



State Operating Budget Overview

Fiscal Year 2024-2025

House Bill 33 of the 135th General Assembly

CAB 2023-04

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PREFACE

The long march of the state budget begins as the executive branch spends months developing its budget proposal. Once introduced by the governor, the legislative budget process kicks off, leading to months of legislative hearings with lengthy amendment processes and final votes. Producing the state budget includes periods of steady activity, lulls in activity, and periods of intense urgency. The state budget process is often described as a marathon, which is accurate. It would be more accurate to describe it as a marathon with sporadic instances of a 100-yard dash. All throughout this race, the CCAO membership and policy team advocate for key county priorities.

CCAO went into the budget cycle with several key CCAO Board of Directors priorities: full indigent defense reimbursement, the creation of a state-run delivery system for indigent defense services that is optional for counties, and language that would require the state to fully fund indigent defense in statute, continuing the state-county partnership for county jail construction and renovation, and restoring the Local Government Fund (LGF). As a result of the advocacy efforts between our CCAO policy team and CCAO members, we made progress on all three priorities:

- **Indigent Defense:** The appropriation items that provide reimbursement to counties increased by \$67 million compared to the previous biennium. The Ohio Public Defender's office estimates that reimbursement will be 85% for FY 2024, which would be the second highest reimbursement rate in the program's history. Additionally, a temporary reimbursement cap of \$75 per hour should help provide consistent reimbursement to counties throughout the biennium - however, if the demand for indigent representation substantially grows in the coming years, the reimbursement rate could go lower. The budget did not include our other indigent defense requests. However, they are likely to be addressed by the Task Force to Study Indigent Defense contained in HB 150 from the 134th General Assembly. CCAO will look to this task force to recommend a state-run delivery model for indigent defense that is optional for counties, and potentially requiring the state to fully fund indigent defense in statute.
- **County Jail Construction and Renovation:** The budget includes \$75 million in FY 2024 for county jail construction and renovation projects – the first time an operating budget has ever included funding for this purpose. These funds are in addition to the \$100 million that was allocated in the two previous capital budgets. The bill also includes a formula for selecting and distributing funding for local jail projects.
- **Local Government Fund:** The percentage of state general fund tax revenue distributed through the LGF increased from 1.66% to 1.70%, the first statutory increase in a decade. Additionally, CCAO worked with other local government partners to secure a needed reform to the LGF distribution formula, allowing county undivided LGFs to receive a minimum of \$850,000, rather than the lesser of \$750,000 or their 2013 allocation.

In addition to jail funding, CCAO made significant progress in other key public safety policy arenas. Governor DeWine's budget proposal included \$46 million in one-time funding for the statewide upgrade to Next Generation 9-1-1 (NG 9-1-1), as well as some one-time funding for local NG 9-1-1 upgrades. CCAO successfully advocated for this funding to be maintained throughout the budget process and played a key role in the establishment of an expanded 40 cent monthly user fee. The 40 cent fee will apply to wireless devices, VOIP channels, and multi-line telephone systems. The new fee is expected to generate approximately \$100 million dollars of revenue each year and goes into effect on January 1, 2024. Most importantly, local governments will receive at least \$74 million of this revenue each year to support 9-1-1 operation and future technological upgrades.

The language also requires the Auditor of State (AOS) to review if the additional funding generated from the user fee is adequate to operate NG 9-1-1 in Ohio or if the fee needs to be further increased or lowered. That report is due to the legislature by February 2025. That being said, the budget language will automatically reduce the fee from 40 cents to 25 cents on October 1, 2025. It is likely that the findings from the AOS review will impact this language. Furthermore, the MARCS program received an additional \$10.5 million dollars over the biennium. This additional funding is expected to reduce the monthly MARCS user fee from \$10 per device to \$5 per device.

Tax relief policy was a large point of discussion throughout the budget negotiations, and the final version of the bill included an expansion of the annual sales tax holiday. Under HB 33, the items subject to the annual “back to school” sales tax holiday were expanded to generally include any tangible good under \$500, with the exception of automobiles and watercraft. Furthermore, the length of the holiday will be extended, but the exact number of days for the holiday is yet to be determined. The language requires the length of the holiday to be determined by the Ohio Tax Commissioner in consultation with the Office of Budget and Management and CCAO.

However, unlike the previous “back-to-school” sales tax holiday, the legislature chose to provide full reimbursement to counties, the LGF, and other entities receiving sales tax revenue and appropriated \$750 million in surplus GRF to do so in 2024. It has been a long standing request of CCAO that, if sales tax exemptions are enacted, the state should hold counties harmless for the lost revenue associated with the exemption. The language in HB 33 is the first time that this reimbursement has been required, and it is a recognition that sales tax revenue is vital to counties and the multitude of services that they provide for their residents.

Economic development was one of the main themes for this budget, and many of those provisions will benefit Ohio’s counties. The budget renewed three grant programs that make Ohio communities more competitive, with \$175 million in each year being dedicated to brownfield site remediation, \$150 million in FY 2024 dedicated to building demolition and site revitalization, and \$124 million in FY 2024 dedicated to improving water and sewer quality. These three programs were tremendously successful in the prior biennium, and CCAO is glad to see them continued.

Additionally, CCAO successfully advocated for several meaningful statutory changes that will benefit county procurement. First, the competitive bidding threshold was raised for the first time in nearly a decade from \$50,000 to \$75,000 with a 3% inflationary increase each year. Additionally, an antiquated provision that required counties to automatically reject bids that were over the estimated cost of the project by 10% or more was increased to 20%. Next, counties will be allowed to use credit cards to purchase any authorized, work-related goods and services. The board of commissioners will be required to set a policy around county credit card purchases. This will allow for greater flexibility when purchasing on behalf of the county.

Another key priority for counties over recent budget cycles has been expanding broadband service to those who are unserved and underserved. As remote working possibilities continue to expand, online education becomes more prevalent, and e-commerce continues to account for a significant portion of economic activity, ensuring all Ohioans have access to fast and reliable internet connectivity is vital. Looking forward, the need for broadband service will only become more critical. CCAO was pleased to see \$135 million included in HB 33 to help connect more Ohioans with this vital service.

The DeWine-Husted Administration and General Assembly continued their commitment to county children services by increasing the state child protection allocation amount to \$145 million in FY 2024 and \$155 million in FY 2025, an increase of \$25 million in FY 2024 and \$35 million in FY 2025. The budget also includes a one-time appropriation of state-level ARPA funds for Healthy Aging Grants to help Ohio’s seniors

stay in their homes as long as possible while retaining an independent and healthy lifestyle. The \$40 million grant program will flow through each county for utilization. The bill also increases the allocation each county receives for adult protective services to \$80,000 annually from \$65,000 in the previous biennium.

During the process, portions of Senate Bill 91 were added to the budget bill to create a new mandatory fraud training requirement for all public employees and elected officials. The CCAO Board of Directors had previously supported these provisions in the standalone bill. The Auditor of State will create new training material detailing Ohio's fraud-reporting system and the means of reporting fraud, waste, and abuse. The training material is required to be as concise as practicable. After the initial training, employees and public officials will be required to complete the training every four years.

The budget contains numerous other programs, provisions, and appropriations that stand to benefit county government. HB 33 contains funds for OSU Extension, August special election, and an unprecedented \$270 million for H2Ohio and more. While no budget bill is perfect, on balance, HB 33 advances many key county priorities.

CCAO is very grateful to the many supporters within the DeWine-Husted Administration and General Assembly who made many of these victories possible. Governor DeWine and Lt. Governor Jon Husted started counties off strong with an executive budget that provided considerable increases in indigent defense reimbursement, an increase in the LGF, and dedicated funding for jail construction.

The Ohio House, led by Speaker Jason Stephens, added or improved many key county priorities during the legislative process, including increasing the appropriation for jail funding to \$200 million. While the final figure was lower, the Ohio House displayed a strong commitment to this priority. The Ohio Senate, led by Senate President Matt Huffman, continued that strong county support in the Senate version of the budget by, among other changes, adding county credit card policy language to the bill. Counties found supporters at every step throughout the budget process.

CCAO sincerely thanks Governor DeWine, Lt. Governor Husted, House and Senate leadership, and the membership of the Ohio General Assembly for their support of county government. The CCAO policy team is grateful for all the work county commissioners, executives, and council members put in to make this budget a success for counties across the state. The countless phone calls, conversations, letters, committee testimony and more made a real difference with lawmakers. These successes would simply not be possible without your efforts. We finished the budget together, and as a result, we continue to build stronger counties for a stronger Ohio.

The following pages contain additional details on budget provisions included in HB 33 with a county impact. Please feel free to contact any member of the CCAO policy team with questions about the provisions contained in this document.

AGRICULTURE AND RURAL AFFAIRS

Soil and Water Conservation District Support – The budget provides state matching funds to support Ohio’s 88 county soil and water conservation districts (SWCDs). SWCDs receive both state general revenue funds and dedicated purpose funds generated from scrap tire fees, municipal solid waste fees, and construction and demolition debris disposal fees.

The budget dedicated \$12.5 million in state matching funds for each fiscal year; \$4.2 million in each fiscal year will be used to support county soil and water conservation districts in the Western Lake Erie Basin and other priority regions as decided by the Director of the Department of Agriculture. The funding will be dedicated for staffing costs and to assist in soil testing and nutrient management plan development, including manure transformation and manure conversion technologies, enhanced filter strips, water management, and H2Ohio Program support. The funding dedicated to the SWCDs is estimated to match county funds at 91%.

Additionally, the Department will have the ability to provide up to \$40,000 upon a justification from the local SWCD and approval by the Ohio Soil and Water Conservation Commission.

[State match percentage by county for FY 2024](#)

[Historic state match percentage by fiscal year](#)

(Section 211.20; Appropriation line item 700509 and 700661)

County Agricultural Societies – This line item was flat funded at \$380,000 in each fiscal year and will be used to reimburse county and independent agricultural societies for expenses related to Junior Fair activities.

(Section 211.20; Appropriation line item 700501)

Ohio Broadband Pole Replacement and Undergrounding Program – \$50 million will be used in FY 2024 for the newly created Ohio Broadband Pole Replacement and Undergrounding Program. This program will reimburse qualifying broadband services for utility pole replacements, mid-span pole installations, and undergrounding that accommodate broadband infrastructure within unserved areas.

Please see the Jobs, Economic Development, and Infrastructure section for additional information on broadband funding.

(Section 191.02; Appropriation line item 1956G9)

Farmland Preservation Grant Program – \$1,074,000 over the biennium will be used by the Department of Agriculture for the purpose of responding to property owners’ requests for placing an agricultural easement on their farmland. This land will forever remain as agricultural land; in return, the Department of Agriculture will give a financial incentive to the farmer/landowner.

Since the inception of the program in 1998, 694 farms totaling 104,470 acres have entered an agricultural easement.

(Appropriation line item 700409)

Ohio State University Extension – OSU Extension, which operates in all 88 counties, creates partnerships with individuals, families, communities, businesses, industries, and organizations to strengthen the lives of Ohioans through research-based educational programs. Under HB 33, OSU Extension received a 3% increase each fiscal year resulting in \$25.5 million in FY 2024 and \$26.2 million in FY 2025.

It should be noted that the Ohio State University Extension Cabinet recently decided to increase the cost share between the counties and the Extension office. This increase will add \$1,000 to the county share for educators employed in each county. The increase begins in county FY 2024. The \$1,000 increase will bring the county cost share to \$32,750 for the first educator and \$42,750 for each additional educator. Counties contribute 40% of the cost for their first educator and 50% to their second.

As a reminder, the salaries of Extension educators are split between the counties, the State OSU Extension office, and federal Smith Lever Funds.

(Section 381.330; Appropriation line item 235511)

Central State University Extension – CSU Extension works to improve overall conditions facing families in rural and urban communities and addressing agricultural issues in rural and urban communities. CSU Extension received a 1.64% increase to \$5.1 million each fiscal year. This funding will be used for its state match requirements as an 1890 land grant university.

(Section 381.440; Appropriation line item 235548)

Ohio State Agricultural Research – The Ohio Agricultural Research and Development Center (OARDC) is the research arm of the OSU College of Food, Agricultural, and Environmental Sciences. OARDC operates numerous agricultural research and development initiatives to strengthen Ohio’s agricultural industries and is located across ten research facilities across the state. OARDC received funding levels of \$37.2 million in FY 2024 and \$38.2 million in FY 2025, a 3% each year from the prior biennium.

(Section 381.420; Appropriation line item 235535)

GENERAL GOVERNMENT AND OPERATIONS

New Fraud Training and Reporting Requirement for Public Employees and Elected Officials – House Bill 33 creates a new fraud training for elected officials and public employees that details Ohio’s fraud-reporting system and the means of reporting fraud, waste, and abuse.

Under continuing law, the Auditor of State (AOS) is required to establish and maintain a system for reporting fraud, including misuse and misappropriation of public money by any public office or official. The system must allow residents and employees of any public office to make anonymous complaints using a toll-free telephone number, the AOS’s website, or by mail to the AOS office. The AOS must review all complaints in a timely manner.

In a new Revised Code section, the AOS is required to create new training material detailing Ohio’s fraud-reporting system and the means of reporting fraud, waste, and abuse. The training material is required to be as concise as practicable. The AOS will provide the training material to elected officials and employees of political subdivisions, including counties, and the Department of Administrative Services (DAS) will administer the training material to each state employee, statewide elected official, and member of the General Assembly.

House Bill 33 requires current employees and elected officials to complete the training within 90 days of a date specified by the AOS, unless they can show good cause for not being able to do so. The AOS has not determined this date and plans to send an AOS Bulletin with information once the deadline is finalized.

New employees or elected officials must confirm receipt of the training material within 30 days after taking office or beginning of their employment. The bill also includes a requirement that all employees and elected officials must complete the training every four years. This continuous training requirement is new. Under prior law, the training requirement was satisfied if a public office provided information about the fraud-reporting system and the means of reporting fraud in the employee handbook or manual for the public office and the employee signed and verified receipt of that handbook or manual. This requirement is removed from law and replaced with the continuous training requirement.

The language also requires the AOS to promptly notify the prosecuting attorney or similar chief legal officer of a municipal corporation if a report received under the fraud-reporting system involves probable theft or fraud by a public office or official, unless the chief legal officer is the perpetrator.

Additionally, OBM’s Office of Internal Audit is permitted to consult with the AOS about any reports received from classified or unclassified employees about violations of state or federal laws and regulations or misuse of public resources. The Office may share written reports with the AOS upon request. These reports are not public records under the Public Records Law.

(R.C. 117.103, 126.47)

Elections

August 2023 Special Election – Appropriates \$16 million in FY 2024 to pay the actual costs associated with conducting a special election on August 8, 2023. Transfers any remaining funds to the General Revenue Fund. Continuing law requires that special elections for the purpose of voting on a statewide ballot issue be fully paid for by the state. If the \$16 million is insufficient, the Secretary of State will seek an appropriation increase from the Controlling Board. The grant agreement between county boards of elections and the Secretary of State’s office can be [viewed here](#).

(Section 395.20; Appropriation line item 050620)

Electronic Pollbooks – Amends prior temporary law pertaining to reimbursements for the cost of purchasing electronic pollbooks by broadening reimbursement to the acquisition of electronic pollbooks (thereby including leasing). The language also requires electronic pollbooks and ancillary equipment acquired between December 31, 2019, and January 6, 2023, to be in compliance with applicable Secretary of State directives and statutes in order to receive reimbursement, by requiring acquisitions be made from a list of vendors approved by the Secretary of State (rather than from a list of vendors approved by the Office of Budget and Management), and requires reimbursements be paid to the county board of elections (rather than the county general fund). CCAO is working to get that language changed to require reimbursement be paid to the county general fund during fall 2023, if possible. Additionally, in August 2023, the Secretary of State issued [Advisory 2023-03](#), which provides more information regarding the affect budget provisions have on pollbook acquisition and reimbursement.

(Sections 285.12, 610.30 and 610.31; Appropriation line item 050628)

Canvass of Election Returns – Allows county boards of elections to begin the canvass of the election returns on the fifth day after the election, instead of the eleventh day. Retains the requirement that boards of elections wait until the eighth day after an election to process uncured provision ballots.

