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Conference Committee Synopsis

Legislative Service Commission

Am. Sub. S.B. 4 125th General Assembly

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

Topic	House Version	Senate Version	Conference Committee Recommendation
Closing of state institutional facilities of any agency or department of state government	Includes a mechanism that applies regarding the closing of "state institutional facilities" (R.C. 107.31 and 107.32, and Section 7). Under the mechanism: (1) The Governor cannot order the closure of any "state institutional facility" (any institution or facility for housing persons under the physical or contractual control of DRC, DYS, DMRDD, DMH, or another agency or	Does not include provisions that relate to the closing of state institutional facilities of <i>any agency or department of state government</i> (but see the next topic, regarding only the closing of DMRDD developmental centers).	Removes from the bill the provisions that relate to the closing of state institutional facilities of <i>any agency or department of state government</i>.

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	department of state government) for the purpose of expenditure reductions or budget cuts, other than under the mechanism's procedures. (2) If the Governor determines that necessary expenditure reductions and budget cuts cannot be made without closing one or more state institutional facilities, the Governor must determine which agency's facilities should be closed (i.e., the "target agency"), notify the General Assembly and that agency, and specify the number of facilities the Governor believes should be closed and the anticipated savings to be obtained through the closure. (3) Upon the Governor's provision of the notice, a State Facilities Closure Commission (SFCC) must be created regarding the target agency, consisting of five members: (a) the director of the target agency; (b) one private executive with facility		

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	utilization expertise, jointly appointed by the Speaker of the House and the Senate President, who cannot be a General Assembly member or have a state institutional facility of the target agency in the county of residence; (c) one board member of the OCSEA appointed by the Governor; (d) one private executive with economics expertise, jointly appointed by the Speaker and the President, who cannot be a General Assembly member or have a state institutional facility of the target agency in the county of residence; and (e) one member of the law enforcement or health care community. The Legislative Service Commission must appoint a member of its fiscal staff to provide assistance to the SFCC. A separate SFCC must be appointed for each target agency.		



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	(4) The SFCC must determine which state institutional facilities under the control of the target agency for which the SFCC was created should be closed, after consideration at a minimum of a list of specified factors. It must meet as often as necessary and may take testimony and consider all relevant information. Within 30 days after the Governor provides the notice, the SFCC must prepare a report containing its recommendations as to the facility or facilities the Governor may close and provide the report to the General Assembly, the Governor, and the target agency. The anticipated savings to be obtained by the recommendation must be approximately the same as the anticipated savings the Governor specified in the notice, and, if the recommendation identifies more than one facility, it must		



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	list them in order of the SFCC's preference for closure. The SFCC's report can address only the target agency for which it was created. Upon providing the report, the SFCC ceases to exist, provided that another one must be created for the same agency if the agency is made a target agency in another report of the Governor and that another SFCC must be created for a different agency if that agency is made a target agency in a report of the Governor. (5) Upon receipt of the SFCC's report, the Governor must review and consider its recommendations and must do one of the following: (a) follow the SFCC's recommendations; (b) close no state institutional facility; or (c) take other action the Governor determines necessary for the purpose of expenditure reductions or budget cuts and state the reasons for the action.		



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	(6) The facility closure procedures apply to all state institutional facilities in operation on or after January 1, 2003. (7) If the closure of the particular facility is authorized under the procedures described above, the Governor may terminate any contract entered into under R.C. 9.06 for the private operation and management of any correctional facility under DRC's control, including, but not limited to, the initial intensive program prison established for felony OMVI offenders, and terminate the operation of and close that facility. If the Governor terminates such a contract, and terminates the operation of and closes the facility, inmates in the facility must be transferred to another correctional facility under DRC's control.		



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Closing of DMRDD developmental centers	Does not include provisions that relate <i>only to the closing of DMRDD developmental centers</i> (but see the preceding topic, regarding the closing of state institutional facilities of any agency or department of state government).	Includes a mechanism that applies regarding the closing of DMRDD developmental centers (R.C. 5123.032). Under the mechanism: (1) Notwithstanding any other provision of law, if the Governor announced on or after January 1, 2003, the intended closure of a "developmental center" (any DMRDD institution or facility that, on the bill's effective date, is named, designated, or referred to as a developmental center) and the closure so announced did not occur prior to the bill's effective date, the closure is subject to the bill's mechanism as if the announcement had been made on or after that effective date. Prior to making any official, public announcement that the Governor intends to close one or more developmental centers, the Governor must notify the General Assembly in writing of that intention. The notice must identify each center the	Adds to the bill the provisions of the Senate-passed version of the bill that relate to the closing of DMRDD developmental centers, with the following changes (R.C. 5120.032): (1) It specifies that, for purposes of the mechanism, a "developmental center" is any DMRDD institution or facility that, <i>on or after the bill's effective date</i> , is named, designated, or referred to as a developmental center. (2) It requires the Governor to provide the notice of intended closure to the General Assembly <i>at least ten days prior to making an official, public announcement</i> of the intended closure. (3) It requires the Legislative Service Commission, instead of OBM, to conduct the independent study of DMRDD's developmental centers and its operation of them and makes related changes.

