



Ohio Legislative Service Commission

Conference Committee Synopsis

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Sub. S.B. 181

128th General Assembly

The Conference Committee recommends the bill as passed by the House of Representatives with the following changes:

Topic	Senate Version	House Version	Conference Committee Recommendation
Definition of "abandoned mine land"	<p>Defines "abandoned mine land" to mean land or water resources that were previously degraded by adverse effects of coal mining practices to which one of the following applies:</p> <p>(1) The coal mining practices occurred prior to August 3, 1977, and there is no continuing reclamation responsibility under state or federal law;</p> <p>(2) The coal mining practices occurred prior to April 10, 1972; or</p> <p>(3) The coal mining practices were conducted pursuant to a</p>	<p>Revises the definition by replacing land or water resources that were previously degraded by adverse effects of coal mining practices with land or water resources adversely affected by coal mining (R.C. 1513.372(A)(1)).</p>	Same as the House.

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	license that was issued prior to April 10, 1972. (R.C. 1513.372(A)(1).)		
Definition of "eligible landowner"	<p>Defines "eligible landowner" to mean a landowner who provides access without charge to abandoned mine land that is located on the landowner's property for the purpose of allowing the implementation of a reclamation project on the abandoned mine land (R.C. 1513.372(A)(2)).</p> <p>Specifies that "eligible landowner" does not include a person that is responsible under state or federal law to reclaim the land or address water pollution existing or emanating from abandoned mine land (R.C. 1513.372(A)(2)).</p>	<p>Revises the definition by adding that a landowner must provide access either without other consideration or without charge (R.C. 1513.372(A)(2)).</p> <p>Retains the exclusion, but replaces water pollution with acid mine drainage (R.C. 1513.372(A)(2)).</p>	Same as the House.
Definition of "nonprofit organization"	Defines "nonprofit organization" to mean a corporation, association, group, institution, society, or other organization that is exempt from federal income taxation under the Internal Revenue Code that provides funding or services for a reclamation project (R.C. 1513.372(A)(4)).	Revises the definition by specifying that funding or services be provided at no cost or at cost (R.C. 1513.372(A)(4)).	Same as the House.



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Definition of "reclamation project"	Defines "reclamation project" to mean reclamation or an acid mine drainage abatement project that is conducted in compliance with the Coal Surface Mining Law and rules adopted under it on abandoned mine land that is located on property owned by an eligible landowner <i>(R.C. 1513.372(A)(5))</i> .	Eliminates reclamation from the definition <i>(R.C. 1513.372(A)(5))</i> .	Same as the House.
Definition of "reclamation project sponsor"	Defines "reclamation project sponsor" to mean a person that provides funding or equipment, materials, or services at no cost or at cost for a reclamation project, and states that "reclamation project sponsor" does not include a person that is responsible under state or federal law to reclaim land or address water pollution existing or emanating from abandoned mine land <i>(R.C. 1513.372(A)(6))</i> .	No provision.	Same as the House.
Immunity from liability for eligible landowners and for nonprofit organizations	Declares that an eligible landowner or nonprofit organization is immune from liability as follows: (1) For any injury to or damage suffered by a person working under the direct supervision of the reclamation project sponsor while the person is within the reclamation project work area <i>(R.C. 1513.372(B)(1))</i> .	Retains the immunity from liability, but revises it as follows: (1) Replaces reclamation project sponsor with the Division of Mineral Resources Management <i>(R.C. 1513.372(B)(1))</i> .	Same as the House.