(R.C. 3505.32 and 3513.22)

Poll Workers Training Funding – Changes the statutory distribution method to county boards of elections for precinct election official training required in ORC 3501.27 from a reimbursement model to a grant model. The change will only affect the timing of payments, allocations will not change. Appropriates \$500,000 in FY 2025 for this purpose.

(R.C. 3501.27; Section 395.20; Appropriation line item 050407)

County Voting Systems Lease Rental Payments – Appropriates \$12.2 million in each fiscal year to make payments during the period from July 1, 2023, through June 30, 2025, pursuant to leases and agreements entered under Section 4 of SB 135 of the 132nd General Assembly with respect to financing the costs associated with the acquisition, development, installation, and implementation of county voting systems.

(Section 395.20; Appropriation line item 050509)

Data Analysis Transparency Archive Act – Requires county boards of elections to create daily archives of their voter registration databases and send them to the Secretary of State's office during the period beginning on the 46th day before an election and ending on the 81st day after an election. Requires that boards of elections preserve all used and unused ballots from a non-federal election for at least 81 days after the election. Clarifies what pieces of information contained in a voter registration record are subject to disclosure and must be made available on the public website of the Statewide Voter Registration Database. Requires that all the above provisions be implemented no later than January 1, 2025.

Appropriates \$2.3 million in FY 2024 to the Secretary of State to issue grants to boards of elections to update computer systems to comply with these provisions. Reappropriates any remaining funds for the same purpose in FY 2025. The Secretary of State's office is still working out the details on how these funds will be distributed.

(R.C. 111.11, 3503.13, 3503.15, and 3503.151-3503.153; Sections 395.20, 735.10, and

Public Inspection of Ballot Drop Box Footage – Alters the requirement for public availability of secure ballot drop box surveillance footage from “immediately upon request” to match the procedures for other records under the Public Records Act. Extends the time by which each day’s video recordings must be made available on the internet for streaming or download from within 24 hours after the end of the video to within 72 hours of the end of the video.

(R.C. 3509.05)

Virtual Meeting Authority

County Board of Developmental Disabilities Virtual Meeting Authority – County boards of developmental disabilities are permitted to meet remotely if they set a policy that meets the following requirements:

- The number of regular meetings at which each board member shall be present in person, which may not be less than one-half of the regular meetings of the county board annually;
- All the following minimum standards regarding a meeting conducted using means of electronic communication:
 - That at least one-third of the board members attending the meeting shall be present in person at the place where the meeting is conducted;
 - That all votes taken at the meeting are taken by roll call vote;
 - That a board member who intends to attend a meeting via means of electronic communication notifies the chairperson of that intent not less than forty-eight hours before the meeting, except in the case of a declared emergency.

A board member attending remotely will be considered present, counts for a quorum, and may vote.

No one is permitted to limit the number of board members who can attend the meeting virtually, limit the total number of virtual meetings the board may conduct, limit the number of meetings any one board member may attend virtually, or limit or impose obligations on a board member because the member is attending virtually.

(R.C. 5126.0223)

Videoconferencing for County Land Banks and Other Economic Development Bodies – Generally, state law requires that a member of a public body be present in person at a meeting open to the public in order to be part of a quorum or to vote (R.C. 121.22). HB 33 creates exceptions to the requirement of in-person meetings for the board of directors of a community improvement corporation (including a county land reutilization corporation), board of directors of a joint economic development zone, and a joint economic development review council, if the board or council holds the meeting by interactive video conference or by teleconference under the following conditions:

- The board or council establishes a primary meeting location that is open and accessible to the public;

- Meeting-related materials that are available before the meeting are sent via electronic mail, facsimile, hand-delivery, or US Postal Service to each member;
- In the case of an interactive video conference, the board or council causes a clear video and audio connection to be established that enables all meeting participants at the primary meeting location to see and hear each member;
- In the case of a teleconference, the board or the council causes a clear audio connection to be established that enables all meeting participants at the primary meeting location to hear each member;
- All board or council members have the capability to receive meeting-related materials that are distributed during a meeting;
- A roll call voice vote is recorded for each vote taken;
- The minutes of the board or council meeting identify which members remotely attended the meeting by interactive video conference or teleconference.

If the board or council proceeds under this authority, use of an interactive video conference is preferred, but the council may conduct its meetings by teleconference or by a combination of interactive video conference and teleconference at the same meeting.

A board of directors or a joint economic development review council must adopt rules necessary to implement this section, which must contain, at a minimum, all the following:

- Authorize members to remotely attend a meeting by interactive video conference or teleconference, or by a combination thereof, in lieu of attending the meeting in person;
- Establish a minimum number of members that must be physically present in person at the primary meeting location if the board or council conducts a meeting by interactive video conference or teleconference;
- Require that not more than one member remotely attending a meeting by teleconference is permitted to be physically present at the same remote location;
- Establish geographic restrictions for participation in meetings by interactive video conference and by teleconference;
- Establish a policy for distributing and circulating meeting-related materials to members, the public, and the media in advance of or during a meeting at which members are permitted to attend by interactive video conference or teleconference;
- Establish a method for verifying the identity of a member who remotely attends a meeting by teleconference.

(R.C. 715.693 and 1724.11)

Miscellaneous

County Recorder Technology Fund – Extends the dates that apply to county recorder technology fund from expiring on January 1, 2025, to January 1, 2030, and extends the period through which the county recorder may submit a second proposal for additional funding to the fund from October 1, 2023, to October 1, 2028.

(R.C. 317.321)

Mine Subsidence Insurance – Allows the board of county commissioners in counties where insurers are required to offer mine subsidence insurance under current law to adopt a resolution requiring such insurers to provide mine subsidence insurance coverage as provided by the Ohio Mine Subsidence Underwriting Association. Requires that, if the board of county commissioners rescinds the requirement, the insurers cease requiring the coverage but rather provide it as an option.

This provision only applies to Delaware, Erie, Geauga, Lake, Licking, Medina, Ottawa, Portage, Preble, Summit, and Wayne counties.

(R.C. 3929.56)

County Deputy Registrar Requirements – Removes population requirements for a county clerk of courts or county auditor to serve as a deputy registrar. Removes the requirement that the Registrar maintain a deputy registrar in each county when there are no bids or requests to be designated as one from a county.

(R.C. 4503.03)

County-Related Corporation Social Security – Repeals the ability for certain county-related corporations to opt into Social Security, including a nonprofit corporation that carries out county-related recreational functions.

(Repealed R.C. 144.01–144.07)

Auditor’s Innovation Fund – Replaces the former Leverage for Efficiency, Accountability, and Performance (LEAP) Fund with the Auditor’s Innovation Fund. The new fund will be used for innovative audit, accounting, or local government assistance services that improve the quality or increase the range of services offered to local governments and school districts.

The bill appropriates \$300,000 in each fiscal year for the fund.

The bill permits the Auditor of State (AOS) to conduct a feasibility study requested by a state agency or local public office at the discretion of the AOS. Under current law, a study may be conducted as funds are allowed and available in the LEAP Fund.

(R.C. 117.47, 117.46, 117.473; Repealed R.C. 117.471, 117.472)

Auditor of State Public Records Requests – Permits the AOS to refer a public records request to an originating public office when the record was provided to the AOS for purposes of an audit, and the original public office has asserted to the AOS that the record is not a public record.

(R.C. 149.43)

Report on Information Sharing Between Law Enforcement Agencies, ODJFS/County JFS Agencies – Removes the requirement that the AOS prepare an annual report on the outcome of information sharing agreements between law enforcement agencies and ODJFS/county JFS agencies.

(R.C. 5101.28)

Abolishment of the Drainage Assessment Fund – Abolishes the Drainage Assessment Fund. The Fund is no longer used to pay each state agency’s share of local drainage assessments made under the county ditch laws. Agencies pay their share of local drainage assessments under appropriations from their regular operating funds, so this specific fund is no longer necessary.

(R.C. 6131.43; Repealed R.C. 6133.15)

Free Assistance Dog Registration – Allows an assistance dog (guide dog, hearing dog, or service dog) to have been trained by any nonprofit or for profit special agency, instead of only by a nonprofit special agency as under current law, in order for the dog’s owner to receive a free permanent registration from the county auditor.

(R.C. 955.011)

HEALTH AND HUMAN SERVICES

Department of Children and Youth (DCY)

New Department of Children and Youth – The bill creates the Department of Children and Youth (DCY), a new cabinet level agency. The department will operate programs and services previously housed in six agencies: the Ohio Department of Job and Family Services (ODJFS), the Ohio Department of Health (ODH), the Ohio Department of Development Disabilities (DODD), the Ohio Department of Education and Workforce (formerly the Ohio Department of Education), the Ohio Department of Mental Health and Addiction Services (OMHAS), and the Ohio Department of Development (ODOD). These programs include services related to adoption, child care, foster care, child welfare, family and children first, early childhood education, early intervention, home visiting, infant vitality, early childhood mental consultation, and preschool special education.

The department was created upon signage of the bill, and all programs must be transferred to the new agency by January 1, 2025.

(R.C. 5180.01, 121.02, 121.03, 121.35, 121.37, 121.40, 3109.15-3109.17, 3109.179, 5101.34-5101.342, 5180.02; Sections 130.10-103.16 and 423.140)

Children Services

State Child Protection Allocation Increase – Ohio increased its investment in the state child protection allocation (SCPA) by an additional \$25 million in FY 2024 and \$35 million in FY 2025, bringing the total investment to up to \$145 million in FY 2024 and \$155 million in FY 2025.

The budget bill moves the state child protection allocation funding from the Department of Job and Family Services to the Department of Children and Youth (DCY) and thus a new line item. The new line item includes funding for several other programs in child welfare: foster care recruitment, Ohio START, Kinship Support Program, Kinship Guardian Assistance Program, Bridges, Ombudsman, Triple P, Prevention Services, Tiered Foster Care, and more.

The overall line item was funded at a lower level than the introduced version of the budget. JFS, and eventually DCY, will have to determine the level of funding for these other programs.

Because the state child protection allocation language reads “up to” \$145 million and \$155 million in FY 2024 and FY 2025, allocating fewer dollars to the SCPA is an option for the department.

Each county will receive an initial allocation of \$200,000, and the remainder of the investment will be distributed according to the child protection allocation formula in R.C. 5101.14.

(Section 423.70; Appropriation line item 830506)

Best Practices Funding – The bill allocates \$10 million in each fiscal year to incentivize best practices in children services. The Department of Children and Youth has rulemaking authority for these dollars.

(Section 423.70; Appropriation line item 830506)

Children Services Fund Maintenance of Effort – The bill requires each county that was contributing local funds to the county’s Children Services Fund in 2019 to continue doing so at an amount to be determined by the director of the Department of Job and Family Services through rule. Local funds include general fund dollars and levy dollars. This language was included in temporary law, so it is currently only applicable to FY 2024 and FY 2025.

(Section 423.70)

Removal of Kinship Caregiver Program – This program was not funded in the budget. Previously, it had allocated \$10 million per year from the TANF block grant to county departments of job and family services to fund the Kinship Caregiver Program which requires counties to offer subsidized services including child care for caregivers as part of the TANF Prevent, Retention and Contingency Program.

(Previously funded through TANF Block Grant - Appropriation line item 600689)

Child Abuse and Child Neglect Regional Prevention Council Membership – Adds parent advocates to the list of county prevention specialists that may be appointed to a child abuse and child neglect regional prevention council.

Boards of county commissioners of each county in a region appoint up to two members of these councils. Members must be prevention specialists.

(R.C. 3109.172)

Former Foster Youth and PCSA Records – Requires a PCSA to allow an adult who was formerly placed in foster care to inspect records pertaining to the time in foster care upon request, including medical, mental health, school, and legal records and a comprehensive summary of reasons why the adult was placed in foster care. The agency’s director or the director’s designee are allowed to redact information that is specific to other individuals if that information does not directly pertain to the adult’s records or comprehensive summary.

(R.C. 5153.17)

Older Ohioans

Healthy Aging Grants – The budget invests \$40 million in state ARPA dollars in the new, one-time Healthy Aging Grants program in FY 2024. The grants will be provided through the Department of Aging to the board of county commissioners, or the county executive and county council of a charter county, in all counties to foster improved quality of life for seniors so they can remain in their homes and connected to their communities, delay entry into Medicaid, preserve their personal assets, and promote a healthy, independent, active lifestyle.

The Department of Aging will work with CCAO to determine guidelines and reporting requirements for the grants prior to distribution.

(Section 209.30; Appropriation line item 490678)

Adult Protective Services – Adult protective services funding increased to \$9,720,000 per fiscal year. These funds will be distributed equally among the 88 counties, resulting in about \$80,000 per county per year. In

the previous budget, each county received \$65,000 per year for adult protective services.

(Section 307.130; Appropriation line item 600534)

Public Assistance and Medicaid

SNAP Income Maintenance (Local Program Support) – County job and family services agencies received a \$4 million increase in SNAP administrative dollars in each fiscal year, equal to a 10% increase, for a total of \$43.9 million each fiscal year. The department is required to allocate these funds to county JFS agencies to administer food assistance and disability assistance programs.

(Section 307.20; Appropriation line item 600521)

Medicaid Income Maintenance (Local Program Support) – The budget increased base Income Maintenance (IM) Control for Medicaid by \$5 million in each fiscal year. The Department of Medicaid (ODM) has discretion for the distribution of these new dollars. A separate additional \$5 million was added in FY 2025. ODM will use these funds to bridge the future loss of ARPA dollars currently used by county agencies for Medicaid eligibility work.

(Section 333.200; Appropriation line item 655522)

Employment Incentive Programs – Appropriates \$1.5 million for county JFS agencies to operate employment incentive programs. County JFS agencies are required to create individualized plans and incentives for adults who consistently increase their wages and who work at least 32 hours per week. These individualized plans must require each participating individual to complete financial literacy education and to submit and update a household budget to their caseworker at least every three months. The plans can cover at maximum 18 months and each individual can only participate in the program once.

(Section 307.250; Appropriation line item 6006B1)

Benefit Bridge Employer Pilot Program – Establishes the two-year Benefit Bridge Employer Pilot Program that provides grants to eligible employers to provide incentives to employees who are on one of the following public assistance programs: SNAP, Ohio Works First, Medicaid, or publicly funded child care. The bill appropriates \$3 million for the pilot program.

To be eligible to receive a grant, employers must have been registered to do business with the Secretary of State for at least two years and shall also do the following:

- Provide a written intention to engage in the Benefits Bridge Employer Pilot Program;
- Submit a benefit replacement plan for each participating employee. A benefit cliff calculator shall be used to determine the hourly wage required to replace the assistance received through these programs;
- Submit a description of a training program, including a financial literacy course, for each participating employee. The employer shall certify the amount of one-time training incentives that shall be offered to the employee upon completion of the program, as well as the wage increase that will be given after the completion of the training program;
- Receive written approval of the employer's plan from ODJFS;

- Report relevant wage and salary information of participating employees on a timeframe established by ODJFS.

Within three months of the employee's completion of the training program, the employer shall submit to ODJFS proof of the employee's completion of the training program and the wage increase received by the employee pursuant to the information previously submitted to ODJFS.

After ODJFS certifies that the participating employee no longer receives assistance from SNAP, Ohio Works First, Medicaid, or a publicly funded child care program, or will imminently stop receiving assistance through one of these programs, ODJFS shall release the grant funds.

An employer may not receive more than \$5,000 per participating employee for the duration of the pilot program. An employer may not receive more than \$100,000 total through the duration of the pilot program.

ODJFS must submit a report on the first year of operations of the pilot program by October 1, 2024, to the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives.

(Section 307.240; Appropriation line item 6006A9)

Fraud Prevention Funding – Flat funds state funding for county fraud prevention efforts at \$2.5 million per fiscal year. These dollars are provided to assist county JFS agencies that submit an approved plan on increasing fraud prevention, early detection of fraud, and potential fraud investigations that may be occurring in public assistance programs.