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		Governor intends to close by name or, if the Governor has not determined any specific center to close, must state the Governor's general intent to close one or more centers. (2) When the Governor provides the notice, OBM promptly must conduct an independent study of DMRDD's developmental centers and its operation of them. The study must address relevant criteria and factors, including a series of criteria and factors identified in the bill. OBM must complete the study, and prepare a report containing its findings, not later than 90 days after the Governor makes the official, public announcement that the Governor intends to close one or more centers. OBM must provide a copy of the report to each General Assembly member who requests one.	(4) It eliminates one of the criteria and factors identified in the Senate version that must be addressed in the independent study – the eliminated factor is "whether there is a need to reduce the number of developmental centers in the state." (5) It adds a new factor to the list of identified criteria and factors that must be addressed in the independent study – the added factor is "the effect of the closure of developmental centers in general upon the state's fiscal resources and fiscal status and, if the Governor's notice identifies by name one or more developmental centers that the Governor intends to close, the effect of the closure of each center so identified upon the state's fiscal resources and fiscal status." (6) It revises the membership of the Mental Retardation and Developmental Disabilities Developmental Center Closure Commission so that it consists of

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		(3) Not later than the date on which OBM is required to complete its report, the Mental Retardation and Developmental Disabilities Developmental Center Closure Commission is created by the bill. On OBM's completion of the report and the creation of the Commission, OBM must provide a copy of the report to the Commission and must present the report. The Commission consists of seven members: (a) two Senate members appointed by the Senate President and two House members appointed by the Speaker of the House, none with a developmental center identified for closure by the Governor in the member's district (one member from each house must be a member of the majority political party, and one from each house must not be a member of that party); and (b) three private executives with facility utilization expertise, with one appointed by the Speaker, one by the President, and one by the Governor.	<i>five members:</i> (a) the director of DMRDD; (b) one private executive with facility utilization expertise, jointly appointed by the Speaker and the President, who cannot be a General Assembly member or have a developmental center identified for closure in the county of residence; (c) one member of the board of the OCSEA appointed by the Governor; (d) one private executive with economics expertise, jointly appointed by the Speaker and the President, who cannot be a General Assembly member or have a developmental center identified for closure in the county of residence; and (e) one representative of the law enforcement or health care community appointed by the Governor. (7) It requires, instead of permits, the Closure Commission to accept public testimony at its meetings. (8) It clarifies the actions the Governor may take upon receipt of the Closure Commission's



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		(4) As soon as possible after its members are appointed, the Commission must meet. The Commission must meet as often as is necessary for the purpose of making recommendations to the Governor, its meetings must be open to the public, and it may accept public testimony. OBM must appear before the Commission and present its report. The Commission must meet for the purpose of making recommendations to the Governor, which may include: (a) whether any developmental center should be closed; (b) if so, which center or centers should be closed; and (c) if the Governor's notice identifies by name one or more centers that the Governor intends to close, whether the centers so identified should be closed. The Commission, not later than 90 days after it receives OBM's report, must prepare a report containing its recommendations to the Governor. The Commission must send a copy of the report to the Governor	report. The Governor must review and consider the report, and must do one of the following: (a) follow the Closure Commission's recommendations; (b) close no developmental center; or (c) take other action that the Governor determines is necessary for the purpose of expenditure reductions or budget cuts and state the reasons for the action.



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		and to each General Assembly member who requests one. (5) On receipt of the Commission's report, if the Governor decides to close one or more centers, the Governor either must follow the Commission's recommendations or, if the recommendations differ from the Governor's official, public announcement as to the intended closure of one or more centers, must proceed with the closure or closures identified in that announcement. The Governor may decide not to close any center. The Governor's decision to follow the recommendations, to proceed with the closure or closures identified in the announcement, or to not close any center is final. On the Governor's making of that decision, the Commission ceases to exist, provided that another one must be created if, and each time, the Governor subsequently makes an official,	



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		public announcement that the Governor intends to close one or more developmental centers.	

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