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	<p>(2) For any injury to or damage suffered by a third party that arises out of or occurs as a result of an act or omission of the reclamation project sponsor during the implementation of the reclamation project (R.C. 1513.372(B)(2)).</p> <p>(3) For any injury to or damage suffered by a third party that arises out of or occurs as a result of the reclamation project (R.C. 1513.372(B)(3)).</p> <p>(4) For any pollution resulting from a reclamation project (R.C. 1513.372(B)(4)).</p> <p>(5) For the operation, maintenance, or repair of an acid mine drainage abatement facility constructed or installed during a reclamation project unless the eligible landowner negligently damages or destroys the acid mine drainage abatement facility or denies access to the reclamation project sponsor who is responsible for the operation, maintenance, or repair of the acid mine drainage abatement facility (R.C. 1513.372(B)(5)).</p>	<p>(2) Instead specifies for any injury to or damage suffered by a third party that arises out of or occurs as a result of an act or omission of the Division during the construction, operation, and maintenance of the project (R.C. 1513.372(B)(2)).</p> <p>(3) Instead specifies for any failure of an acid mine drainage abatement facility constructed or installed during a reclamation project that is supervised by the Division (R.C. 1513.372(B)(3)).</p> <p>(4) No provision.</p> <p>(5) Replaces reclamation project sponsor with the Division of Mineral Resources Management (R.C. 1513.372(B)(4)).</p>	



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Notification of a known, latent, dangerous condition	Requires the eligible landowner to notify a project sponsor of a known, latent, dangerous condition located at a reclamation project work area that is not the subject of the reclamation project (R.C. 1513.372(C)).	Retains the notification requirement, but requires that the notification be to the Division of Mineral Resources Management rather than a project sponsor (R.C. 1513.372(C)).	Same as the House.
Exclusion from immunity from liability for failure to notify of a known, latent, dangerous condition	Specifies that the immunity from liability for an eligible landowner does not apply to any injury, damage, or pollution resulting from the eligible landowner's failure to notify the project sponsor of such a known, latent, dangerous condition (R.C. 1513.372(C)).	Retains the exclusion from immunity from liability, but replaces a project sponsor with the Division of Mineral Resources Management (R.C. 1513.372(C)).	Same as the House.
Water quality protection responsibilities	Declares that nothing in the bill eliminates the responsibilities of a reclamation project sponsor pertaining to water quality protection established in specified provisions of the Coal Surface Mining Law (R.C. 1513.372(F)).	No provision.	Same as the House.
Ohio Natural Areas Council	No provision.	Reestablishes the Ohio Natural Areas Council, and specifies its duties (R.C. 1501.04, 1517.03, 1517.04, and 1517.23).	Same as the House.



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Additional purposes for expenditure of money in the Water Supply Revolving Loan Account in the Drinking Water Assistance Fund	No provision.	Expands the uses for which money in the Water Supply Revolving Loan Account in the Drinking Water Assistance Fund may be used by stating that it may be used to provide assistance authorized by any other federal law related to the use of federal funds administered under the federal Safe Drinking Water Act in addition to assistance authorized under that Act as in current law (<i>R.C. 3709.22(I)(7)</i>).	Same as the House.
Additional purposes for expenditure of money in the Water Pollution Control Loan Fund	No provision.	Expands the uses for which money in the Water Pollution Control Loan Fund may be used by specifying that it may be used to provide assistance in any manner or for any purpose that is consistent with Title VI of the Federal Water Pollution Control Act or with any other federal law related to the use of federal funds administered under Title VI of that Act (<i>R.C. 6111.036(H)(8)</i>).	Same as the House.
Transfer of money to Departmental Projects Fund for payment of salaries of Division of Natural Areas and Preserves employees	No provision.	(1) Requires the Director of Budget and Management, upon the request of the Director of Natural Resources and beginning July 1, 2010, and ending January 1, 2012, to transfer an amount not to exceed \$1.2 million from the	(1) Same as the House.



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		<p>Natural Areas and Preserves Fund to the Departmental Projects Fund for the purpose of supporting permanent employees of the Division of Natural Areas and Preserves through January 1, 2012; requires the Director to submit a detailed report of the expenditures for payment of such permanent employee salaries to the Speaker of the House of Representatives and the President of the Senate by March 1, 2011.</p> <p>(2) Specifies that if the main operating appropriations act of the 129th General Assembly does not contain an appropriation for the Division of Natural Areas and Preserves, it is the intent of the 128th General Assembly that a portion of the amount transferred may be used by the Department of Natural Resources to pay unemployment compensation costs of former permanent employees of the Division of Natural Areas and Preserves <i>(Section 3)</i>.</p>	<p>(2) No provision.</p>