(Section 307.20; Appropriation line item 600521)

SNAP Employment and Training Program Redesign – Requires ODJFS to redesign Ohio's existing SNAP Employment and Training program in a manner that meets the needs of employers in the state. By July 1, 2024, ODJFS must appear before the House and Senate Finance Committees to report on the redesign.

(R.C. 5101.547)

Self-Employment Income and SNAP Eligibility – Requires ODJFS to use the same income verification criteria for households with income from self-employment when conducting initial eligibility determination, quarterly review, and recertification.

(R.C. 5101.54)

Restriction of SNAP card replacement – Prohibits ODJFS from replacing the electronic benefit transfer (EBT) card of a household that requests four or more replacement cards within a twelve-month period unless certain requirements are met. The prohibition does not apply if the card is lost due to an individual's disability.

(R.C. 5101.542)

ODJFS Public Assistance Case Report – Creates a new quarterly report that ODJFS must submit to the General Assembly regarding public assistance. The report must include the following information:

- Payments made in error and the dollar amount of those payments;

- Work requirement exemptions issued;
- Confirmed cases of fraud or intentional program violation;
- High balance SNAP accounts;
- Out-of-state SNAP transactions;
- SNAP transactions where the final amount processed was a whole dollar amount without additional cents.

(R.C. 5101.98)

Ohio Works First Eligibility for Pregnant Women – Expands eligibility for cash assistance under Ohio Works First to include any eligible pregnant woman, rather than only those who are at least six months pregnant.

(R.C. 5107.02, 5107.10)

Medicaid Work Requirements – Requires the Director of the Department of Medicaid to apply to Center for Medicare & Medicaid Service for a new Medicaid work requirement waiver between February 1, 2025, and March 1, 2025.

(R.C. 5166.37)

Meaningful Employment of Medicaid Recipients – Requires ODM and ODJFS to collaborate and develop a program to assist Medicaid enrollees with securing meaningful employment. Each Medicaid managed care organization (MCO) must develop a specialized component of its Medicaid MCO plan to provide referral and support to Medicaid enrollees in obtaining and maintaining meaningful employment and give priority to identified enrollees who are of working age and are able-bodied, or who would benefit from assistance to overcome unemployment or underemployment.

Medicaid MCOs are required to do all the following:

- Identify any barriers that an identified enrollee faces to achieving greater financial independence, including the following:
 - Education;
 - Employment;
 - Physical and behavioral health care;
 - Transportation;
 - Childcare;
 - Housing;
 - Legal history, including prior conviction of a criminal offense.
- Develop state and local relationships that link and refer identified enrollees to assessments, resources,

and supports that assist with obtaining and maintaining meaningful employment;

- Utilize a standard health risk assessment form established by the Medicaid director to identify enrollees to receive assistance under the program established by this section.

The ODM director and ODJFS director must convene a work group within six months of the effective date. The directors will appoint the following to participate in the group:

- Representatives of the directors of Opportunities for Ohioans with Disabilities, Department of Developmental Disabilities, and Department of Mental Health and Addiction Services;
- Representatives of the Ohio Job and Family Services Directors' Association and Workforce Development agencies;
- Representatives of technical, career, and higher education;
- Representatives of each Medicaid MCO;
- Representatives of other organizations with expertise and resources involved in career and job development.

The work group will:

- Identify state and local resources that provide job skills and career development, including available resources to support identified enrollees to seek employment and develop needed skills;
- Develop models for local agreements or protocols for collaboration between Medicaid MCOs and other community agencies;
- Identify conflicts among program requirements that should be addressed by state agencies and the general assembly to facilitate identified enrollees' ability to secure and maintain employment.

The ODM director has rulemaking authority for the program.

The ODM and ODJFS directors must submit a report periodically during the first year of the program to the governor, the Senate Medicaid Committee, and any other relevant standing legislative committees. After the first year, the report must be submitted annually.

(R.C. 5167.35)

Repeal of Medicaid Eligibility Redeterminations Law – Repeals a law that requires ODM to do both of the following if federal Medicaid funding is contingent on limiting ODM's ability to disenroll ineligible recipients:

- Continue to conduct eligibility redeterminations and act on them to the fullest extent permitted by federal law;
- Within 60 days of the end of the limitation, complete an audit in which ODM completes and acts on eligibility redeterminations for all recipients for whom a redetermination has not been conducted in the past 12 months, request approval from CMS to complete and act on eligibility redeterminations for recipients enrolled during the period of limitation, and submit a report to the General Assembly.

(Repealed R.C. 5163.52)

Post-COVID Medicaid Redetermination – Requires ODM to use third-party data to conduct an eligibility redetermination of all Ohio Medicaid recipients after the conclusion of the COVID-19 emergency period.

Requires ODM to conduct an eligibility review of those recipients for whom a review has not been conducted in the past twelve months, as well as those recipients for whom a review has been conducted in the past twelve months. Requires ODM to disenroll those recipients who are no longer eligible, and requires that ODM oversee the county determinations and administration to ensure timely and accurate compliance.

Requires ODM to complete a report containing its findings from the third-party data systems and submit the report to JMOC.

(Section 333.210)

Continuous Medicaid Enrollment for Children – Requires ODM to seek approval to provide continuous Medicaid enrollment for Medicaid-eligible children from birth through age three.

(R.C. 5166.45)

Medicaid Coverage for Doula Services – Establishes a program to cover doula services provided to a Medicaid enrollee by a certified doula with a Medicaid provider agreement.

(R.C. 5164.071)

Medicaid Ground Emergency Medical Transportation Supplemental Payment Program – Requires the ODM Director to seek federal approval to establish and administer a supplemental payment program for ground emergency medical transportation service providers.

(R.C. 5164.96)

Child Support

Child Support – Child support enforcement agencies are flat funded at \$26.4 million per year.

(Appropriation line item 600502)

Redirecting and Issuing Child Support to Nonparent Caretakers – Prior to HB 33, only certain county child support enforcement agencies (CSEAs) were able to redirect orders to nonparent caretakers. The provisions in HB 33 allow the remaining counties to also redirect these payments.

(R.C. 2151.231, 3103.03, 3109.53, 3109.66, 3111.01, 3111.04, 3111.041, 3111.06, 3111.07, 3111.111, 3111.15, 3111.29, 3111.38, 3111.381, 3111.48, 3111.49, 3111.78, 3119.01, 3119.06, 3119.07, 3119.95, 3119.951, 3119.953, 3119.955, 3119.957, 3119.9511, 3119.9513, 3119.9515, 3119.9517, 3119.9519, 3119.9523, 3119.9525, 3119.9527, 3119.9529, 3119.9531, 3119.9533, 3119.9535, 3119.9537, 3119.9539, 3119.9541, 3121.29; Repealed R.C. 3121.46)

Child Care

Eligibility For Publicly Funded Child Care – Increases the maximum amount of income that a family may have to be eligible for publicly funded childcare from 142% to 145% of the federal poverty level (FPL) for initial eligibility. Eligibility remains at 150% FPL for initial eligibility in the case of special needs care and 300% FPL for continued eligibility. This section is effective through June 30, 2025.

(Section 423.130)

Child Care Infrastructure Grants – The budget appropriates \$15 million in each fiscal year for the Department of Children and Youth to administer child care infrastructure grants to provide safe and developmentally appropriate child care for infants and toddlers in communities with high infant mortality rates. Nonprofit, for-profit, and early Head Start programs are eligible to apply. In awarding grants, the department must consider the needs of applicants and the ability of the communities in which applicants are located to serve publicly funded child care eligible infants and toddlers in developmentally appropriate child care settings. These grants may be used to provide workforce supports, technical assistance, facilities improvement, and classroom supplies.

(Section 423.105; Appropriation line item 830614)

Education Requirements for Child Care Employees and Step Up to Quality Program – Prohibits the ODJFS Director from adopting rules to require an administrator or employee of a licensed child day-care center or licensed family day-care home to hold or obtain a bachelor's, master's, or doctoral degree. Prohibits the ratings developed for the Step Up to Quality Program from taking into consideration whether an administrator or employee of an early learning and development program that participates in Step Up to Quality holds or obtains a bachelor's, master's, or doctoral degree.

(R.C. 5104.015, 5104.017, 5104.018, 5104.29)

Family and Children First

Local Family and Children First Council Funding – Family and Children First Councils are funded at \$2.7 million per fiscal year, marking the first increase in the state allocation since FY 2010. Each local council will now receive \$30,750. The line item that houses funds for county Family and Children First Councils was transferred to the Department of Children and Youth.

(Appropriation line item 830410)

Ohio Family and Children First Council Funding – The line item that houses funds for the administration of the Ohio Family and Children First Council was transferred to the Department of Children and Youth and is funded at just under \$2.4 million per fiscal year.

(Appropriation line item 830613)

Family and Children First Flexible Spending Pool – County family and children first councils are permitted to create a flexible funding pool to assure access to services by families, children, and seniors in need of protective services.

(Section 423.100)

Multi-System Youth

Funding for PCSAs – Multi-system youth are those in need of services from two or more of the following systems: child protective services, mental health and addiction services, developmental disabilities services, and juvenile court. The bill allocates \$25 million per fiscal year to assist counties in providing services to multi-system youth. These funds may be used for youth currently in the custody of a PCSA or to prevent children from entering the custody of a PCSA by custody relinquishment or another mechanism. The DCY director has rulemaking authority with respect to these funds.

(Section 423.70; Appropriation line item 830506)

Funding to Prevent Custody Relinquishment – The Department of Medicaid Multi-System Youth Custody Relinquishment Fund is funded at \$26.3 million in FY 2024 and \$27.6 million in FY 2025. The line item is used to fund programs that serve youth involved with multiple governmental agencies and other innovative approaches that support health care access or result in long-term savings to the state, and to prevent custody relinquishment of multi-system children and youth.

(Appropriation line item 651690)

Department of Developmental Disabilities Funding – The multi-system youth line item in the Department of Developmental Disabilities is funded at \$5 million in each fiscal year, with \$1 million to be used to support the Child and Adolescent Behavioral Health Center of Excellence, which provides technical assistance, training, implementation support, and evaluation related to behavioral health services for youth and families. The remaining funds are used to provide a subsidy to eligible county boards of developmental disabilities to provide respite and other services for multi-system youth to enable them to remain in their homes or in their communities.

(Section 261.40; Appropriation line item 322422)

Department of Health (ODH)

Program for Children with Medical Handicaps Name Change – Renames the Children with Medical Handicaps to the Program (BCMh). The new program name is Children and Youth with Special Health Care Needs.

(R.C. 3701.023, 101.38, 103.60, 3701.021, 3701.022, 3701.024-3701.028, 3701.0210, 3701.507- 3701.509, 5153.16, 5160.35, 5164.72, 5166.32, 5168.02, 5168.14, and 5168.26)

Expanded Program for Children and Youth with Special Health Care Needs – Expands eligibility for the Program for Children and Youth with Special Health Care Needs (formerly Program for Medically Handicapped Children) by increasing the maximum age of participants from 23 to 24 beginning on July 1, 2023, and from 24 to 25 beginning on July 1, 2024. The expanded coverage will only apply to youth already enrolled by age 21 for a childhood related disorder. Appropriates an additional \$500,000 in each year to pay for this expansion.

(R.C. 3701.021; Appropriation line item 440505)

County Boards of Developmental Disabilities (DD)

County Board of Developmental Disabilities Appointments – Beginning July 1, 2025, the board of county commissioners will be required, for initial board appointments, to appoint one person with developmental disabilities and one family member of a person with developmental disabilities to the county board of DD. This will replace the current requirement that the board of commissioners appoint two family members of people with developmental disabilities.

The new requirement will apply to initial appointments, not reappointments. As seats become open on the board after July 1, 2025, the board of commissioners will have to consider if the requirement has been met when making an initial appointment.

The senior probate judge will be required to appoint at least one individual with developmental disabilities or a family member of a person with developmental disabilities.

If the senior probate judge appoints a person with developmental disabilities, that will satisfy the requirement for the commissioner appointment as well.

The language specifies that an appointing authority's unfilled vacancy does not prohibit that appointing authority from filling other vacancies on the board.

(R.C. 5126.021; Section 105.20; Repealed R.C. 5126.022; effective July 1, 2025)

County Board of Developmental Disabilities Virtual Meeting Authority – County boards of developmental disabilities are permitted to meet remotely if they set a policy that meets the following requirements:

- The number of regular meetings at which each board member shall be present in person, which may not be less than one-half of the regular meetings of the county board annually;
- All the following minimum standards regarding a meeting conducted using means of electronic communication:
 - That at least one-third of the board members attending the meeting shall be present in person at the place where the meeting is conducted;
 - That all votes taken at the meeting are taken by roll call vote;
 - That a board member who intends to attend a meeting via means of electronic communication notifies the chairperson of that intent not less than forty-eight hours before the meeting, except in the case of a declared emergency.

A board member attending remotely will be considered present, counts for a quorum, and may vote.

No one is permitted to limit the number of board members who can attend the meeting virtually, limit the total number of virtual meetings the board may conduct, limit the number of meetings any one board member may attend virtually, or limit or impose obligations on a board member because the member is attending virtually.

(R.C. 5126.0223)

County DD Boards Annual Fee for HCBS Waiver Services – Permits, rather than requires as under current law, the Department of Developmental Disabilities (DODD) to charge county boards of developmental disabilities an annual fee related to the total value of all Medicaid claims paid for home and community-based services (HCBS) provided to individuals eligible to receive services from the county board. Permits DODD to use the fees collected to provide technical and financial support to county boards with respect to the responsibility of county boards to pay the nonfederal share of certain Medicaid services (in addition to other uses permitted by existing law).

(R.C. 5123.0412)

Mental Health and Addiction Services

Composition of an ADAMH Board – The bill changes the options boards of commissioners have for the number of people serving on an ADAMH Board. Currently, districts have either an 18-member or 14-member board. The bill allows boards of commissioners to choose to have 18, 15, 14, 12, or 9 members on the ADAMH board of a single or joint-county district. In a single district, the decision of board size is made by the board of commissioners representing the county that constitutes the district. In a joint-county district, the decision is made by the boards of county commissioners of all counties within the district and must be unanimous.

If the board or boards of county commissioners choose to change the size of the ADAMH board, they must send a representative to a meeting of the ADAMH board to receive feedback on the proposed change. After the feedback is considered, the board or boards of county commissioners may proceed with the change in board size. To adopt the change, the board or boards of county commissioners must adopt a resolution specifying the new board size and notify OMHAS of the board size selected.

If the change in board size will result in a smaller size than before, the reduction shall be implemented by not filling vacancies as they occur.

Once a determination of a new board size has been made, it cannot be changed within four years of the decision. After four years, the commissioners may choose a different size again.

Boards of commissioners do not have to change the number of board members on the ADAMH board. If the commissioners do not wish to change the size of the ADAMH board, no action is required.

Any newly formed district also will have the option to choose 18, 15, 14, 12, or 9 members for its ADAMH board size. The board or boards of commissioners of the newly formed district must adopt a resolution specifying the new board size and notify OMHAS of the board size selected.

(R.C. 340.02)

Appointments to an ADAMH Board – For all ADAMH boards, regardless of size, the board or boards of county commissioners (BCC) in the district will appoint two-thirds of the members of the ADAMH board. OMHAS will appoint the remaining one-third of the members. This change applies regardless of board size, even if boards of commissioners choose not to change the size of their board as permitted by the bill.

The breakdown is as follows:

- 18-member board: 12 members appointed by BCC, six members appointed by OMHAS;

- 15-member board: 10 members appointed by BCC, five members appointed by OMHAS;
- 14-member board: Nine members appointed by BCC, five members appointed by OMHAS;
- 12-member board: Eight members appointed by BCC, four members appointed by OMHAS;
- 9-member board: Six members appointed by BCC, three members appointed by OMHAS.

Prior to HB 33, commissioners appointed 10 members on an 18-member board with OMHAS appointing the other eight and eight members on a 14-member board with OMHAS appointing the other six.

It is important to note that the six required categorical appointments for ADAMH boards did not change in the bill. Previously, most, if not all, of the categorical appointment requirements were fulfilled by the OMHAS appointments. If a smaller board size is chosen by commissioners, commissioners would be responsible for making some of these appointments.

