



Ohio Legislative Service Commission

Synopsis of Senate Committee Amendments*

Megan Cummiskey

Sub. H.B. 390

131st General Assembly
(S. Ways and Means)

The Senate committee made the following changes to the bill:

Repayment of current federal unemployment debt

- Requires a one-time loan to be made from unclaimed funds to the Unemployment Compensation Fund for the purpose of paying unemployment benefits.
- Requires the Director of Job and Family Services to use the amount transferred into the Unemployment Compensation Fund from unclaimed funds to eliminate the balance of amounts advanced to the state from the federal government.
- Requires each experience-rated contributory employer to pay an increased contribution rate for contributions due in 2017 to repay the loan from unclaimed funds.

Contribution rate increase to pay principal on federal advances

- Requires, if as of the computation date an outstanding balance on advances exists, all experience-rated contributory employers to be subject to a contribution rate increase in an amount up to $\frac{1}{2}$ of 1% for the purpose of eliminating the principal of any outstanding advance balance.
- States that it is the intent of the General Assembly to repeal this increase in contribution rates in future legislation adopting long-term reforms to the unemployment compensation system.

Surcharge to pay interest on federal advances

- Requires, beginning October 1, 2016, if interest is paid on federal advances from the Unemployment Compensation Interest Contingency Fund, the Director of Job and Family Services to determine the amount of a surcharge to assess against each

* This synopsis does not address amendments that may have been adopted on the Senate Floor.

contributory employer that generates an amount sufficient to repay the amount of any interest paid.

Movie production tax credit

- Adjusts how the refundable motion picture tax credit is calculated.
- Removes the \$5 million limit on the maximum credit amount that may be awarded to a motion picture.
- Increases the total amount of credits that may be awarded each year from \$20 million to \$40 million.
- Authorizes motion picture companies to transfer the authority to claim a credit to another person.
- Creates a program for certifying resident film crew trainees and authorizes the state to make payments to motion picture companies equal to 50% of those trainees' salaries.

Correctional Institution Inspection Committee (CIIC)

- Changes employment authority of CIIC.
- Requires a staff representative assigned by CIIC, rather than the Director of CIIC, to serve on certain advisory boards.

Vacant and abandoned properties – expedited foreclosure actions

- Allows a mortgagee to bring an expedited foreclosure action against vacant and abandoned residential property.
- Enables a court to deem foreclosed residential properties vacant and abandoned when the mortgagor is in monetary default on the mortgage and certain conditions apply.
- Provides judicial and sale procedures for vacant and abandoned property.
- Authorizes a mortgagee of a residential property that has been found to be vacant and abandoned to enter and secure the property.
- Authorizes a mortgagee who has not yet filed a mortgage foreclosure action to enter and secure the residential property only if the mortgage contract or other documents provide for the entry.

- Extinguishes an owner's right to redemption of a mortgage on residential property found to be vacant and abandoned upon the confirmation of the sale of the property.

Modifications to judicial sale procedures

Official public sheriff sale website

- Creates the official public sheriff sale website to sell property subject to foreclosure sales.
- Permits judicial sales of residential property to be conducted through the website for the first five years the website is fully operational, after this period sales on the website are required.
- Permits judicial sales of commercial property to be conducted through the website.
- Requires the Department of Administrative Services to solicit competitive sealed proposals for the creation, operation, and maintenance of the website.
- Requires the website to meet specified minimum standards.
- Requires the website to be integrated with an auction management system.
- Establishes the standards for determining the license fee for the website.
- Establishes registration and bidding procedures for sales conducted through the website.
- Establishes the procedures for the sheriff or private selling officer to postpone, cancel, and void sales on the website.
- Permits counties to enter into shared services agreements relating to judicial sales on the website.
- Adds to the definition of "county expenses" to include online financial transaction device payments made through the website.

