



Ohio Municipal League

Our Cities and Villages ★ Bringing Ohio to Life

MEMORANDUM

TO: Chairman Oelslager
Vice- Chairman Coley
Ranking Member Sawyer
Senator Burke
Senator Gardner
Senator Hughes
Senator Jones
Senator LaRose
Senator Patton
Senator Peterson
Senator Schiavoni
Senator Smith
Senator Tavares

FROM: Susan Cave, Executive Director
Ed Albright, Director of Legislative Affairs

DATE: May 30, 2013

RE: Comments on HB 59 (Biennial Budget- AS PENDING IN SENATE FINANCE)

We have testified and presented written testimony on the AS PASSED BY HOUSE VERSION of HB59 to the General Government Subcommittee and Senate Ways & Means Committee. We have gone through the bill as it is pending before committee and would like to share the League's thoughts.

ITEMS THAT ARE INCLUDED IN THE HOUSE BILL 59 THAT THE LEAGUE SUPPORTS:

- 1) Additional money for the "Clean Ohio Fund" which was added by the Senate. The League and others support the program and appreciate the Senate's belief in the program.
- 2) Incorporating the initial recommendations of the Ohio Statewide Emergency Services Protocol Network Steering Committee (EISNET).
- 3) Keeping the language that eliminates the requirement that a law enforcement agency that receives fine moneys for the agency's primary role in arresting and prosecuting an offender for

specified drug offenses prepare an annual report and send it to the Attorney General. Also eliminates the requirement that the Attorney General send a notice to the President and Speaker of the House of the receipt of the reports. RC 2925.03.

4) Keeping the Revolving Loan Program for underground Storage Tanks. Language creates the loan program which is to be administered by the State Fire Marshal or Designee. The program requires interest free loans be made under the program to political subdivisions that seek to take action with regard to underground storage tanks when the tanks' owners or operators cannot be identified or cannot pay the costs of the action, provided that the political subdivision spends its own funds equal to at least 5% of the loan amount. Also permits a political subdivision to take legal action to recover costs incurred if the tank owner or operator is identified or is determined to have been or be able to pay the costs of action taken by the political subdivision.

5) Kept House inserted language that defines the term "indigent" for the purposes of the continuing requirement that a political subdivision pays to bury or cremate a body that an indigent person has claimed. 9.15

6) Kept language that authorizes nonchartered cities to sell real estate no longer needed for city purposes to a board of county commissioners without complying with a law that otherwise requires advertising and competitive bidding. Requires that the sale be authorized by ordinance, approved by two-thirds vote of the legislative authority of the city, and by the board or officer responsible for the real estate. 721.01, 721.03 and 721.27

7) Kept language inserted by the House clarifying elections of the Legislative Authority of nonchartered villages. 731.091.

8) Reestablishing the Public Health Futures Committee and continuing the implementation of its report. The Public Health Futures Legislative Committee was created by HB 487 (MBR) of the 129th GA. The purpose of the Committee was to review the Futures Committee of the Ohio Association of Health Commissioners' report, and, on the basis of its review, recommend legislative and fiscal policies that would improve local public health services in Ohio. The OML was one of the stakeholder members of the Committee, which met at least bi-weekly from July 2012 through October 2012.

The Committee issued its final report, which contained several unanimously supported recommendations for inclusion in this year's budget bill. The As Introduced version of HB 59 contained several provisions that were either in direct conflict with the recommendations of the Committee or were never contemplated by the Committee. The substitute version removed the majority of those items with the exception of one - required accreditation of health districts by July 1, 2018, to continue receiving funds from the Department of Health. The Public Health Futures Legislative Committee recommended health districts work toward accreditation but did not recommend required accreditation and certainly did not require accreditation to continue receiving state funds.

9) Making changes to the continuing education for treasurers investing in public funds. The League had been working with the Ohio Township Association and the Treasurer's office to come up with agreed upon language.

10) Removed language which was added that requires a public office that posts a public record on its website, or a public website maintained by the state, to post the record in such that the public record, or the data contained in the public record, is capable of being searched and downloaded by the public and is in a format that is machine readable.

11) Removed language dealing with Unclaimed Motor Vehicles and Private Towing Companies. Our concerns dealt with the due process of the proposal as well as being the agency contacted when said vehicles are missing. We look forward to working on the proposal as a separate piece of legislation that ensures all parties concerns are addressed.