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Transfer of money to Strip Mining Administration Fund	No provision.	Requires the Administrator of the Bureau of Workers' Compensation, beginning July 1, 2010, and ending December 31, 2010, to transfer a portion of the investment earnings of the Coal-Workers Pneumoconiosis Fund to the Strip Mining Administration Fund, and prohibits such transfers after December 31, 2010 (<i>Section 4</i>).	Same as the House.
Commercial activity tax changes	(1) No provision. (2) No provision.	(1) Authorizes the Tax Commissioner to refund commercial activity tax paid by a business that does not owe any tax (without a CAT liability) regardless of the business's registration status. (2) Authorizes a taxpayer and the Tax Commissioner to agree to extend the four-year CAT assessment and refund statute of limitations. (<i>R.C. 5751.08; Section 6.</i>)	(1) Same as the House. (2) Same as the House.
Tax exemptions for board of education property	No provision.	(1) Provides that any real or personal property owned by or leased to a board of education, where the lease term is at least 50 years, is exempt from taxation.	(1) Same as the House.



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		(2) Provides that tax exemption is remedial in nature and applies to tax years and property at issue in any application for exemption from taxation pending before relevant adjudicatory bodies. <i>(R.C. 3314.44; Section 5.)</i>	(2) Same as the House.
Convention center property tax exemption and construction materials tax exemption	(1) No provision. (2) No provision.	(1) Provides a property tax exemption for a new convention center located in a county with a population exceeding 1.2 million <i>(R.C. 5709.084)</i> . (2) Exempts construction materials incorporated into such a convention center from sales and use taxation until one year after construction of the convention center is completed <i>(R.C. 5739.02)</i> .	(1) Same as the House. (2) Same as the House.
State investment in single-issuer debt	No provision.	Modifies the Treasurer of State's authority to invest interim funds of the state in single-issuer debt by allowing the maximum total investment in the debt interests of a single issuer that is a foreign nation to equal 1% of the state's total average portfolio <i>(R.C. 135.143)</i> .	Same as the House.



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Enterprise zone agreements	No provision.	Extends the time from October 15, 2010, to October 15, 2011, during which local governments may enter enterprise zone agreements (<i>R.C. 5709.62, 5709.63, and 5709.632</i>).	Same as the House.
Local government grants for sporting events	No provision.	Adds NASCAR races, the Air New Zealand Golden Oldies Rugby festival, and certain Olympic-style boxing competitions to the list of qualifying events for which local governments can receive state grants for hosting (<i>R.C. 122.12</i>).	Same as the House.
Changes to agricultural commodity testing requirements	No provision.	Applies agricultural commodity testing requirements and procedures under the Agricultural Commodity Handlers Law to a depositor or depositor's agent rather than to a producer or producer's agent (<i>R.C. 926.31</i>).	Same as the House.
Deferred compensation programs for governmental entities	No provision.	Authorizes a regional water and sewer district to offer up to two additional deferred compensation programs for employees (<i>R.C. 148.06</i>).	Same as the House, but also includes regional transit authorities (<i>R.C. 148.06</i>).
Job Ready Site capital appropriations	No provision.	(1) Appropriates \$30 million for the Job Ready Site program in fiscal years 2011 and 2012 (<i>Section 7</i>).	(1) Same as the House.