Private selling officer

- Authorizes a private selling officer to conduct foreclosure sales and establishes procedures relating to those sales.
- Permits a judgement creditor in a foreclosure action to file a motion with the court requesting a specified private selling officer to sell the real property.
- Permits a private selling officer to:



- Market the real property subject to the foreclosure sale;
 - Execute a deed of conveyance of the real property sold at the foreclosure sale;
 - Record the deed conveying title to the real property sold at the foreclosure sale.
- Requires the private selling officer that conducts a sale to file a report with the court that issued the sale and to hire a title insurance agent or title insurance company to perform title, escrow, and closing services.
 - Establishes a statutory form that may be used as the private selling officer's deed.

Other modifications to judicial sale procedures

- Establishes remote bidding procedures for physical location sales and website sales.
- Establishes new procedures for appraisal of property.
- Increases the penalty fee from 50¢ to \$50 for a freeholder who fails appraisal duties.
- Establishes new procedures for judicial sales of residential properties subsequent to the first sale attempt.
- Requires the purchaser of a property at a judicial sale, other than a purchaser who is the judgment creditor, to deposit a specified amount with the sheriff or private selling officer at the time of the sale.
- Permits a court, upon motion, to return a purchaser's deposit, less the costs of a subsequent sale, when a person fails to timely pay the balance due on the purchase price of a property sold at judicial sale.
- Authorizes, rather than requires, a county treasurer to estimate the tax-related charges to be discharged out of the proceeds of a court-ordered sale, a sale as a result of a partition action, or a sale by an executor, guardian, or trustee.
- Authorizes the plaintiff to an action resulting in such a sale to request that overestimated taxes discharged from sale proceeds be used to pay off unsatisfied liens or be paid to the court for distribution.
- Permits a plaintiff purchasing the property in such a sale to choose to have the current year's taxes, to the extent not yet determined, to be either paid from the sale proceeds or made payable at the next semiannual tax payment date.
- Requires the sheriff or private selling officer to record the deed of a property sold at a judicial sale within a certain time period and provides that if the deed is not

recorded within that time period, the purchaser may file a motion with the court to proceed with the transfer of title.

- Grants the judgment creditor and the first lienholder a right of redemption under certain circumstances.
- Requires additional information to be included in the notice and advertisement of judicial sales.
- Requires additional information for purchaser's identifying information and requires an entity that purchases information at a foreclosure sale to submit identifying information.
- Permits, under certain circumstances, a county prosecutor to proceed with a foreclosure sale of residential real property.

Owner's physical harm to property

- Provides that an owner who knowingly and with the purpose to diminish the value or enjoyment of the residential property moves, defaces, damages, or otherwise improperly tampers with the person's own residential property is guilty of criminal mischief if the property is the subject of a foreclosure action.

Attorney General reports and database

- Requires all officers appointed or authorized by a court to conduct a foreclosure sale of certain residential properties to submit quarterly reports to the Attorney General.
- Requires the Attorney General to establish and maintain a public database containing information submitted in the reports.

Responsibilities of the clerk of the court of common pleas

- Prohibits a clerk from restricting, prohibiting, or modifying the rights of parties seeking service on party defendants.

Enforcement of lost instrument

- Modifies one of the three conditions that must be satisfied for a person to enforce a lost instrument under Ohio Commercial Paper Law.

Tax certificate foreclosure sales

- Permits private selling officers to conduct tax certificate foreclosure sales.
- Establishes sale procedures conducted online.

- Authorizes private selling officers to carry out specified actions in order to sell the foreclosed property and execute a new deed.
- Specifies the amount that is considered reasonable for attorney, private selling officer, and title agent and title insurance company fees charged as costs against property.

Auctioneers

- Requires auctioneers who are not private selling officers who conduct judicial sales to be Ohio residents.

Community health assessments, plans, and tax information

- Requires tax-exempt hospitals and boards of health to submit assessments of community health and implementation strategies to the Department of Health in alignment every three years beginning in 2020.
- Requires tax-exempt hospitals to submit to the Department certain tax information on an annual basis beginning July 1, 2017.

Certificate of need for changes in a reviewable activity

- Provides that any failure to conduct a reviewable activity in substantial accordance with an approved certificate of need is itself a reviewable activity if the failure occurs within five years of the reviewable activity's implementation.

