⁷⁵ R.C. 3301.53.

⁷⁶ R.C. 3301.53, 3301.58, and 3323.02; Sections 110.10, 110.20, 733.20, and 812.10 of the act.

⁷⁷ R.C. 3307.01 and 3309.01, by reference to R.C. 3319.0812.

permit was not a member of STRS under prior law because the student teacher was not employed in a position for which a license or registration is required.

Doula services

H.B. 33 of the 135th General Assembly, the main appropriations act, established a Board of Nursing certification program for doulas and required the Department of Medicaid (ODM) to operate a program to cover doula services beginning October 3, 2024.

Definitions

The act modifies the definition of “doula” to specify that a doula *advocates for*, and provides support to, a pregnant woman *through the delivery of a child and immediately after the delivery*. Additionally, the new definition of “doula” removes previous language specifying that a doula provides support regardless of if the woman’s pregnancy results in a live birth.

The act also modifies the definition of “doula certification organization” to mean organizations that are recognized at an international, national, state, or local level, as opposed to organizations considered appropriate by the Board of Nursing.⁷⁸

Criminal records check

The act requires applicants for certification as a doula to undergo a criminal records check. The check is to be conducted in the same manner as current criminal records checks for medication aides, dialysis technicians, and community health workers, all also under the Board of Nursing’s purview.⁷⁹

Application fee

The act raises the income threshold for waiving the application fee for doula certification and renewal from 200% to 300% of the federal poverty level or less.⁸⁰

Doula Advisory Group

Membership

The act changes the name of the “Doula Advisory Board” to the “Doula Advisory Group,” and makes the following changes to its composition:⁸¹

- Requires the Board of Nursing to appoint three members, instead of *at least* three in previous law, representing communities most impacted by negative maternal and infant health outcomes;
- Requires the Board of Nursing to appoint five members, instead of at least six, who are doulas with current, valid certification from a doula certification organization;

⁷⁸ R.C. 4723.89.

⁷⁹ R.C. 4723.091, 4723.092, and 4723.89.

⁸⁰ R.C. 4723.89(D)(4).

⁸¹ R.C. 4723.90(B).

- Requires the Board of Nursing to appoint two members, instead of at least one, who are public health officials, physicians, nurses, or social workers;
- Requires the Board of Nursing to appoint two members who are consumers, instead of at least one;
- Adds two members who represent a doula certification program or organization established in Ohio, to be appointed by the Board of Nursing;
- Adds a representative of the Commission on Minority Health, appointed by its Executive Director;
- Adds a representative of the Department of Health, appointed by the Director of Health; and
- Adds a representative of the Board of Nursing, appointed by the Board.

With these changes, the Advisory Group is composed of 17 members, instead of 13 to 15 in previous law.

Under the act, Advisory Group members may be reappointed for an unlimited number of terms. However, they may no longer request per diem compensation for fulfilling membership duties as they could previously. Continuing law permits members to be reimbursed for actual and necessary expenses incurred while fulfilling Advisory Group duties.⁸²

Responsibilities

The act adds a requirement that the Advisory Group advise the Board of Nursing about individuals seeking to qualify for Medicaid reimbursement as a certified doula, and that the Board of Nursing seek and consider the opinion of the Advisory Group regarding the same. It removes a requirement that the Advisory Group make recommendations to the Medicaid Director regarding the adoption of rules related to Medicaid coverage of doula services.⁸³

In addition to continuing requirements that the Board of Nursing provide meeting space, staff services, and other technical assistance to the Advisory Group, the act requires the Board to provide virtual meeting technology.⁸⁴

Beginning April 30, 2026, the Advisory Group must submit an annual report to the General Assembly including the number of pregnant women and infants served by doulas under the Medicaid program, the number and types of doula services provided, and maternal and infant health outcomes and other outcome metrics.⁸⁵

⁸² R.C. 4723.90(F) and (G).

⁸³ R.C. 4723.89 and 4723.90(J).

⁸⁴ R.C. 4723.90(I).

⁸⁵ R.C. 4723.90(J)(4).

Medicaid

The act specifies that Medicaid payments for doula services are to be determined on the basis of each pregnancy, regardless of whether multiple births occur as a result of that pregnancy.⁸⁶ The Governor vetoed this provision in H.B. 33.

The act requires that provider outcome measurements or incentives implemented by ODM be consistent with Ohio's Medicare-Medicaid Plan quality withhold provider or managed care plan methodology and benchmarks.⁸⁷

Outcomes related to maternal health and maternal morbidity, infant health outcomes, the average cost of providing doula services to mothers and infants, and estimated cost increases or savings as a result of providing doula coverage must be included in a preexisting annual Medicaid report. The report also must now demonstrate cost savings resulting from program investments.⁸⁸ The report will continue to include information on the efficacy of the Medicaid program in meeting the health care needs of low-income pregnant women, infants, and children. The Governor vetoed a provision in H.B. 33 that would have established reporting requirements for the Medicaid doula program separate from the existing ODM report.

Finally, the act subjects ODM's doula rules to the state laws limiting regulatory restrictions imposed by administrative rules.⁸⁹

Respiratory care applicants' information

Regarding the State Medical Board's register of applicants and licensees, the act eliminates a requirement that the register show the residential address for applicants to practice respiratory care. This change was included in an amendment to H.B. 33 of the 135th General Assembly, but omitted from the final act due to an engrossing error.⁹⁰ H.B. 33 eliminated the same requirement for other professions licensed by the State Medical Board.