The categorical appointments requirements are:

- At least one clinician with experience in the delivery of mental health services;
- At least one person who has received or is receiving mental health services;
- At least one parent or other relative of a person who has received or is receiving mental health services;
- At least one clinician with experience in the delivery of addiction services;
- At least one person who has received or is receiving addiction services;
- At least one parent or other relative of a person who has received or is received addiction services.

The clinician requirements may be fulfilled by a single board member if that person meets both qualifications.

(R.C. 340.02)

At Will Removal of an ADAMH Board Member – After being informed in writing and afforded the opportunity for a public hearing, a board member may be removed by the appointing authority at will.

(R.C. 340.02)

Withdrawal from a Joint-County ADAMH District Plan – Under current law, if a board of county commissioners wishes to withdraw from a joint-county ADAMH district, the board must adopt a resolution with a plan and submit it to the ADAMH board, the boards of commissioners of the other counties in the joint district, and the director of the Ohio Department of Mental Health and Addiction Services (OMHAS). The bill adds the following requirements for what must be included in the plan:

- Proposed bylaws for the operation of the newly established district;
- A list of potential board members;
- A list of the behavioral health services available in the newly established district, including inpatient,

outpatient, prevention, and housing services;

- Equitable adjustment and division of all services, assets, property, debts, and obligations of the former joint-county district;
- A plan ensuring no disruption in behavioral health services in the newly established district;
- Provision for the employment of an executive director of the newly established district.

The OMHAS Director must approve the plan within one year of the board of commissioners' adoption of the resolution to withdraw.

(R.C. 340.01)

ADAMH Board Input and Notification Regarding Certification of Providers – The bill authorizes ADAMH boards to provide input and recommendations to OMHAS when a provider has an application for certification or renewal, or when a provider is being investigated by the department if the board has information that would be beneficial to OMHAS in those determinations.

When a provider applies for certification or a renewal, the OMHAS director must notify the ADAMH board in the district where the provider will provide services within 14 days. The bill also requires OMHAS within 30 days of a provider's certification ceasing to be valid for any reason, to notify the applicable board of the reason the certification ceased to be valid and the date it became invalid.

(R.C. 340.03 and 5119.36)

ADAMH Board List of Opioid Treatment Programs – Requires ADAMH boards to annually update and publish on their respective websites a list of all licensed opioid treatment programs operating in the board's district based on information received from the list maintained by OMHAS, a resource directory created by OMHAS and/or the federal Substance Abuse and Mental Health Services Administration's (SAMHSA) opioid treatment program directory.

(R.C. 340.08)

ADAMH Board Funding – Appropriates \$5 million in each fiscal year for a base allocation to each ADAMH board. Each board receives \$50,000 in each fiscal year for each of the counties that are part of the board's district. The remaining dollars are allocated to each board by a formula developed by the OMHAS director. The bill also appropriates \$6 million in each fiscal year to be used to fund a continuum of crisis stabilization and crisis prevention services and supports to allow individuals to be served in the least restrictive setting.

(Section 337.140; Appropriation line item 336643)

Continuum of Care Funding – ADAMH boards will receive at least \$72 million per fiscal year in continuum of care funding. Basic services ADAMH boards may fund from this line include: crisis intervention, response, and stabilization; medication assistance; hospital prescreening; counseling-psychotherapy; alcohol and drug treatment services; diagnostic assessment; consultation; education and training; community support program services; and residential housing. Boards may use a portion of funds allocated to provide subsidized support for psychotropic medication needs of indigent citizens in the community and to provide subsidized support for medication-assisted treatment costs.

(Section 337.40; Appropriation line item 336421)

Access to Wellness Program – Appropriates \$6 million per fiscal year for the Access to Wellness program. Access to Wellness works to meet the needs of adults with severe and persistent mental illness who are involved in multiple systems including aging, criminal justice, developmental disabilities, homelessness, and veterans. Each ADAMH board is eligible to receive an allocation and partner with local providers to implement Access to Wellness and provide recovery supports.

(Section 337.40; Appropriation line item 336421)

Pediatric Behavioral Health – Appropriates \$50 million in ARPA funding in FY 2024 to support pediatric behavioral health workforce development, infrastructure improvements at health care facilities to increase access to pediatric behavioral health services (including OhioRISE psychiatric residential treatment facilities), and to improve integration of behavioral health and primary care services.

(Section 337.145; Appropriation line item 336648)

Prevention and Wellness – Appropriates \$1.5 million in each fiscal year to ADAMH boards to develop and provide community mental health, alcohol, and other prevention services and programs that meet locally determined needs. Additionally, appropriates up to \$3.4 million in each fiscal year to support suicide prevention efforts and up to \$2.3 million in each fiscal year to increase access to early identification and intervention of behavioral health disorders across the lifespan.

(Section 337.20; Appropriation line item 336406)

Behavioral Health Drug Reimbursement Program (combines previous Psychotropic Drug Reimbursement Program and Medication Assisted Treatment Reimbursement Program) – The Behavioral Health Drug Reimbursement Program combines the previous Psychotropic Drug Reimbursement Program and Medication Assisted Treatment (MAT) Reimbursement Program. This program operates in county jails and is funded at \$5 million per fiscal year.

The bill also expands the program to authorize reimbursements for psychotropic drugs administered or dispensed to individuals confined in community-based correctional facilities.

(R.C. 5119.19; Section 337.50; Appropriation line item 336422; Repealed R.C. 5119.191)

9-8-8 Funding – Appropriates \$20.7 million in FY 2024 and \$25.8 million in FY 2025 to support statewide operations and related activities of the 9-8-8 suicide and crisis lifeline and mental health treatment and response.

(Section 337.135; Appropriation line item 336661)

Recovery Housing – Appropriates \$3 million in each fiscal year to expand access to recovery housing. OMHAS administers these funds. The funds are also to be used for the implementation of the new OMHAS mandatory certification or accreditation process for recovery housing residences created in HB 33.

(Section 337.70; Appropriation line item 336424)

Stabilization Centers – Appropriates \$6 million in each fiscal year to establish and administer substance use disorder stabilization centers, or, upon approval from the OhioMHAS Director, the funds may be used

in conjunction with \$1.5 million in each fiscal year of earmarked funds in Continuum of Care Services to establish and administer crisis stabilization centers that can serve individuals with substance use and/or mental health needs. Requires one center located in each state psychiatric hospital region.

(Section 337.130; Appropriation line item 336600)

Strong Families Strong Communities – Allocates \$4 million per fiscal year for community projects across the state that focus on support for families, assisting families in avoiding crisis, and crisis intervention. The funding is now housed in the Department of Children and Youth.

(Section 423.40; Appropriate line item 830406)

Specialized Docket Support – Continues the funding to subsidize courts operating a specialized docket by providing \$10.3 million in each fiscal year appropriation. The subsidy is to be used to defray a portion of the annual payroll costs associated with the operation of the specialized docket of a common pleas court, municipal court, county court, juvenile court, or family court that meets all eligibility requirements, including a family dependency treatment docket. The line item also contains funding for the Legacy Court, which provides funds to drug courts for a variety of activities, such as, to help with supervision, drug testing, and treatment services.

(Section 337.80; Appropriation line item 336425)

Substance Use Disorder Treatment in Specialized Docket Programs – Appropriates \$5 million in each fiscal year for substance use disorder treatment in specialized docket programs. Continues this program that includes services for withdrawal management or detoxification and the drugs used in providing those services, both FDA approved and drugs in standard use for those conditions. Emphasizes that supports provided in collaboration with a Medication Assisted Treatment drug court must be provided by a community addiction services provider. Specifies that there are no prior authorization or step therapies for program participants to have access to any drug provided under this program.

(Section 337.60; Appropriation line item 336442)

OneOhio Recovery Foundation – The bill defines the “OneOhio Recovery Foundation” as a nonprofit corporation and its constituent regional boards receiving payments under the settlement agreement in State of Ohio v. McKesson Corp., Case No. CVH20180055 (C.P. Madison Co., settlement agreement of October 7, 2021).

The bill also specifies that OneOhio Recovery Foundation is not a state agency, executive agency, public office, state entity, public employer, or a department, office, or institution and exempts the Foundation from requirements of those entities. The Foundation’s full board meetings are required to be open to the public unless its directors vote to hold an executive session by a majority of the quorum of the board.

The IRS approved the OneOhio Recovery Foundation as a 501(c)(3) in a letter on June 8, 2023, with an effective date of December 3, 2021.

Additionally, the Attorney General is required to provide legal advice to and conduct any case in which the Foundation or its employees, officers, or appointed members are a party to a legal action as a result of acting in its official capacity.

(R.C. 182.02)

JOBS, ECONOMIC DEVELOPMENT, AND INFRASTRUCTURE

Brownfield Remediation Program/ Building Demolition and Site Revitalization Program: Appropriation and Designation of Lead Entity – The Ohio Department of Development (ODOD) Brownfield Remediation Grant Program received an appropriation of \$175 million in each fiscal year for a total of \$350 million over the biennium. The Building Demolition and Site Revitalization Program received an appropriation of \$150 million in FY 2024, but unspent funds may be carried over to FY 2025.

To streamline funding, HB 33 amends the law governing both programs so that each county is required to have one lead entity for the purpose of submitting grant applications. The entity is designated according to the following criteria:

- If the county has a population of less than 100,000 according to the most recent federal decennial census, ODOD will select the lead entity from a list of recommendations made by the board of county commissioners. The board must submit a lead entity letter of intent and any other documentation required by the department for the director to select a lead entity for that county.
- If the county has a population of 100,000 or more according to the most recent federal decennial census and the county has a county land reutilization corporation, the county land reutilization corporation is the lead entity for that county.
- If the county has a population of 100,000 or more according to the most recent federal decennial census and the county does not have a county land reutilization corporation, ODOD will select the lead entity from a list of recommendations made by the board of county commissioners. The board will submit a lead entity letter of intent and any other documentation required by the department for the director to select a lead entity for that county.

The lead entity of each county is responsible for submitting all grant applications for that county. The application must include any agreements executed between the lead entity with other recipients that will receive grant money through the lead entity, if applicable. Such recipients may include local governments, nonprofit organizations, community development corporations, regional planning commissions, county land reutilization corporations, and community action agencies.

For the Brownfield Remediation Program, continuing law requires ODOD to reserve \$1 million for each county. These amounts are reserved for one calendar year from the date of the appropriation. Lead entities are permitted to submit amended applications for the use of reserved funds. After one calendar year, the funds will be available on a first-come, first-served basis. Grants are limited to 75% of total project costs.

For the Building Demolition and Site Revitalization Program, continuing law requires ODOD to reserve \$500,000 for each county for one year. After one calendar year, the funds are available on a first-come, first served basis. Grants are limited to 75% of total project costs.

(R.C. 122.6511 and 122.6512; Appropriation line items 1956A2 and 1956A3)

Water and Sewer Quality Grant Program – \$124 million will be made available in FY 2024 to ODOD to disperse grants for water and sewer improvements. This program will be similar to the program of the same in the prior biennium.

(Section 259.30; Appropriation line item 1965A1)

Rural Industrial Park Loan Program – The budget appropriates \$30 million to the Rural Industrial Park Loan Program over the biennium, and earmarks \$13 million of these funds for the One Time Priority Projects Fund, which contains numerous earmarks for various local projects around the state. Rural Industrial Park Loans are limited to \$4 million per recipient.

Continuing law prohibits the use of a rural industrial park loan for the construction of a new industrial park that competes with an existing industrial park and retains the requirement that the board of county commissioners must certify to ODOD that no competition exists. The budget amends this requirement to allow an existing industrial park owner’s consent to the new industrial park to serve as evidence of noncompetition. The budget also allows ODOD to designate eligible areas under the program every ten years after the release of decennial census figures, rather than annually as under current law.

(R.C. 122.25 and 122.27; Sections 259.50 and 516.30; Appropriation line item 195647)

Connect4Ohio Program – The Department of Transportation (ODOT) budget contains a \$500 million appropriation for FY 2024 for the Connect4Ohio Program. The purpose of the program is to assist in creating seamless transportation connections throughout all of Ohio and, by doing so, to make it easier for all Ohio workers to commute from their homes to employment centers.

ODOT and the Transportation Review Advisory Council (TRAC) will work together to provide funding for unfunded projects included on the [“Final 2023 – 2026 Major New Construction Program List”](#) document that was published by ODOT on March 29, 2023. ODOT will establish any procedures and requirements necessary to administer this section.

For purposes of the program, a “rural county” is defined as a county that does not contain a municipal corporation with a population greater than 55,000 residents according to the most recent federal decennial census.

The provision of funding must be consistent with the following priorities:

- Completing existing corridor projects, particularly corridor projects that benefit two or more connected rural counties;
- Eliminating traffic impediments on county, township, state, and federal highway routes, particularly within rural counties;
- Funding such projects at 100% of the project cost, when appropriate, particularly for projects that are located in a rural county or that extend between two or more connected rural counties;
- Providing the necessary matching funds to receive TRAC approval for any construction projects that are related to the Program and its purpose.

(Sections 411.30 and 755.30; Appropriation line item 776673)

Welcome Home Ohio Program – HB 33 creates the Welcome Home Ohio (WHO) Program in ODOD, appropriates \$50 million in both fiscal years for this purpose, and authorizes a nonrefundable credit against the income tax or the financial institutions tax. Grants will be made available to county land banks for the purchase, rehabilitation, or construction of residential properties that are incorporated into their land

reutilization program and made available to qualifying home buyers. The tax credit may be claimed by electing subdivisions or qualifying developers who construct or rehabilitate residential properties within program guidelines. During each program year, \$25 million is allocated for the purchase of residential property, and \$25 million is allocated for the rehabilitation or construction.

To qualify for the program, a property must be a single-family residential property, including a single unit in a multi-unit property containing not more than ten units but excluding manufactured homes, that has at least 1,000 square feet of habitable space per unit.

Grants will be made available by application. Grant applications may be submitted by the county land bank or the “electing subdivision” which has adopted an ordinance or resolution creating a land bank.

All applicants for funds to purchase property must agree to do the following:

- Use grant funds only to pay the cost of purchasing qualifying residential property;
- Hold qualifying residential property until it can be sold to an individual who meets the following criteria:
 - Annual income that is not more than the qualifying median income and who have demonstrated the financial means to purchase the property. Qualifying median income means 80% of median income for the county where qualifying residential property is located, as determined by the director of development pursuant to section 174.04 of the Revised Code;
 - Agrees to maintain ownership of the qualifying residential property, occupy it as a primary residence, and not to rent any portion of the property to another individual for use as a dwelling, for at least five years following the date of purchase;
 - Agrees not to sell the qualifying residential property, within 20 years after the date of the sale, to any purchaser except an individual or individuals who have annual income that is not more than the qualifying median income;
 - Agrees to pay a penalty to ODOD for violation of the terms of agreement requiring the use of the residence for five years. The penalty equals \$90,000, less \$18,000 multiplied by the number of full years the individual or individuals owned the property;
 - Agrees that the ODOD is a third-party beneficiary of the purchase agreement;
 - Agrees to participate in the grant applicant’s financial literacy program;
 - Agrees to annually certify to ODOD or its designee, during the initial five-year period of primary residence, that the individual owns and occupies the qualifying residential property, and that no part of the property is being rented to another individual for use as a dwelling.
- Sell the qualifying residential property for not more than \$180,000 dollars per property;
- Transfer title to the qualifying residential property with a mandatory deed restriction prohibiting the sale of the property to a person with more than the qualifying median income for 20 years after the date of the property’s first transfer from the applicant following the use of grant funds. ODOD is required to create and maintain a list of qualifying residential property to which this deed restriction applies. This list is not a public record.

- Agrees to repay all grant funds not expended to purchase qualifying residential property and that is sold to an individual who meets program requirements with the prescribed deed restrictions.
- Provides financial literacy counseling, over a minimum of one year, to each purchaser of qualifying residential property on which grant funds are spent.
- Reports to ODOD the date when the qualifying residential property that is the subject of the application is sold by the applicant.

ODOD may combine grants or tax credits for the purchase of qualifying residential property with grants or tax credits for the rehabilitation or construction of the same property.