Exempt state employee salary schedules

- Eliminates Schedule E-1 for Step Eight Only, which is a salary schedule for exempt state employees, on July 1, 2017.
- Gradually moves exempt state employees paid under Schedule E-1 for Step Eight Only into the corresponding pay range in Schedule E-1.
- Creates a new step for pay ranges 12 through 16 of Schedule E-1, Step 8, which provides for a higher maximum amount of pay than the current law Schedule E-1 for Step Eight Only.

Controlling Board

- Changes the name of the Controlling Board Emergency Purposes Fund to the Controlling Board Emergency Purposes/Contingencies Fund.
- Transfers up to \$25 million of surplus GRF revenues as calculated at the end of FY 2016 to the new Fund.



Educational service center funding

- Increases an earmark for per-pupil state operating funding for educational service centers by \$3.65 million in FY 2016 and by \$200,000 in FY 2017 and re-calculates the standard per-pupil amount paid to ESCs.

Other tax-related provisions

- Clarifies the role of the Director of Budget and Management, Tax Commissioner, and Superintendent of Insurance in reviewing taxpayer applications for job retention tax credits.
- Eliminates the authority of counties to levy a tax on utility services purchased by consumers in the county.
- Authorizes library boards to issue special obligation bonds for facilities backed by a property tax levied for the library board by the board's taxing authority.

School district performance audits

- Requires the Auditor of State, in consultation with the Department of Education and the Office of Budget and Management, to determine for which school districts to conduct performance audits, with priority given to districts in fiscal distress.
- Requires the Auditor of State, rather than the Department, to pay the costs of the performance audits and transfers \$1 million for FY 2017 from the Department to the Auditor of State for that purpose.

Veterinarian licensing

- Expands the requirements to obtain a license to practice veterinary medicine to additionally require an applicant to have passed the nationally recognized examination approved by the State Veterinary Medical Licensing Board.

Ohio Turnpike and Infrastructure Commission

- Allows designees of the Directors of Transportation and Budget and Management to serve as members of the Ohio Turnpike and Infrastructure Commission.

Unit operation

- Requires that the Chief of the Division of Oil and Gas Resources Management issue, not later than 45 days after the bill's effective date, an order denying or providing for unit operation of a pool or part of a pool for applications involving the Department of Transportation for which a hearing has been conducted prior to the bill's effective date.

- Specifies that an applicant to whom the above provision applies is not required to commence unit operations within 24 months of the bill's effective date.

Ohio Judicial Conference

- Exempts the Ohio Judicial Conference from sunset review in 2016 and renews its operations until December 31, 2020.
- Increases the Conference's FY 2017 operating appropriations from \$389,250 to \$684,250.

Alternative Fuel Vehicle Conversion Grant Program

- Establishes the Alternative Fuel Vehicle Conversion Grant Program to make grants to businesses that purchase large alternative fuel vehicles or convert large traditional fuel vehicles to run on alternative fuel.

Capital Case Attorney Fee Council

- Creates the Capital Case Attorney Fee Council, replacing the Supreme Court of Ohio as the entity that sets the rate of compensation for counsel selected by indigent persons or appointed by the courts in capital cases.

Land conveyance

- Repeals a prior authorization for a land conveyance of Department of Job and Family Services property at 145 South Front Street in Columbus and authorizes the land to be conveyed to the Columbus Downtown Development Corporation or a grantee to be determined.

Legislative intent regarding capital appropriations

- States the General Assembly's intent regarding capital appropriations and reappropriations, including that:
 - Appropriations and reappropriations are for capital construction projects that are ready to begin construction and projects that will be completed within the fiscal biennium.
 - Projects that are neither started nor completed within the biennium will be allowed to lapse and not be reappropriated, barring extraordinary circumstances.