9-1-1 charges and fees

Minimum fee exemption

The act applies the next generation 9-1-1 access fee (40¢ per month until September 30, 2025; 25¢ per month after) to wireless service priced under \$5 per month by repealing the prohibition against subjecting wireless service priced less than \$5 per month to the fee. "Wireless service" means federally licensed commercial mobile service as defined under federal law and further defined as commercial mobile radio service in federal law, and includes service provided by any wireless, two-way communications device, including a radio-telephone communications

⁸⁶ R.C. 5164.071(B).

⁸⁷ R.C. 5164.071(C).

⁸⁸ R.C. 5162.13(A)(15) and (16).

⁸⁹ R.C. 5164.071(D) and 121.95 to 121.953, not in the act.

⁹⁰ R.C. 4731.07.

line used in cellular telephone service or personal communications service, a network radio access line, or any functional or competitive equivalent of such a radio-telephone communications or network radio access line. It does not include paging or any service that cannot be used to call or contact 9-1-1.⁹¹

Refunds

The act requires refund amounts for wireless 9-1-1 charges and next generation 9-1-1 access fees be transferred to the Tax Refund Fund by the Director of Budget and Management, as funds are available, from the 9-1-1 Government Assistance Fund, 9-1-1 Administrative Fund, 9-1-1 Program Fund, and the Next Generation 9-1-1 Fund in the same percentage of the total certified refund amount as monies are placed into each fund under continuing law. The percentage of the refund amount to be transferred from each fund is:

- 9-1-1 Government Assistance Fund, 72%;
- 9-1-1 Administrative Fund, 1%;
- 9-1-1 Program Fund, 2%;
- Next Generation 9-1-1 Fund, 25%.

Former law required the Director to transfer all refund amounts from the 9-1-1 Government Assistance Fund.⁹²

Tax deduction for homeownership savings accounts

The act modifies an income tax deduction enacted in H.B. 33 of the 135th General Assembly, the main appropriations act, for contributions to homeownership savings accounts, which are accounts that individuals can use to pay the down payment and closing costs associated with purchasing a home.

Under continuing law, individuals can deduct up to \$5,000 of contributions to a homeownership savings account each year (\$10,000 in the case of joint filers). The act specifies that the tax deduction is not allowed for funds transferred from one savings account to another. It also clarifies which expenses qualify the individual for the tax deduction.

Continuing law allows individuals to deduct up to \$25,000 for contributions to an account. The act specifies that, if an individual opens a second savings account, the limit for this later account will be reduced by any contributions made to the previous account. Changes to the deduction apply to taxable years beginning in or after 2024.⁹³

⁹¹ R.C. 128.419; R.C. 128.01(F), 128.41, and 128.412, not in the act.

⁹² R.C. 128.54.

⁹³ R.C. 5747.85; Section 803.10.

Tax law technical corrections

The act makes technical changes to several Tax Law provisions that were amended or enacted in H.B. 33 of the 135th General Assembly, as follows:

- Clarifies which payments qualify for an income tax deduction for amounts received by individuals and businesses affected by the East Palestine train derailment.⁹⁴
- Specifies that an annual \$850,000 minimum allocation of Local Government Fund (LGF) money to counties will be computed on a fiscal year basis. Prior law did not specify whether the minimum payment is calculated on a fiscal year or calendar year basis.⁹⁵
- Clarifies that, with respect to a new tax credit for film and theater capital improvement projects, both individuals and pass-through entities may claim the credit against the income tax. Prior law only referenced individuals.⁹⁶
- Corrects erroneous cross-references in the law that authorizes the film and theater production and capital improvement tax credits.⁹⁷
- Updates the reporting requirements for a tax credit for developers of affordable single-family housing. Continuing law requires credit recipients to submit an annual report to the OHFA. The act requires OHFA to forward copies of these reports to the Tax Commissioner and Superintendent of Insurance.⁹⁸
- Corrects an erroneous reference to the Director of the nonexistent Governor's Office of Housing Transformation by correctly referencing the Executive Director of the OHFA in the law governing the state's low-income housing tax credit, which is administered by the OHFA.⁹⁹

Other appropriations

The act makes the following changes related to appropriations:¹⁰⁰

- Appropriates \$1.6 million in FY 2024 and \$1.25 million in FY 2025 from the General Revenue Fund (GRF) to the Department of Natural Resources for the Buckeye State Tree Nursery.
- Reappropriates for FY 2024 and FY 2025 any funds remaining of the \$15 million appropriated from GRF for FY 2022 and FY 2023 for one-time payments to freestanding

⁹⁴ R.C. 5747.01(A)(39); Section 803.20.

⁹⁵ R.C. 5747.501.

⁹⁶ R.C. 5747.67; Section 803.20.

⁹⁷ R.C. 122.85 and 122.852.

⁹⁸ R.C. 175.17 and 5729.20.

⁹⁹ R.C. 5726.58; Section 803.20.

¹⁰⁰ Sections 201.10 to 201.30, 601.10, 601.20, 601.50, and 601.60.

dialysis centers. The reappropriation is for the same purpose. H.B. 45 of the 134th General Assembly, which passed in late 2022, originally appropriated the \$15 million.

- Increases the cap on State Public Defender reimbursements for capital cases from \$75 to \$140 per hour in FY 2024 and FY 2025.
- Corrects drafting errors in the appropriations for the Department of Development in H.B. 33 of the 135th General Assembly.

HISTORY

Action	Date
Introduced	03-09-23
Reported, H. State & Local Gov't	05-22-23
Passed House (86-9)	06-14-23
Reported, S. Local Gov't	11-14-23
Re-referred, S. Finance	11-15-23
Reported, S. Finance	12-13-23
Passed Senate (31-0)	12-13-23
House concurred in Senate amendments (82-9)	01-10-24