ODOD may adopt rules in accordance with R.C. Chapter 119 to administer the grant program. The rules may include the following:

- Application forms, deadlines, and procedures;
- Criteria for evaluating and prioritizing applications;
- Guidelines for promoting an even geographic distribution of grants throughout the state.

Any grant amounts repaid to the department are credited to the Welcome Home Ohio Fund.

Grants for the rehabilitation and construction of qualifying residential properties are limited to a maximum of \$30,000 per residential property. All work must be completed to applicable construction and design standards. Grant applicants must agree to the same restrictions as enumerated for grants to purchase property, and ODOD may sue for the enforcement of the required deed restrictions and adopt rules as necessary to carry out the program.

ODOD is also authorized to receive applications for a nonrefundable tax credit against the income tax or financial institutions tax for an electing subdivision or an eligible developer that rehabilitates or constructs a unit of qualifying residential property and sells the property to an individual or individuals for the individual's or individuals' occupancy.

For purposes of the tax credit, an eligible developer is defined as any of the following:

- A nonprofit corporation, as defined in R.C. 1702.01, based in this state with a primary activity of the development and preservation of affordable housing;
- A limited partnership or domestic limited partnership, as defined in R.C. 1782.01, in which a general partner is a nonprofit corporation based in this state, a primary activity of which is the development and preservation of affordable housing;
- A limited liability company, as defined in R.C. 1706.01, in which the manager is a nonprofit corporation based in this state, a primary activity of which is the development and preservation of affordable housing;
- A community improvement corporation, as defined in R.C. 1724.01, or a community urban redevelopment corporation, as defined in R.C. 1728.01.

The credit equals \$90,000 or one-third of the cost to rehabilitate or construct the property, whichever is less. An application for a credit must certify that the rehabilitation or construction of qualifying residential property that is the subject of the application was completed according to all applicable construction and design standards and that the applicant agrees to the same stipulations required for the grant program. The application must also certify that the residential property was not purchased or constructed with grant funds from the program.

The penalty for violation of the tax credit program equals the total amount of the tax credit attributable to the qualifying residential property, reduced by 20% of that amount for each full year the individual owned the property.

The total amount of tax credits issued under the program cannot exceed \$25 million in any fiscal year, and no tax credits can be issued after June 30, 2025. A taxpayer receiving a credit may carry forward any unused amount for the following five taxable years. If the person is a pass-through entity, any taxpayer that is a direct or indirect investor in the pass-through entity on the last day of the entity's taxable year may claim the taxpayer's proportionate or distributive share of the credit against the taxpayer's aggregate amount of tax levied under R.C. 5747.02.

A person receiving a tax credit certificate under the program may elect to transfer the credit to another person, but this does not extend the taxable years for which the credit may be claimed or the number of years for which the unclaimed credit amount may be carried forward.

(R.C. 122.631, 122.632, and 122.633; Section 259.30; Appropriation line item 1956H3)

Certain Townships May Create New Community Authorities in Counties with a Population Between 200,000 and 400,000 – A new community authority (NCA) is a body corporate and politic governed by an organizational board of trustees to assist in the planning and development of a defined area under the long-term control of a controlled by a private developer or a political subdivision. A new community authority is permitted to implement a development charge on properties within the district to finance infrastructure and facilities within the boundaries of the new community district.

To create a new community authority, the developer must apply to an “organizational board of trustees” for approval. Under continuing law, the board of county commissioners serves this purpose for a NCA proposed in the unincorporated area of the county, unless more than half of the NCA would be located within a joint economic development district, in which case a board of township trustees serves this purpose. HB 33 changes current law by permitting a township with a population of at least 5,000, located in a county with a population between 200,000 and 400,000, to serve as the organizational board of commissioners for a proposed NCA in its territory.

The county population parameters include Butler, Clermont, Delaware, Lake, Lorain, Mahoning, Stark, Warren, and Trumbull counties. A township that meets these criteria will also serve as the acting organizational board of trustees when a developer wishes to add or delete territory from an existing NCA.

(R.C. 349.01, 349.03, 349.04, and 349.14)

Videoconferencing for County Land Banks and Other Economic Development Bodies – Generally, state law requires that a member of a public body be present in person at a meeting open to the public in order to be part of a quorum or to vote (R.C. 121.22). HB 33 creates exceptions to the requirement of in-person meetings for the board of directors of a community improvement corporation (including a county land reutilization corporation), board of directors of a joint economic development zone, and a joint economic

development review council, if the board or council holds the meeting by interactive video conference or by teleconference under the following conditions:

- The board or council establishes a primary meeting location that is open and accessible to the public;
- Meeting-related materials that are available before the meeting are sent via electronic mail, facsimile, hand-delivery, or US Postal Service to each member;
- In the case of an interactive video conference, the board or council causes a clear video and audio connection to be established that enables all meeting participants at the primary meeting location to see and hear each member;
- In the case of a teleconference, the board or the council causes a clear audio connection to be established that enables all meeting participants at the primary meeting location to hear each member;
- All board or council members have the capability to receive meeting-related materials that are distributed during a meeting;
- A roll call voice vote is recorded for each vote taken;
- The minutes of the board or council meeting identify which members remotely attended the meeting by interactive video conference or teleconference.

If the board or council proceeds under this authority, use of an interactive video conference is preferred, but the council may conduct its meetings by teleconference or by a combination of interactive video conference and teleconference at the same meeting.

A board of directors or a joint economic development review council must adopt rules necessary to implement this section, which must contain, at a minimum, all the following:

- Authorize members to remotely attend a meeting by interactive video conference or teleconference, or by a combination thereof, in lieu of attending the meeting in person;
- Establish a minimum number of members that must be physically present in person at the primary meeting location if the board or council conducts a meeting by interactive video conference or teleconference;
- Require that not more than one member remotely attending a meeting by teleconference is permitted to be physically present at the same remote location;
- Establish geographic restrictions for participation in meetings by interactive video conference and by teleconference;
- Establish a policy for distributing and circulating meeting-related materials to members, the public, and the media in advance of or during a meeting at which members are permitted to attend by interactive video conference or teleconference;
- Establish a method for verifying the identity of a member who remotely attends a meeting by teleconference.

(R.C. 715.693 and 1724.11)

Regional Transportation Improvement Projects (RTIP) – Opportunity Corridor Improvement – Continuing law permits the board of commissioners of two or more counties to undertake a regional transportation improvement project pursuant to a cooperative agreement. The project is overseen by a governing board comprised of a commissioner and the county engineer, or their designees, from each county that is party to the agreement.

HB 33 allows the governing board of a RTIP created before October 3, 2023 (a “qualifying RTIP”) to negotiate and enter into a memorandum of understanding with ODOT concerning the completion of opportunity corridor improvements. An opportunity corridor improvement means a public infrastructure improvement with a primary purpose to do any of the following:

- Enhance or assist with one or more transportation improvements;
- Create or facilitate economic development opportunities described in the memorandum of understanding;
- Benefit real property located, or businesses that are operating or will operate, within a development area, and that is funded at least in part with private funds. Opportunity corridor improvement includes the establishment, acquisition, ownership, control, management, sale, or transfer of a business.

The “development area” of the opportunity corridor means all parcels of real property located within 2500 feet of the outermost boundary of the right-of-way associated with any transportation improvement or economic development opportunity described in the memorandum of understanding.

The RTIP governing board, in carrying out the opportunity corridor improvements, is permitted to do any of the following:

- Appropriate property, fully or partially located within the right-of-way associated with, or necessary as right-of-way for, any transportation improvement, provided the appropriation would be within the department of transportation’s appropriation authority if carried out by the department and both the improvement and appropriation authority are described in the memorandum of understanding and the appropriation is exclusively for that improvement;
- Receive and reinvest any funds from development within the development area;
- Contract for the use of digitalized procurement planning and permitting systems;
- Request and receive grants and private contributions for purposes described in the agreement;
- Establish, acquire, own, control, manage, sell, or transfer a business as necessary, convenient, or proper for either of the following:
 - The construction, maintenance, repair, or operation of opportunity corridor improvements described in the memorandum of understanding;
 - Otherwise advancing the objectives of the qualified RTIP.
- Form, participate in the management of, and contract with a public-private enterprise to assist in managing the development of opportunity corridor improvements to be located within rights of way and development areas acquired and owned by the RTIP. The governing documents of a proposed enterprise must be submitted to ODOT for review and approval in the same manner as is required for approval of a

cooperative agreement. A “public-private enterprise” means a business entity that is owned in part by a qualified RTIP and in part by one or more private persons;

- Purchase real property fully or partially located within the development area, through means other than appropriation, that is necessary, convenient, or proper to provide a benefit to the public or for the construction, maintenance, repair, or operation of transportation improvements or opportunity corridor improvements;
- Negotiate and enter into an agreement with the Ohio Academic Resources Network (OARN) to set up a point of presence for the purpose of establishing, expanding, or improving broadband service, or other digital capabilities or services, within the development area.

HB 33 also modifies RTIP law to allow a township, municipal corporation, or county to approve a tax increment financing arrangement for parcels within the development area.

(R.C. 5595.041, 4504.22, 5595.01, 5595.03, 5595.04, 5595.042, 5595.05, 5595.06, 5709.481, and 5709.50)

Extension of TIF under Certain Circumstances – Continuing law allows a county, township, or municipality to extend a tax increment financing (TIF) arrangement for more than 30 years if certain conditions are met:

- The service payments made by the owner or owners of the parcel or parcels designated in the ordinance or resolution exceeded \$1.5 million in the calendar year preceding the adoption of the amendment;
- The service payment did not exceed \$1.5 million in any calendar year before the calendar year immediately preceding the adoption of the amendment. This condition applies only to amendments to ordinances or resolutions adopted on or after January 1, 2021;
- The amendment extending the exemption provides for compensation to the school district in which the parcel or parcels are located equal in value to the amount of taxes that would be payable to the school district if the improvements had not been exempted from taxation for the additional period.

HB 33 modifies these criteria so that a TIF also may be extended if the legislative authority of the political subdivision determines that the TIF service payments made by the owner or owners of the designated parcels will exceed \$1.5 million in any future year. The law specifies that such an amendment to an existing TIF may be applied after January 1, 2024, and that any proceedings pending or in progress as of HB 33’s effective date (October 3, 2023) are deemed to have been taken in conformity with its provisions.

(R.C. 5709.51; Section 757.70)

County and Independent Fairs Grant Program – HB 33 allocated \$10 million in FY 2024 to ODOD for a program that allows independent fairs and county fairs to apply for grants to increase fair access and economic impact. Grant awards will be equally distributed among applicants. ODOD will set an application deadline that is forthcoming.

(Section 259.30; Appropriation line item 1956H4)

Tourism Ohio – Creates the office of TourismOhio within ODOD. TourismOhio will be given the responsibility to promote Ohio as a place to live, work, learn, and travel. The office of TourismOhio will be mandated to create an annual report that studies the return on investment as it relates to promoting Ohio. This report will

be given to the Governor, the Speaker of the House, the Senate President, and the minority leaders in both chambers of the General Assembly.

(Section 122.07)

Ohio Residential Broadband Expansion Grant Program – The bill made many definitional changes to the Ohio Residential Broadband Expansion Grant, including:

- Tier 1 broadband service is now defined as a wireline broadband service providing between 25 and 100 megabits per second (mbps) downstream and between three and 20 mbps upstream.
 - The thresholds used to be 10-25 mbps downstream and 1-3 mbps upstream. It also previously included wireless service.
- Tier 2 broadband service is now defined as at least 100 mbps downstream and at least 20 mbps upstream. Additionally, it can include the newly-defined “extremely high cost per location threshold areas” and fixed wireless broadband.
 - The thresholds used to be at least 25 mbps downstream and at least 3 mbps upstream.

The bill defines “extremely high cost per location threshold areas” as those areas where servicing locations via wired services is too expensive to be feasible, allowing them to be served by other means such as fixed wireless towers.

Another important change the bill makes is that it alters the definition of “unserved area” to no longer exclude an area where construction of tier one broadband service is in progress and scheduled to be completed within two years. This will allow additional funds to flow into those areas to aid other projects.

The bill changes the definition of “eligible addresses” to include residential addresses that are in an unserved area or a tier one area and modifies definitions throughout the program (notably of “eligible project” and “last mile”) to correspond with the new definition.

The bill puts in place a new scoring system which utilizes a rubric with specific criteria and requires grants be made first to those projects with the highest score. A key improvement made is that local support, such as support from the county, now plays a more prominent role in securing project approval. Additionally, applications may be scored on a provisional basis for the purpose of responding to challenges, but awards may not be made based on provisional scores.

Finally, the bill makes changes to the process through which project applicants may be challenged. Please see the Agriculture & Rural Affairs portion for additional broadband information.

(Sections 122.40-122.4077)

Appalachia Assistance – \$6.6 million each fiscal year will be used to fund the Appalachia Assistance program. The funding will be used for the administrative costs of planning and liaison activities for the Governor’s Office of Appalachia, to provide financial assistance to projects in Ohio’s Appalachian counties, to support four local development districts, and to pay dues for the Appalachian Regional Commission. These funds may be used to match federal funds from the Appalachian Regional Commission.

Programs funded through the appropriation item shall be identified and recommended by the local development districts and approved by the Governor’s Office of Appalachia. Local development districts that

receive funding from the Appalachia Assistance program will be mandated to follow R.C. Section 107.21.

The following counties are within the Appalachia region: Adams, Ashtabula, Athens, Belmont, Brown, Carroll, Clermont, Columbiana, Coshocton, Gallia, Guernsey, Harrison, Highland, Hocking, Holmes, Jackson, Jefferson, Lawrence, Mahoning, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Trumbull, Tuscarawas, Vinton, and Washington.

(Section 107.21; Appropriation line item 195455)

Community Development Block Grants Operating Match – \$1.4 million in each fiscal year will be used for matching funds for grants from the US Department of Housing and Urban Development. These grants can be used by local governments to develop communities by providing housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income areas.

(Section 259.20; Appropriation line item 195497)

Broadband Equity, Access, and Deployment Program (BEAD) – \$105 million in FY 2024 will be provided from the GRF in addition to the \$793 million in federal funds to build infrastructure and to support high-speed internet. Funding will focus on areas that are considered “unserved” if they have internet speeds at or below 25 megabits per second (Mbps) download and 3 Mbps upload, while “underserved” locations consist of areas with speeds at or below 100 Mbps download and 20 Mbps upload.

(Section 259.70; Appropriation line item 1956E4)

All Ohio Future Fund –The All Ohio Future Fund is established in law to improve site development around the state. The Fund will be administered by the Ohio Department of Development (ODOD). The program will receive up to \$667 million in surplus FY 2023 revenue and a separate \$40 million appropriation in the ODOD budget. The governor vetoed language that would have required the funds to be partially used for grants to counties, port authorities, community improvement corporations, joint economic development districts, and public private partnerships to aid in the acquisition of land necessary for site development, along with much of the other statutory language regarding the fund.

OBM must consult with JobsOhio regarding making rules to provide assistance from the funds. Any allocation from the fund must be approved by the Controlling Board.

(R.C. 126.62; Section 259.30; Appropriation line item 195576)

Innovation Hubs – \$125 million will be used to create innovation hubs within Ohio. Currently innovation hubs exist in Cleveland, Columbus, and Cincinnati. This will be a competitive grant program focused on expanding innovation hubs to parts of Ohio that are currently not located within an existing innovation district. Areas within an existing innovation district will be ineligible from applying to the program.

The funding will be used for capital expenses to plan and construct an innovation hub near a research-oriented anchor institution, recruiting or providing research and development opportunities within an innovation hub, or creating new or preserving existing jobs and employment opportunities, any of which would improve the economic welfare to the innovation hub’s region.

Permits for innovation hubs will be decided by the Director of Development.