Capital appropriations changes

Made the following changes to capital appropriations as enacted by S.B. 310 of the 131st General Assembly (capital appropriations act):



S.B. 310 capital appropriations name changes	
Old name	New name
Columbus Zoo – Japanese Macaque Exhibit	Columbus Zoo – Asia Quest
Sullivant Avenue Teen Tech Lounge and Career Laboratory	Boys and Girls Clubs of Columbus/Sullivant Teen Tech Lounge
Village of Millersport Corridor Improvements	Villages of Millersport and Buckeye Lake

S.B. 310 capital appropriation adjustments		
Project	\$ increase	\$ decrease
Napoleon Senior Center	\$400,000	
Napoleon Civic Center		-\$400,000
Cleveland Sight Center	\$100,000	
Junior League Non-profit Incubator Project	\$30,000	
Providence House	\$100,000	
Cozad Bates House	\$70,000	
Technology Belt Oil and Gas Learning Center		-\$250,000
Adjutant General – acquisition of a cargo facility, tarmac, and surrounding property	\$250,000	
Brooklyn John Frey Park		-\$50,000
Parma Heights Cassidy Theatre Cultural Center	\$50,000	

Other S.B. 310 capital appropriation changes

- (1) Transfers a capital appropriation for the Wilmington Air Park from Sinclair Community College to Southern State Community College.
- (2) Splits a Central State University capital improvements appropriation by specifying that \$1.98 million is to be used for security and lighting and \$4 million is to be used for upgrades and repairs to the Hallie Q. Brown Library.
- (3) Transfers a capital appropriation for the Case Western Reserve University Health Campus from Cleveland State University to Ohio University.

New capital appropriations and other capital appropriation changes

- (1) Makes a \$12 million capital appropriation to the Facilities Construction Commission to provide grants to reimburse eligible schools for replacing drinking fountains, water coolers, plumbing fixtures, and limited connected

pipng that are found to be a cause of lead above the federal action level in drinking water and for the cost of drinking water assessments.

- (2) Adds a new \$1 million capital appropriation for the Dayton Aviation Heritage National Historic Park.
- (3) Eliminates capital reappropriations contained in S.B. 260 of the 131st General Assembly (capital reappropriations act) as follows:
 - (a) \$100,000 for the Midtown Cleveland Mountain Bike Park;
 - (b) \$200,000 for the Redbrick Center for the Arts.

Operating appropriation changes

- (1) Authorizes the Director of Budget and Management to transfer up to an additional \$16.8 million to the Department of Administrative Services for the e-licensing program.
- (2) Reappropriates unspent, unencumbered funds left over at the end of FY 2016 to FY 2017 for the Healthier Buckeye Grant Pilot Program.
- (3) Increases from \$500,000 to \$1.5 million the amount in each fiscal year of the current fiscal biennium that may be used for the College Credit Plus Program for students instructed at home.
- (4) Increases the appropriation to the Capitol Square Review and Advisory Board for maintenance and equipment by \$250,000 in FY 2017, and earmarks \$50,000 of that amount to purchase and display historical flags.
- (5) Increases funding by \$1.4 million to the Ohio State School for the Blind for FY 2017.
- (6) Increases funding to the Department of Rehabilitation and Correction in FY 2017 by \$12.6 million for institutional operations, by \$5.2 million for institution medical services, and by \$212,000 for institution education services.
- (7) Provides up to \$100,000 in FY 2017 for the Gallipolis Digital Works program.
- (8) Increases the appropriation for ConnectOhio by \$250,000 in FY 2016 and \$950,000 in FY 2017.



- (9) Appropriates \$500,000 for the Court of Claims in FY 2017 for public records adjudication.
- (10) Appropriates \$250,000 in FYs 2016 and 2017 to establish and operate a sustainable public market in the east side of Cleveland.
- (11) Appropriates up to \$550,000 in FY 2017 for the Department of Job and Family Services to plan the expansion of foster care services for individuals ages 18 to 21.

Effective date changes

- Specifies that, except as otherwise provided, the bill's provisions are subject to the referendum and take effect on the 91st day after the act is filed with the Secretary of State unless a referendum petition is filed.
- Specifies that appropriations for current expenses and other sections of the act with section numbers in the 500s, 600s, and 700s are not subject to the referendum and take immediate effect, except for:
 - Capital appropriations;
 - The conveyance of land located at 145 S. Front Street;