THE FOLLOWING ITEMS ARE ITEMS THAT WERE ADDED DURING THE PROCESS OR INSERTED IN THE SUBSTITUTE BILL THAT THE LEAGUE WOULD SEEK FURTHER CLARIFICATION/ AMENDMENTS

12) Language was inserted, BY THE HOUSE, dealing with revenues generated from the sale or lease of mineral rights in local parks. We ask that language be added to so that the use of these revenues generated on park land owned by the municipality is permissive in nature. The language is contained in 755.06.

13) Prohibits a regional transit authority from acquiring, constructing, improving, extending, repairing, leasing, operating, maintaining, or managing a transit facility that is located outside the authority's territorial boundary until it has provided written notice of its proposed action to each affected political subdivision and has received from each such political subdivision an agreement containing the terms and conditions for the authority's action. R.C. 306.35. The League would ask that this language be removed.

14) Limits the right to file property tax complaints to the property owner, the owner's spouse, certain agents of the owner or spouse, and the county recorder of the county in which the property is located. (This limitation terminates the right of a school district, municipal corporation, or township to file a property tax complaint with respect to property it does not own. It also terminates the right of a municipal corporation or township to participate in complaint proceedings or appeals regarding other persons' property. Continuing law requires the county auditor to notify the school district where the property is located that a complaint has been filed. The school district may then respond to the complaint to support or oppose the underlying decision. This response is labeled a "complaint," but it is not prohibited by the amendment.) The League would request the proposal be introduced as its own piece of legislation. R.C. 5715.27, 307.699, 3735.67, 5715.19, 5717.01

15) Language was added by the Senate that (1) Increases the speed limit on state freeways that are not part of the interstate system but that are built to the standards and specifications of the interstate system to 70 miles per hour from 65 miles per hour for vehicles that weigh 8,000 pounds or less empty weight and commercial buses. (2) Increases the speed limit on state

freeways that are not part of the interstate system but that are built to the standards and specifications of the interstate system to 70 miles per hour from 55 miles per hour for vehicles that weigh in excess of 8,000 pounds empty weight and noncommercial buses. (3) Increases the speed limit to 60 miles per hour for all vehicles on state freeways that are not part of the interstate system but are built to the standards and specifications of the interstate system and that have a current speed limit for all vehicles of 55 miles per hour. This is a safety concern for our members especially since some of these areas are in the most densely populated areas of the state. Examples would be portions of State Route 315, State Route 23 and State Route 33 that are all located within municipal boundaries and are the responsibility of said Municipal Corporation; The League would ask that this language be removed for consideration in a separate piece of legislation.

ITEMS THAT THE LEAGUE WOULD LIKE TO SEE INCLUDED BY THE SENATE IN HB 59

16) The League appreciated the slight increase to the Local Government Fund of 4.5% in fiscal year 2014 and 3.5 % in fiscal year 2014. The League would respectfully request restoration of the Local Government Fund (LGF) to make the disproportionate cut sustained in the current biennium proportionate to what the state received, which was a 17% cut. Thus, OML requests that the percentage of state GRF revenues allocated to the LGF be changed from the Administration and House's proposed 1.69% to 2.52%. (The ratio was 3.68% in 2008.) Said funds could come out of ending funds surpluses or the Rainy Day Funds.

17) An amendment that would allow an open meetings exception for discussions of economic development project application. What the League is proposing allows a public body subject to the Open Meetings Law to hold an executive (i.e., closed session to consider the terms of an application for economic development assistance to be provided or administered by a local government, including applications related to tax increment financing (TIF), enterprise zone, community reinvestment area, and joint economic development district (JEDD) incentives.

18) Inclusion of Lodging, Sales, and Use Tax on Hotel Intermediaries. The League supports the amendment that will be submitted by the Ohio Hotel & Lodging Association for inclusion in the Sub. version of HB59.

On behalf of the Ohio Municipal League, we sincerely thank you for your efforts to provide tools and resources for Ohio's cities and villages. We would also ask for your consideration of our requested changes during your week of testimony. We look forward to working with the Ohio Senate. Should you have any questions or concerns about the items enclosed in this correspondence please contact us at (614) 221-4349.