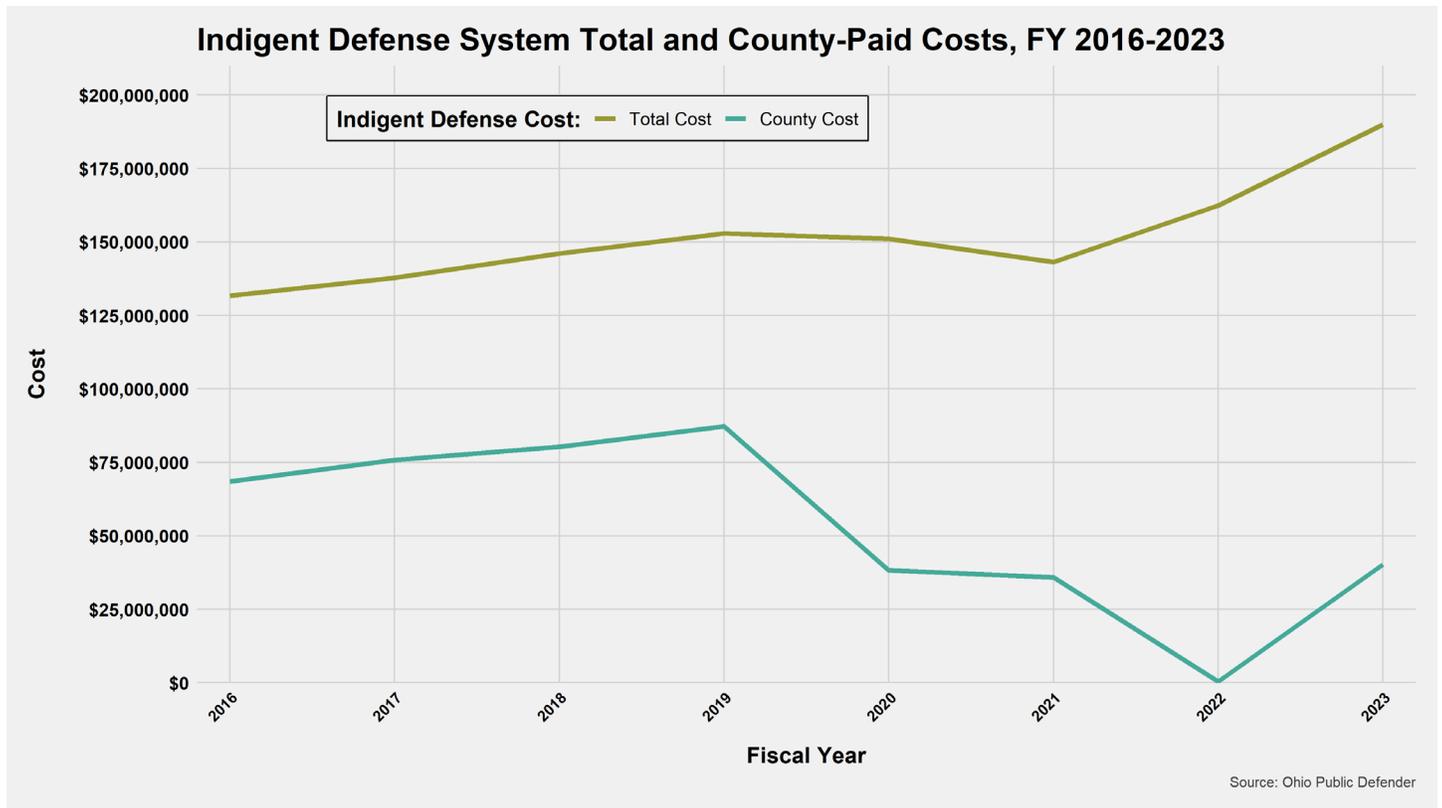
(Section 259.30; Appropriation line item 1956F8)

JUSTICE AND PUBLIC SAFETY

Indigent Defense – According to the United States Supreme Court, indigent defense is a responsibility of the state. CCAO has made significant progress during the two previous biennia to increase the state funding for indigent defense. The state’s continued partnership with respect to funding indigent defense will further strengthen the program and provide effective legal counsel for indigent criminal defendants across the state.

The final appropriations for indigent defense reimbursement contained in HB 33 are displayed in the table below.

Indigent Defense Reimbursement Appropriations in House Bill 33			
Line Item	ALI Name	FY 2024	FY 2025
GRF 019501	County Reimbursement	\$166,096,000	\$171,912,000
GRF 019618	ID Support – County Share	\$23,904,000	\$23,904,000
Combined Total		\$190,000,000	\$195,816,000



In the previous budget, the state appropriated funding that was believed to cover 100% of the county’s costs associated with the administration of indigent defense, which it did for FY 2022.

Shortly after the budget was signed, the Ohio Public Defender Commission (OPD) issued a memorandum that encouraged counties to increase their hourly rate for appointed counsel to \$75 an hour. For many counties, this represented an increase from their current hourly funding levels. Many counties increased their hourly rate to \$75 an hour and, as a result, the reimbursement percentage from the state slowly decreased throughout the biennium, with counties being reimbursed at 66% during the last quarter of FY 2023.

To counteract this decrease, an additional \$67 million dollars was appropriated in HB 33 to increase the reimbursement to counties. This additional funding is expected to result in an 85% reimbursement to counties during the biennium. Considering that the reimbursement rate averaged 40% between 2010 and

2019, and was 79% in FY 2023, that figure represents considerable progress. While the reimbursement percentage has made significant progress, a key next step to take is the transfer of the delivery system to the state, relieving the county of any responsibility for the administration of indigent defense if a county chooses to give that responsibility over to the state. Additionally, if a county wishes to retain their county ran indigent defense system, the state should fully fund the costs associated with the operations of that system.

The amount of funding for indigent defense generated considerable debate in the legislature during this budget process. The issue of cost, as well as program delivery, will be comprehensively studied through a legislative task force established in HB 150 from the 134th General Assembly. The task force is expected to begin its work in the summer of 2023 and CCAO will work diligently with the task force to advocate that the system is fully funded at the local level and an option to transfer operation of the program from the county to the state is enacted into law.

The legislature indicated a desire to control the costs associated with indigent defense for this biennium while the task force studies the issue in greater detail. In order to accomplish this goal, the legislature added language in temporary law that capped the hourly amount for county reimbursement at \$75 an hour. A county can still choose to pay an hourly wage that is above the \$75 hour number, but they will be responsible for covering the cost above the \$75 hour cap. The cap also applies to capital cases, which CCAO is working to remove in the fall.

(Section 371.10; Appropriation item 019501 and 019618)

Department of Rehabilitation and Correction (DRC)

Local Jail Grants – One of the main budget priorities for CCAO was to secure additional state funding for the construction and renovation of county jails. Counties have seen the costs associated with jail projects drastically increase during the past couple of years, which increases the urgency for financial support from the state. Usually, funding for county jails comes in the capital budget. However, HB 33 appropriates \$75 million in FY 2024 for county jail construction and renovation. This is the first time that jail construction funding was included in an operating budget and further solidifies the state-county partnership.

Similar to the most recent capital budget funding, DRC will oversee designating projects involving the construction or renovation of county jails. However, HB 33 included a formula for distribution of funding based upon a ranking system created by the Department of Taxation. The ranking system will determine the financial need of each county and which counties will be invited to apply for grants. The rankings will be determined based on a formula:

- The Department of Taxation will determine the total value of all property in the county listed and assessed for taxation on the tax list for the previous year. Each county will then be arranged in ascending order, with the lowest value corresponding with the first ranking on the list;
- The Department of Taxation will rank counties in a similar fashion based on the estimate of the gross amount of taxable retail, which will be determined by dividing the total tax revenue by the aggregate tax rate for the previous year. Any county that does not levy taxes under R.C. 5739.021 and 5739.026 will be ranked 88;
- The Department of Taxation will add both rankings together, and this summation will determine a county's final position within the ranking system. If multiple counties have the same final ranking, the county's population in the most recent federal decennial census will be used as the tiebreaker, with counties with lower populations receiving priority;

- The final rankings will be converted into a percentile.

DRC will select a number of the lowest ranked counties and invite them to apply for the grant. Multiple counties can apply jointly as long as one of the counties was invited to apply in the first place. It will be up to DRC to adopt guidelines that will dictate how applications are reviewed and ultimately accepted. Counties will be expected to justify the need for the project and comply with timelines for the submission of the project's documentation and location.

DRC will conduct a needs assessment as part of the application project, which will consider:

- The need for the county to have additional jail facilities, or the renovation or improvement of existing ones. This will consider the facility's compliance with R.C. 5120.10, as well as the age and condition of the facility or facilities;
- The number of jail facilities to be included in the project;
- The estimated annual, monthly, and daily cost of operation of the facilities as reported and certified by the county auditor;
- Estimated basic project cost of construction, acquisition, reconstruction, or renovation of the jail facilities;
- Whether the county has recently received a grant from the state to construct or renovate jail facilities.

After the needs assessment, the DRC will determine if the project will be carried out, if evidence is provided that the construction and renovation standards in divisions (D) and (E) in R.C. 5120.10 are followed, and that such conformity keeps with the needs of the county. Exceptions are granted in situations where the topography, sparsity of the population, and other factors make the construction of a large jail impracticable.

Except as mentioned otherwise, the portion of the basic project cost covered by the state will be equal to the difference between 100% and the percentage equal to 1% of the basic project cost times the percentile ranking for the preceding fiscal year. The state's portion cannot be lower than 25%, and if a county is found to be covering more than 75% of the cost, then their portion will be adjusted to 75%. If multiple counties are found to be covering more than 75%, then the counties' portion will be determined pro-rata, so the sum of their portions will be equal to 75% of the basic project budget.

The funds for the projects will be provided no later than July 1, 2024. Please see County Advisory Bulletin 2023-03: County Jail Project Funding Formula for a more detailed explanation of how the formula will function.

(Section 383.10; Appropriation line item 501505)

Increased Funding for T-CAP Program – The Targeted Community Alternatives to Prison (T-CAP) program was continued in HB 33. In the previous budget, the program was expanded to include Felony 4 along with the current Felony 5 offenders, and that language remained the same in HB 33. The funding for the T-CAP program was increased by \$1.1 million in each fiscal year to accommodate four additional counties coming into the program during the biennium. This increase brings the funding allocated for TCAP to \$26.8 million in each fiscal year.

There are 62 counties that are participating in this program over the biennium, which is an increase of four counties from the previous biennium. T-CAP provides unrestricted grant funding to counties to underwrite the costs of retaining offenders who have been convicted of a non-violent, non-sex related offense in the county

jail rather than sending these offenders to prison.

The program is a Community Corrections Act grant-funded program with the DRC awarding grants to the participating county common pleas courts. Use of the grant funds is generally unrestricted; however, they may not be used to buy or build a building. The grant application must be accompanied by a memorandum of understanding that has been entered into by the commissioners, sheriff, and common pleas court that outlines how the T-CAP grant funds will be utilized.

(R.C. 2929.34 and 5149.38; Appropriation line item 501407)

Community Corrections Act Funding – Community Corrections Act (CCA) line items support felony prison diversion (appropriation line item 501407) and misdemeanor jail diversion (appropriation line item 501408) programs in the local communities.

Appropriation line item 501407, Community Nonresidential Programs, is funded at \$68.6 million in each fiscal year. This line includes the TCAP Grant, Probation Services Grant, and the remaining grants from the previous biennium were consolidated into a “CCA 2.0” grant that functions the same as the previous separate grants in this line. The TCAP grant increase was addressed above, and the Probation Services Grant was flat funded from the previous biennium. The remaining “CCA 2.0” grants received an 5% increase from the previous biennium.

Appropriation line item 501408, Community Misdemeanor Programs, has traditionally provided grants to counties and cities to operate pretrial release, probation, or other local programs for misdemeanor offenders in lieu of confinement in jail. The funding for the program was increased by approximately \$300,000 each fiscal year from the previous biennium. The program is now funded at \$9.6 million in each fiscal year.

(Appropriation line items 501407 and 501408)

Next Generation 9-1-1

Next Generation 9-1-1 (NG 9-1-1) – HB 33 appropriates \$28.1 million in FY 2024 and \$17.7 million in FY 2025 to fund one-time expenses associated with the implementation of this program at the state and local level and enacts an expanded statewide user fee to provide continuous funding for the operation of the NG 9-1-1 system at the state and local level. The previous fee was set at 25 cents per month and only applied to landline and wireless services. The new fee contained in HB 33 sets the monthly user fee at 40 cents and it applies to wireless services, voice over internet protocol (VOIP), and multi-line telephone systems. This fee will be in effect until September 30, 2025, and thereafter the fee will be set at 25 cents per month.

The chart below outlines the distribution of the rollout funding in each fiscal year.

Distribution of NG 9-1-1 Rollout Funding			
Usage	FY 2024	FY 2025	Total
State Build-Out Costs	\$22,180,270	\$0	\$22,180,270
Local Build-Out Costs	\$4,000,000	\$11,765,277	\$15,765,277
Last-Mile Costs	\$2,000,000	\$6,000,000	\$8,000,000
Total	\$28,180,270	\$17,765,277	\$45,945,547

Additionally, HB 33 included statutory language that allows for the creation of a statewide NG 9-1-1 network at the state and local level. Specifically, the language requires a countywide 9-1-1 system to include all

the territory of the townships and municipal corporations, including portions that extend into an adjacent county. It also allows a countywide 9-1-1 system to be either an enhanced or NG 9-1-1 system, or some combination of the two, and must be designed to provide access to emergency services from all connected communications sources. Generally speaking, enhanced 9-1-1 systems are voice-centric and rely primarily on location information from cellular and landline networks, while NG 9-1-1 is a newer, IP-based system that can integrate a wider range of data sources and communication technologies to improve emergency response.

HB 33 allows for a countywide 9-1-1 system to be provided directly by the county, by a regional council of governments (RCOG), or by connecting directly to the statewide NG 9-1-1 system for call routing and core services. Requires each county to appoint a county 9-1-1 coordinator to serve as the administrative coordinator for all public safety answering points (PSAPs) participating in a countywide 9-1-1 system final plan, and to serve as liaison with other county coordinators and the State 9-1-1 Program Office.

Furthermore, the language in HB 33 requires that counties maintain their 9-1-1 program review committee and provides a designated list of members that make up the committee. The language also allows for alternative committee structures in counties with fewer than five townships and a population greater than 750,000 or counties that contain only one public safety answering point (PSAP), or if the PSAP is operated by the board of county commissioners, then the board will serve as the committee.

Additionally, HB 33 requires each committee to convene at least once annually for the purposes of maintaining or amending a final plan and for the committee to submit a report to the political subdivisions within the county and to the statewide 9-1-1 Program Office detailing the sources and amounts of revenue expended to support, and all costs incurred to operate, the countywide 9-1-1 system by March 1 of each year.

As mentioned above, the committee must adopt a final plan for the administration of NG 9-1-1 in the county. The plan must specify the following:

- How PSAPs will be connected to a county's preferred NG 9-1-1 system;
- If enhanced 9-1-1, NG 9-1-1 service, or a combination of the two, will be provided (providing basic 9-1-1 service is no longer permitted);
- How originating service providers must connect to the core 9-1-1 system identified by the final plan, and what methods will be used by the providers to communicate with the system;
- A description of the capability of transferring or otherwise relaying information to the entity that directly dispatches emergency services should a PSAP not properly dispatch the needed services;
- An explanation of how each emergency service provider will respond to a misdirected call or a false caller location, or if the call fails to meet FCC or accepted national standards.

Finally, HB 33 expands the statewide user fee, which generates operating funding for the NG 9-1-1 system, from 25 cents monthly on landline and wireless services to 40 cents monthly on wireless services, VOIP, and multi-line telephone systems. The bill includes a provision that sunsets the 40 cent per month fee on September 30, 2025, after which it will revert to 25 cents per month. The sunset provision does not affect the devices which are subject to the fee, just the fee amount.

The language also allocates the distribution of the funding derived from the user fee. Local governments will receive 72% of the revenue, 25% is allocated for the operation of the state 9-1-1 system, the state 9-1-1

office will receive 2%, and the Department of Taxation will receive 1% for collecting the fee. Additionally, the language requires that the Auditor of State (AOS) conduct an audit regarding the collection of the NG 9-1-1 access fees on subscribers and to determine whether the monthly rates should be decreased, increased, or remain unchanged. The AOS must deliver a report to the General Assembly by February 1, 2025.