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		(2) Authorizes the Ohio Public Facilities Commission to issue and sell original obligations of the state in the aggregate amount not to exceed \$30 million to fund the appropriation, as previously authorized under the Ohio Constitution. <i>(Section 7.)</i>	(2) Same as the House.
Clean Ohio Program capital appropriations	No provision.	<p>(1) Appropriates \$80 million for Clean Ohio Revitalization and \$20 million for Clean Ohio Assistance in fiscal years 2011 and 2012 <i>(Section 9)</i>.</p> <p>(2) Authorizes the State Treasurer to issue and sell original obligations of the state in the aggregate amount not to exceed \$100 million to fund the appropriation, as previously authorized under the Ohio Constitution <i>(Section 10)</i>.</p>	<p>(1) Same as the House.</p> <p>(2) Same as the House.</p>
School district and building performance ratings	No provision. (Maintains current law that a district or building otherwise qualifying to be rated "excellent" or "effective" must be rated "continuous improvement" if it fails to make adequate yearly progress (AYP) for three or more consecutive years.)	Requires the performance rating of a school district or building to be lowered one level if it fails to make AYP for three consecutive years, or two levels if it fails to make AYP for four or more consecutive years.	Replaces the House criteria with criteria limiting the circumstances under which the rating of an otherwise excellent or effective school district or building is lowered for failing to make AYP for three or more consecutive years. Specifies (1) that the failure must involve two or more of the same student subgroups each year and (2) that an excellent rating



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	(Maintains current law prohibition against lowering a district's or building's performance rating based solely on one student subgroup not meeting AYP.)	Repeals the prohibition. (R.C. 3302.03.)	may be lowered only one level, to effective (instead of two levels, to continuous improvement, as in current law). Same as the House version. (R.C. 3302.03.)
Education appropriations	No provision.	<p>(1) Transfers \$35 million from the Lottery Profits Education Reserve Fund to the Lottery Profits Education Fund in fiscal year 2010, and increases the appropriation for Fund 7017 appropriation item 200612, Foundation Funding, by the same amount.</p> <p>(2) Requires the Superintendent of Public Instruction to identify in fiscal years 2010 and 2011 the amount by which funding is less than required by federal American Recovery and Reinvestment Act (ARRA) and calls this amount the "ARRA compliance difference."</p> <p>(3) Requires the Superintendent in fiscal years</p>	<p>(1) Same as the House.</p> <p>(2) Same as the House, but applies only to fiscal year 2010.</p> <p>(3) Same as the House, but applies only to fiscal year 2010.</p>



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		<p>2010 and 2011 to identify GRF encumbered balances in the Department of Education's budget that are no longer needed equal to the ARRA compliance difference.</p> <p>(4) Requires the Director of Budget and Management to transfer cash equal to the GRF encumbered balances identified by the Superintendent from the GRF to the ARRA Compliance Fund created by the bill.</p> <p>(5) Requires that \$10 million in appropriations be transferred in fiscal year 2010 from GRF appropriation item 200550, Foundation Funding, to provide state funding for chartered nonpublic schools. <i>(Sections 11 through 17.)</i></p>	<p>(4) Same as the House, but applies only to fiscal year 2010.</p> <p>(5) Requires that \$15 million in appropriations be transferred in fiscal year 2010 from GRF appropriation item 200550, Foundation Funding, to provide state funding for chartered nonpublic schools. <i>(Sections 11 through 16 and 22.)</i></p>
Casino Control Commission appropriations	No provision.	No provision.	Appropriates \$5,500,000 in fiscal year 2011 for operating expenses of the Casino Control Commission (Section 18).
Inspector General appropriations	No provision.	No provision.	Appropriates \$250,000 in fiscal year 2011 to the Inspector General for casino-related duties (Section 19).



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Ohio Ethics Commission appropriations	No provision.	No provision.	Appropriates \$250,000 in fiscal year 2011 to the Ohio Ethics Commission for casino-related duties (Section 20).
Board of Regents appropriations	(1) No provision. (2) No provision. (3) No provision. (4) No provision.	(1) No provision. (2) No provision. (3) No provision. (4) No provision.	(1) Appropriates \$50 million to the Board of Regents in fiscal year 2011 to operate the Co-op/Internship Program. (2) Requires the Chancellor of the Board of Regents to develop a work force development pilot program for areas of the state with high unemployment and appropriates \$25 million for the pilot program for urban areas and \$25 million for rural areas. (3) Requires that, of the \$25 million for rural areas, \$12.5 million must be used for areas in Appalachia and \$12.5 million must be used for areas elsewhere in the state. (4) Requires a supermajority of the Controlling Board, that includes the votes of at least two Senators and at least two Representatives, to approve the pilot program. (Section 21.)