As a note, the new 40 cent fee will begin in January 2024; however, the new distribution formula, which sees the county share of revenue decrease from 97% to 72%, will begin in October 2023. This will likely result in counties receiving reduced 9-1-1 revenue from the state from October through February. The Department of Administrative Services is aware of this issue and plans to transfer funding from their 9-1-1 lines to make counties whole during this transition period. CCAO has made the legislature aware of this issue as well and will be working to potentially fix this issue in the fall of 2023.

(R.C. 129.01, 2913.01, 5703.052, 5733.55, 5751.01, and 4727.01-4742.07; Appropriation line item 100674)

Department of Youth Services

RECLAIM – Increases funding for the RECLAIM (Reasoned and Equitable Community and Local Alternatives to the Incarceration of Minors) program to \$32.6 million per fiscal year, an increase of \$2 million in each fiscal year from previous funding levels. This is the first funding increase since FY 2011.

RECLAIM is intended to reduce the number of youths sentenced to DYS custody and provides as much as half of a juvenile court's annual budget. Funding is allocated to counties through a formula based upon each county's proportion of statewide felony delinquent adjudications. The budget also provides additional funding for two additional RECLAIM programs.

(Appropriation line item 470401)

Youth Services Subsidy – Continues to provide \$16.7 million per fiscal year, as it has done since FY 2011. Under the Youth Services Block Grant, money is distributed to juvenile courts according to a set formula. Each juvenile court is guaranteed a base of \$50,000 plus additional funding on a per capita basis for counties with a population over 25,000.

(Appropriation line item 470510)

Miscellaneous

MARCS Fee Offsets – HB 33 provides \$10.5 million per fiscal year to fund Multi-Agency Radio Communications System (MARCS) local subscriber fee offsets. This is an \$8 million dollar increase in each fiscal year compared to FY 2022 and FY 2023. The total cost per radio is \$25 per month and the additional funding will increase the state's subsidy for this program. The additional funding will reduce the monthly fee per device paid by local governments from \$10 to \$5 per month.

(Appropriation line item 100501)

Fire Department Grants (MARCS Grants) – HB 33 earmarks \$4 million in each fiscal year from the Fire Department Grants Fund (Department of Commerce, Division of State Fire Marshal) to be awarded to small and rural fire departments that are on the MARCS system for the payment of MARCS user access fees. MARCS grant awards may be up to \$50,000 in each fiscal year per eligible recipient. This program received

a \$500,000 increase in each fiscal year from the previous biennium.

(Section 243.20)

Modifying Continuing Professional Training Requirements for Peace Officers and Troopers – Requires that every appointing authority must require each appointed peace officer and trooper to complete at least 24 hours of continuing professional training each year. Twenty-four hours is intended to be a minimum requirement, and appointing authorities are encouraged to exceed the minimum. A minimum of 24 hours of continuing professional training must be reimbursed each year and a maximum of 40 hours of continuing professional training may be reimbursed each calendar year.

Under current law, every appointing authority must require each appointed peace officer and trooper to complete up to 24 hours of continuing professional training each year as directed by the Ohio Peace Officer Training Commission. The Commission must set the required minimum number of hours based on available funding for reimbursement. If no funding for reimbursement is available, no continuing professional training will be required. Please see the following item for program funding information.

(R.C. 109.803)

Increased Funding of Annual Training of Peace Officers and Troopers – Requires the Attorney General to fund the training of peace officers and troopers that is required under section 109.803 of the Revised Code. HB 33 appropriates \$40 million in each fiscal year for this program. The appropriation represents an overall increase of \$68 million for training of peace officers and troopers from the previous biennium.

The Attorney General may use up to \$100,000 for administrative expenses associated with the administration of the program, including curriculum development. If the reimbursement amount to local governments is less than \$40 million in FY 2024, the excess money may be reappropriated for the same purpose in FY 2025.

(Section 221.10; Appropriation line item 055509)

Funding to Support Local Law Enforcement Narcotics Task Forces – Earmarks \$3.4 million in each fiscal year to support local law enforcement narcotics task forces that focus on cartel trafficking interdiction. The funding will be administered by the Office of Criminal Justice Services (OCJS) within the Ohio Department of Public Safety. The interdiction task forces shall be designated Ohio Organized Crime Commission task forces subject to approval and supervision of the Commission. This earmarked amount also may be used to provide funding to local law enforcement agencies, the Commission for task force-related equipment purchases, and for operating expenses of the Office of Criminal Justice Services related to the narcotics interdiction task force program.

An additional \$2.5 million in each fiscal year may be used by OCJS for Ohio's narcotics task forces to build new and strengthen existing partnerships with local law enforcement. This earmarked amount may also be used to provide funding to local law enforcement agencies and for operating expenses of OCJS related to the Ohio narcotics task force program.

(Section 373.20; Appropriation line item 763403)

2024 Solar Eclipse Funding – Earmarks \$1 million in FY 2024 to reimburse eligible response costs for emergency management and first responders in connection to the 2024 solar eclipse. The Ohio Emergency Management Agency shall develop and release guidance regarding eligibility.

(Section 373.20; Appropriation line item 763408)

Local Law Enforcement Grants – Earmarks \$500,000 in each fiscal year to be used OCJS to support state and local law enforcement agencies in the recruitment, hiring, and training of qualified individuals to serve as peace officers.

Earmarks up to \$5 million in each fiscal year to be used by OCJS to administer and distribute grants to state and local law enforcement agencies to implement or enhance body-worn camera programs.

Earmarks up to \$4 million in each fiscal year to be used by OCJS to administer and distribute grants to state and local law enforcement agencies to assist local communities in reducing and preventing crime using promising or proven crime reduction strategies. The use of the grants includes, but is not limited to, overtime, equipment, technical assistance, and analytical support to implement crime reduction strategies.

(Section 373.20; Appropriation line item 763425)

Coroner Reimbursement for Toxicology Screenings – Maintains the \$1 million appropriation in each fiscal year to reimburse county coroners in counties in which the coroner has performed toxicology screenings on a victim of a drug overdose. The Ohio Director of Health is to allocate the funds to counties in proportion to the numbers of toxicology screenings performed per county.

(Section 291.20; Appropriation line item 440621)

TAXATION AND FINANCE

County Procurement and Bidding

Competitive Bidding Cost Threshold – State law establishes a cost threshold that triggers the mandatory use of competitive bidding procedures. HB 33 raises this threshold from \$50,000 to \$75,000, starting October 3, 2023. This new threshold is subject to an annual adjustment of 3%, starting January 1, 2025, when it will be increased to \$77,250. The 3% adjustment applies automatically on January 1 each year thereafter. The revised threshold also applies to regional airport authorities, regional water and sewer districts, and leases for electronic data processing equipment, services, or systems, and radio communications systems.

The law specifies that no purchase, lease, project, or other transaction subject to competitive bidding may be divided into component parts, separate projects, or separate items of work to avoid competitive bidding requirements.

The new law also increases the limit for the use of emergency purchasing procedures from \$100,000 to \$125,000. Emergency purchasing procedures may not be used for items with a cost above this threshold, unless there is actual physical disaster to structures, radio communications equipment, or computers. Continuing law requires a unanimous vote of the commissioners to make a determination that a real and present emergency exists. The county will have to solicit three informal bids for goods or services that cost between \$75,000 and \$125,000.

(R.C. 9.17, 307.86, 307.861, 308.13, and 6119.10)

Rejection of Public Improvement Bids – Prior law mandated that a county or other purchasing authority reject construction bids that are priced more than 10% above the architect's or engineer's estimate. HB 33 raises this limit to 20% above the estimate, allowing more flexibility in accepting bids. Note that the county is not required to accept any bid, even if it is below the 20% level.

(R.C. 153.12)

Model Ohio and United States Preferences – HB 33 eliminates the authority of a county board of commissioners to adopt, by resolution, a model system of preferences for products mined or produced in Ohio and the United States and for Ohio-based contractors promulgated by the Ohio Department of Administrative Services. DAS will no longer have the authority to promulgate this type of model preference system for local governments.

(R.C. 153.54 and 307.90)

County Credit Cards – Under prior law, counties could only use a credit card to make purchases of specific work-related goods and services identified in the Revised Code. HB 33 removes this list, and allows credit cards to be used for any purchase that satisfies all the following:

- It is for a work-related expense;
- The purchase serves a public purpose;
- The debt incurred because of the purchase is payable with available moneys appropriated to a specific appropriation line item that is appropriate for the purchase;
- The purchase complies with R.C. 301.27 and with the policy adopted by the board of county commissioners.

To use a credit card, the law requires a board of county commissioners, in consultation with the county auditor, to adopt a policy by resolution regarding the use of a credit card by the board of commissioners or by the office, officer, or employee of any other appointing authority. The board must deliver a copy of the policy to the county auditor. The policy must include all the following:

- The procedure for submitting itemized receipts for purchases to the county auditor. It is a specific legal requirement that receipts must be submitted;
- Any other provision regarding the use of county credit cards so long as the provision does not conflict with state law.

To use a credit card, a county appointing authority must apply to the board of county commissioners for authorization to have an officer or employee of the appointing authority use the card. Under continuing law, the request must state whether the card is to be issued in the name of the officer of the appointing authority or an employee. The appointing authority must notify, and update as necessary, the county auditor and the board of county commissioners regarding the specific individuals named on the card.

An individual or appointing authority is liable for unauthorized use of a card that conflicts with state law or the policy adopted by the board of commissioners. Liability includes finance charges, late fees or late penalties, and sales tax unless approved by the board of county commissioners. Unauthorized expenditure also includes using a card for specific work-related expenses that were not approved, or an individual using a card not assigned to that individual. HB 33 clarifies that when an unauthorized expenditure takes place, the employee or officer responsible for misuse is required to repay the entire amount of the unauthorized purchase. Continuing law allows an appointing authority to request the board of county commissioners to approve an unauthorized expenditure after the fact if the auditor certifies that the sum of money is in the treasury or in the process of collection to the credit of the appropriation line item.

HB 33 maintains the two procedures under continuing law for approving monthly or period purchasing limits for credit cards. Under the standard method, the officer or employee with a card must submit an estimate of work-related expenses and appropriation line items from which those expenditures are to be made to the board of commissioners, which then may revise the estimate and certify an amount to the county auditor. If the county auditor certifies that the amount is in the Treasury and free from obligations, the board then authorizes the officer or employee to incur debt up to the amount.

The alternate procedure permits the board of commissioners to adopt a resolution authorizing an officer or employee of an appointing authority to use a county credit card without submitting an estimate. The auditor must be notified before adopting the resolution. HB 33 clarifies that a new resolution is not necessary when a new credit card number is issued due to fraudulent use of the specified card. Use of a credit card under the alternate procedure is limited to the amount appropriated and encumbered in a specific appropriation line item for the permitted use designated in the authorizing resolution, or in the case of a resolution that authorizes use of a specific card, for each of the permitted uses listed in the resolution.

(R.C. 301.27)

Sales and Use Taxation

Expanded Sales Tax Holiday – Under current law, Ohio has an annual three-day “back-to-school” holiday starting the first Friday of August. The sales tax exemption applies to both state and county sales taxes. The exemption covers each item of clothing priced at \$75 or less, and each item of school supplies or instructional material which is priced at \$20 or less. The total estimated revenue loss (state and local) is approximately \$21 million per year. Counties are not reimbursed for their revenue losses.

HB 33 establishes an expanded sales tax holiday to be held starting in 2024. The holiday will be held on three or more dates in August and will replace the current back-to-school holiday in the years in which it is held. The tax exemption applies to state and local sales tax on any tangible good that is priced at \$500 or less, excluding motor vehicles, watercraft, alcohol, marijuana, tobacco and vapor products. Services will remain taxable as specified in the Revised Code.

The bill sets aside \$750 million in surplus GRF to reimburse the state GRF, Local Government Fund, Public Library Fund, and the Permissive Tax Distribution Fund for local sales taxes in 2024. As soon as possible after the holiday is concluded, the Tax Commissioner must estimate the losses for these funds and certify these amounts to OBM for distribution. The law specifies that the amount transferred to each fund, and the amounts distributed to counties and transit authorities from the permissive tax distribution fund, must be in the same proportions as the transfer and distribution of sales and use taxes actually collected in August of the fiscal year in which the sales tax holiday is held.

In determining the forgone revenue in 2024, the Commissioner must multiply the expected annual growth percentage in nonauto sales tax receipts expected by the Office of Budget and Management for fiscal year 2024 by the total sales tax receipts of taxpayers that filed returns for August 2023; add that product to the total sales tax receipts for returns filed for August 2023; and subtract from that sum the total sales tax receipts of taxpayers that filed returns for August 2024. The estimates also must consider changes in consumer behavior during the time of and immediately preceding and following the sales tax holiday.

Language in the enacted bill specified that the 2024 sales tax holiday would last a minimum of 14 days, starting on August 1, but this requirement was vetoed. The length of the sales tax holiday in 2024 and future years will be determined by the Tax Commissioner, in consultation with the Director of Budget and Management and CCAO.

Starting in 2024, the bill directs surplus state GRF resources to the Expanded Sales Tax Holiday Fund, which replaces the Income Tax Reduction Fund in current law. If the balance in the Fund is greater than \$60 million, the OBM Director must certify to the Tax Commissioner that an expanded sales tax holiday will be held for at least three days starting the first weekend of August of the following fiscal year. In other words, a surplus in July 2024 will trigger a sales tax holiday in August 2025.

If sufficient funds exist, additional days may either precede or follow that period. If funds are insufficient, a three-day back-to-school holiday will be held as under current law. The Tax Commissioner will notify vendors of an expanded sales tax holiday no later than June 1 preceding the holiday. The Tax Commissioner is required to coordinate with the Streamlined Sales Tax Governing Board to ensure compliance with the interstate streamlined sales tax agreement.

(R.C. 131.44, 5739.01, 5739.02, and 5739.41; Section 510.10)

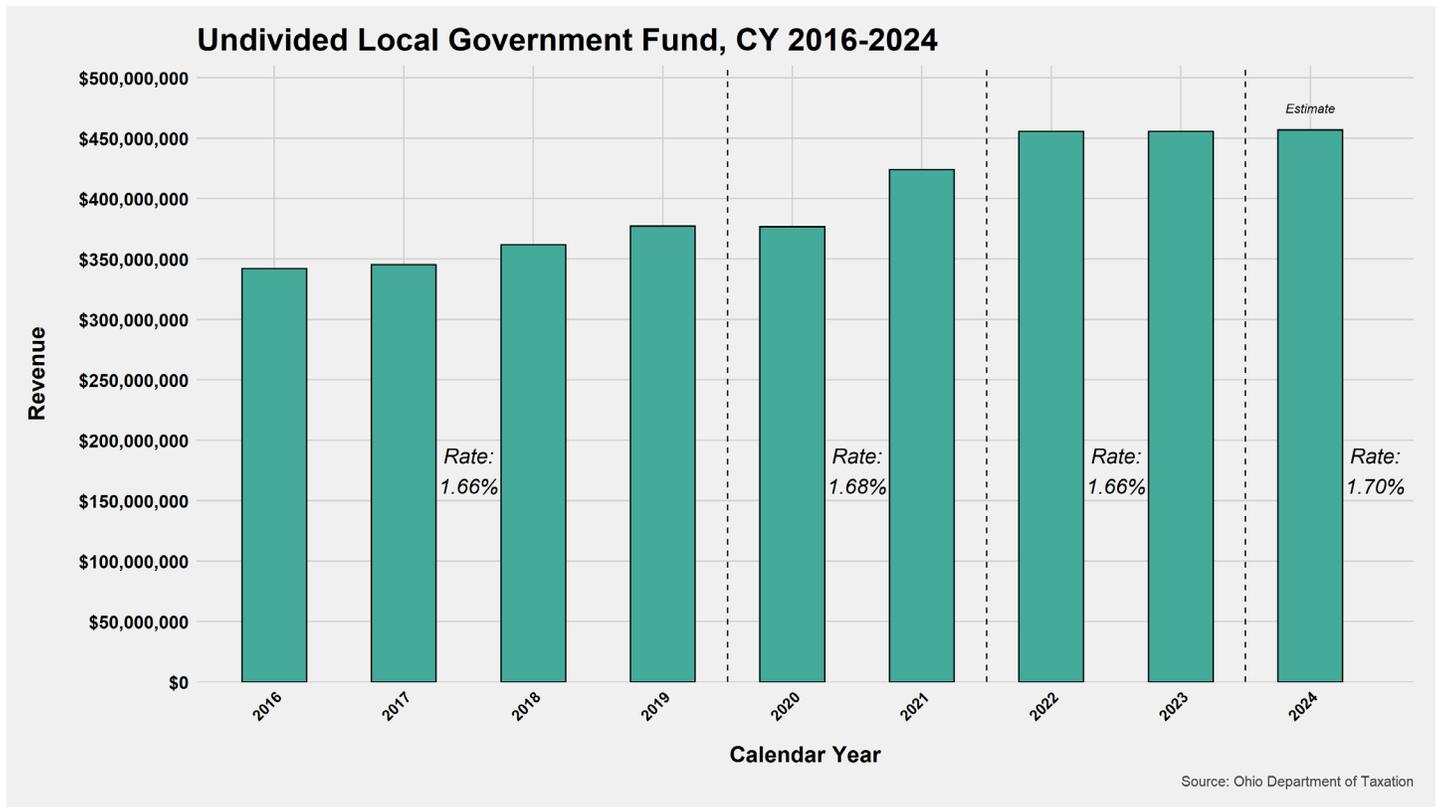
Sales Tax Exemption for Baby Products – Starting October 1, 2023, child diapers, creams and wipes, car seats, cribs and strollers are exempt from sales tax. Annual revenue loss for counties and transit authorities is estimated at \$4 million.

(R.C. 5739.01 and 5739.02)

Sales Tax Exemption for Temporary Traffic Control or Drainage Items – Starting October 1, 2023, items used for temporary traffic control or drainage purposes at a construction site that are sold or leased to government entities are exempt from sales tax. The governor vetoed an uncodified provision that would have made this provision retroactive. Revenue loss is indeterminate because of overlap with existing exemptions.

(R.C. 5739.02)

Local Government Fund (LGF)



The LGF appropriation in the budget bill is \$505 million in FY 2024 and \$530 million in FY 2025, although since the LGF is directly tied to state’s general fund tax revenues, the actual size of the LGF in each year may be different. The budget made three direct changes to law pertaining to the LGF, which are covered below, but the most substantive change will come as a result of tax reform measures included in the budget.

The bill reduces the number of income tax brackets from four to three in tax year 2023 and two in tax year 2024, which LSC estimates will reduce all funds by \$909 million in FY 2024 and \$961 million in FY 2025. This change, along with other taxation changes, will likely reduce the total size of the LGF.

Undivided Local Government Fund Formula and Minimum Distribution – The LGF percentage of state taxes is increased permanently from 1.66% to 1.70%. This is estimated to increase the total annual distribution by \$12 million.

HB 33 also increases the minimum annual LGF distribution from the state to a county to \$850,000, effective July 2023. Prior law specified a minimum of \$750,000 or the amount the county received in FY 2013, whichever was less.

(R.C. 131.51 and 5747.501; Appropriation line item 110969)

LGF Alternative Distribution Formula Periodic Review – Current law permits a county budget commission to specify an alternative formula to distribute LGF resources within the county, provided that the formula is approved by all the following: the city with the largest population in the county; the board of county commissioners; a majority of the boards of township trustees and a majority of legislative authorities of municipal corporations. HB 33 adds a requirement that if an alternative formula is in place, the county budget commission must meet in 2024 and then at least once every fifth year thereafter to review the formula and take testimony from the affected political subdivisions. The commission must provide reasonable advance notice of the hearing to political subdivisions.

It should be noted that current law allows an alternative annual voting procedure for a rural county in which the city with the greatest population has a population of twenty thousand or less and a population that is less than fifteen per cent of the total population of the county, and in which two or more townships have the majority of the population residing in the county. When this alternative procedure is used, the county budget commission meets every year to adopt a formula.

(R.C. 5747.53)

Property Taxation

Inflation Index for Homestead Property Tax Exemption – Prior law allowed for the exemption of \$25,000 of property valuation for a homeowner who is at least 65 years of age or is permanently disabled. Owners who are the surviving spouse of a public service officer or veterans who became disabled in the line of duty are entitled to the exemption of \$50,000 of valuation. HB 33 indexes these exemption amounts to inflation (GDP deflator) starting in 2023 for real property and 2024 for manufactured or mobile homes.

(R.C. 323.152 and 4503.065)

Foreclosure Notice Online Publication – Continuing law requires that notice be published on three occasions in a newspaper of general circulation that a property is subject to tax foreclosure proceedings. HB 33 provides an alternative allowing for the second and third publication to take place online on a web site of the county or of the court, as selected by the clerk of the court. Publication on the web site must continue until one year after the date a finding is issued by the court upon transfer of the property (R.C. 323.28). A notice published on a web site must identify the date the notice is first published on the site.

If the county is using three publications in a newspaper, the second and third publication of the notice may be abbreviated as authorized under R.C. 7.16.

(R.C. 323.25, 323.69, 5721.14, and 5721.18)

Property Tax Exemption for Residential Development Land – HB 33 creates a new tax exemption for land that has been purchased for the purpose of residential development. The exemption is available to a “qualifying owner” who owns a subdivided parcel on which the construction of a residential building is planned but has not yet started. A residential building is defined as a building or structure, any part of which is to be used as a dwelling.

The exemption begins the tax year during which a plat subdividing the land is presented to the county auditor, and continues for seven years afterward, or until: (1) the construction of a residential building commences; or (2) title is transferred for consideration to another person. The construction of streets, sidewalks, curbs, or driveways or the installation of water, sewer, or other utility lines on a subdivided parcel does not end the exemption. The exemption is not available if the property is subject to a tax increment financing mechanism.

The exemption applies to the increase in value above the fractional purchase price for the land. The land is subject to the CAUV recoupment charge (R.C. 5713.34 and 5713.35). If CAUV is being claimed, the land must still be devoted exclusively to agricultural use and is subject to regular inspection by the county auditor to determine whether it has been converted.

(R.C. 5709.56)

Valuation of Federally Subsidized Rental Housing – HB 33 creates a standardized methodology for the valuation of federally subsidized rental housing using an income approach. The fundamental guidelines of the approach are set out in statute and the details will be finalized by the Department of Taxation in

administrative rules. This methodology must be used by county auditors for tax year 2023 and thereafter for properties receiving assistance from the following federal programs under the Department of Housing and Urban Development:

- Low-Income Housing Tax Credit Program (Internal Revenue Code Section 42);
- Supportive Housing for the Elderly (12 USC 1701q);
- Supportive Housing for Persons with Disabilities (42 USC 8013);
- Section 8 Federal Housing Assistance Program (42 USC 1437f);
- Rural Rental Housing Program (42 USC 1485);
- Guaranteed Rural Rental Housing Program (42 USC 1490p-2);
- Rural Rental Assistance Program (42 USC 1490a).

The law requires that an owner of federally subsidized residential rental property to provide the county auditor the following information from the preceding calendar year or up to three preceding calendar years, as applicable:

- The operating income of the property, including gross potential rent, any forgiveness of or allowance received for losses due to vacancy or unpaid rent, and any income derived from other sources;
- The operating expenses of the property including all non-capitalized expenses related to staffing, utilities, repairs, supplies, telecommunication, management fees, audits, legal and contract services, and any other expense a prospective buyer might consider in purchasing the property. Real property taxes, depreciation, and amortization expenses and replacement of short-term capitalized assets shall be excluded from operating expenses;
- The annual amount of contribution to replacement reserve funds or accounts related to the property. The information must be filed by the owner both before the property is placed in service and for each update or reappraisal.

For each update or reappraisal, the filing must include the three previous calendar years or for the period the property has been in operation, if less than three years. The information filed under this section must be audited by an independent public accountant or auditor or a certified public accountant prior to filing. If such an audit is not completed by the first day of March, the owner of the property must file updated records within thirty days after the completion of such an audit. If a property owner fails to timely submit the required information, the county auditor is not required to value the property in accordance using the standardized income methodology and may proceed to value the property in compliance with Ohio Constitution, Article XII, Section 2 for that tax year. Any information submitted for this purpose is not considered a public record.

The Department of Taxation must prescribe uniform rules for determining the value of federally subsidized residential rental property through the use of a formula that accounts for the following factors:

- Up to three years of operating income of the property, which includes gross potential rent, and any income derived from other sources as reported by the property owner to the county auditor. Operating income includes an allowance for vacancy losses, which are presumed to be 4% of gross potential rent, and unpaid rent losses, are presumed to be 3% of gross potential rent. These presumptive amounts may be exceeded with evidence demonstrating the actual income of the property;

- Operating expenses of the property, which shall be presumed to be 48% of operating income plus utility expenses as reported by the property owner to the county auditor. Operating expenses also include a replacement reserve fund or account contributions which are presumed to be 5% of gross potential rent. These presumptive amounts may be exceeded with evidence demonstrating the actual expenses of the property. Real property taxes, depreciation, and amortization expenses and replacement of short-term capitalized assets must be excluded from operating expenses;
- A market-appropriate, uniform capitalization rate plus a tax additur accounting for the real property tax rate of the property's location. For federally subsidized residential rental property using the low-income housing tax credit, one percentage point will be subtracted from the uniform capitalization rate;
- The uniform rules must also prescribe a minimum total value for a federally subsidized residential rental property of \$5,000 multiplied by the number of dwelling units comprising the property or 150% of the property's unimproved land value, whichever is greater.

(R.C. 5713.03, 5713.031, and 5715.01; Section 803.280)

Statewide Inventory of Federally Subsidized Housing – In order to assist county auditors in identifying federally subsidized residential rental properties, the law directs the Ohio Housing Finance Agency (OHFA) to prepare and maintain a list of all federally subsidized residential rental property in the state. The list must be organized by county and include the following information for each individual property:

- The owner of the property;
- The address and permanent parcel numbers associated with the property;
- The federal program that provides assistance to the facility;
- The name and primary business address of any person allocated a low-income housing tax credit for the property.

Upon the request of OHFA, a metropolitan housing authority must provide any information necessary to enable the agency to prepare or update the list. The agency must certify the initial list to the auditor of state, the board of tax appeals, and the tax commissioner not later than January 31, 2024. The list must include such properties as of the preceding January 1. The tax commissioner, upon receipt of a list prepared or updated under this section, must certify it to the county auditor of each county. Each list prepared under this section is a public record.

(R.C. 175.20)

Extension of Qualified Energy Project Exemption – Under continuing law, a developer of a renewable energy project has the option of applying to the Department of Development (ODOD) for an exemption from the public utility tangible personal property tax and the real property tax. The department will forward applications involving projects with a generation nameplate capacity of 20 megawatts or greater to the board of county commissioners in which the project is located for the board's approval or disapproval by resolution.

If approved, the resolution may include a requirement for an annual service payment in the amount of \$7,000 per megawatt of nameplate capacity for a solar project, and amounts ranging between \$6,000 - \$8,000 per megawatt depending on the ratio of Ohio-domiciled full-time equivalent employees during construction or installation. The service payment is distributed to the taxing districts that otherwise would receive public utility tangible personal property taxes and property taxes. The resolution may also include an additional service payment for the county. The sum of these two payments may not exceed \$9,000 per megawatt.

HB 33 extends the sunset for the program to the later of: the tax year in which the US Treasury determines that the annual greenhouse gas emissions from the production of electricity in the United States are equal to or less than 25% of the annual greenhouse gas emissions from the production of electrical in the United States for calendar year 2022; or tax year 2029.

For applications submitted to ODOD after October 3, 2023, the Act also adds a requirement that the project must comply with federal wage and apprenticeship requirements (Internal Revenue Code Section 45(b)(7) and (8)). During construction or installation, the project must also maintain a ratio of Ohio-domiciled full-time equivalent employees of not less than 70% in the case of a solar energy project and not less than 50% in the case of any other energy project. The definition of work “performed at the project” by full-time employees is changed to exclude hours worked by superintendents, owners, manufacturers’ representatives, persons employed in a bona fide executive, management, supervisory, or administrative capacity, or persons whose sole employment on the project is transporting materials or persons to the project site.

(R.C. 5727.75)

Joint Committee on Property Tax Review and Reform – HB 33 creates a temporary Joint Committee on Property Tax Review and Reform comprised of ten legislative members, five each from the House and Senate. Three members from each chamber will represent the majority party, and two will represent the minority. Members will be appointed by legislative leadership. Committee members serve at the pleasure of the appointing authority and without compensation.

The Committee’s purpose is to review the history and purpose of all aspects of Ohio’s property tax law, including the forms of levies, exemptions, and local subdivision budgeting. The Committee may hold hearings on pending legislation related to property taxation and make recommendations regarding that legislation. The Committee must hold its first meeting no later than the effective date of the section (October 3, 2023).

The Committee must produce a report describing its activities and findings and making recommendations on reforms to Ohio’s property tax law. The report must be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Minority Leaders of the Senate and the House of Representatives no later than December 31, 2024. The Committee will cease to exist upon the submission of the report.

(Section 757.60)

WATER QUALITY TASK FORCE

H2Ohio – Since the inception of the H2Ohio program in 2019, we have seen the largest investment of \$270 million over the biennium within this budget. The DeWine-Husted Administration will launch a newly created program called the Rivers Initiative via an increase of almost \$100 million to be dedicated to this newly developed program that provides H2Ohio programming in all regions of Ohio. This program will focus on cleaning up polluted waterways, removing certain dams, and restoring rivers across the state. The funds are divided across the following agencies for the following purposes:

- Ohio Department of Agriculture: \$60.6 million in FY 2024 and \$60.7 million in FY 2025. Funding will be used to establish programs to assist in reducing total phosphorus, dissolved reactive phosphorus, sediment, and other nutrients in the Western Lake Erie Basin and other critical regions in the state as defined by the Director of Agriculture. Some examples include:
 - Equipment for subsurface placement of nutrients into the soil;
 - Equipment for nutrient placement based on geographic information system data;
 - Soil testing;
 - Implementation of variable rate technology;
 - Equipment implementing manure transformation and manure conversion technologies;
 - Tributary monitoring;
 - Best management practices recognized to reduce nutrients;
 - A revolving loan program;
 - Matching funds for the Conservation Reserve Enhancement Program in the Western Lake Erie Basin and Scioto River Basin.
- Ohio Department of Natural Resources (ODNR): \$46.6 million in each fiscal year. ODNR will use these funds to support, maintain and create wetlands throughout the state and to support improvement and protection of all waterways. There are currently 141 wetland projects that have either been completed or will be completed within the next few years. Funding also will be used to develop the Rivers Initiative program;
- Ohio Environmental Protection Agency: \$27.5 million in each fiscal year. The Ohio EPA will use these funds to improve water infrastructure, replace home sewage treatment systems, improve stream monitoring, and replace lead services lines and fixtures;
- Ohio Lake Erie Commission: \$132,000 in each fiscal year. The funding will be used towards phosphorus reduction modeling. Current modeling for phosphorus reduction is based on national research. The Ohio Lake Erie Commission will tailor the modeling towards Ohio's specific needs and conditions.

(Sections 211.20, 277.10, 319.10, and 343.10; Appropriation line item 700670, 715695, 780604, and 725681)

OSU Sea Grant – The Sea Grant appropriation matches federal funds for the Ohio Sea Grant Program, the mission of which is to improve the development and management of Lake Erie. The Ohio Sea Grant Program is a part of the OSU land-grant program, and supports workshops, field trips, and conferences at Stone Laboratory. Sea Grant’s appropriation levels were increased by 2.9% each year in the biennium for a total of \$308,000 in FY 2024 and \$317,000 in FY 2025.

(Appropriation line item 235402)

Healthy Lake Erie Program – Appropriates \$911,000 in each fiscal year to the Healthy Lake Erie Program to be used in support of conservation measures in the Western Lake Erie Basin, funding assistance for soil testing, winter cover crops, edge of field testimony, tributary monitoring, animal waste abatement, and any additional efforts to reduce nutrient runoff as ODNR may decide.

(Section 343.20; Appropriation line item 725505)

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