



Ohio Municipal League

Our Cities and Villages ★ Bringing Ohio to Life

MEMORANDUM

TO: Senator Scott Oelslager
Senator William Coley
Senator Tom Sawyer
Representative Ron Amstutz
Representative Jeffery McClain
Representative Vernon Sykes

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

DATE: June 14, 2013

RE: Comments on HB 59 (Biennial Budget- PENDING BEFORE CONFERENCE COMMITTEE)

The League has testified and presented written testimony on the HB59, the Biennial Budget as it has progressed through the General Assembly. We would like to thank those who have aided the League and the state's municipalities in answering our concerns as well as our members. We would like to submit for consideration our list of issues that will be discussed by the Committee of Conference on HB59. We have used the LSC Comparison Document that only shows items which have not been agreed upon by the three parties as our guide.

1) Keep 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. **(PWCCD9)**. As a side to this amendment we ask that the Committee go with Senate version of **(LSCCD5)** which eliminates the Legislative Study Committee on Clean Ohio and Brownfield Funding.

2) Incorporating the initial recommendations of the Ohio Statewide Emergency Services Protocol Network Steering Committee which was inserted by the Senate (EISNET). **(DASCD49)** **We understand there will be an amendment submitted to the Conference Committee dealing with some tweaking of the Senate language, The League has had conversations with all interested parties and is supportive of the proposed language.**

3) Keeping the language inserted by the House and accepted by the Senate 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. **(AGDDC12)**

4) The League appreciated the increase to the Local Government Fund of 4.5% in fiscal year 2014 and 3.5 % in fiscal year 2014. We also support the amendment **(TAXCD81)** that clarifies the Local Government Fund Allocations, which was inserted in the Senate. 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.**

5) Keeping the Revolving Loan Program for underground Storage Tanks **(COMCD3)**. 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.

6) Keep House inserted language and confirmed by the Senate 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. **(LOCCD13)**

7) Keep 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. **(LOCCD17)**

8) Keep language inserted by the House clarifying elections of the Legislative Authority of nonchartered villages. **(LOCC12)**.

9) 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. **(DOHCD19)**. The League supports what the Senate did to the General or City Health District Language in **(DOHCD19)**, we would ask the Conference Committee to go one step further and take into account some additional recommendations offered by the Public Health Futures Legislative Committee.

10) 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, which is currently in the bill. **(TOSCD8)**

11) 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 a format 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. OML supports **(DASCD46) as proposed by the Senate.**

12) 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. (DPSCD51). We ask that the committee keep the Senate approved language.**

13) 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 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. **(LOCCD4)**

14) 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. The League as well as others thought this concern was addressed in the last biennial budget. **The League would ask that this language be removed. (LOCCD25)**

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. (DOTCD56)**

16) An amendment that would allow an open meetings exception for discussions of economic development project applications. 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. **(LOCCD31) We ask that the committee keep the Senate approved language. A substitute amendment has been drafted by Senator Seitz which has been a byproduct of interested parties meeting. The League supports Senator Seitz's amendment.**

17) 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 HB59. **(TAXCD60)**

18) The League supports the language associated with Local Government Innovation Program as proposed by the Governor and passed by the Senate. **(DEVCD20)** If additional funds become available for this program, the League suggests that a larger proportion go to grants instead of loans.

19) The League would request the removal of **(LOCC27)** which deals with the Beautification of Reservoir Property by Contiguous Property Owners. Our association feels this is a strictly local issue that needs to be addressed at the local level by all interested parties not the state. There may be reasons that a set policy may be in place due to state or federal requirements that others may not be unaware of.

20) OML supports the Senate version of **(COMCD5)** which deals with Fire Department Grants that are disbursed by the Department of Commerce.

21) The League supports the provisions inserted by the Senate dealing with the proposed changes to the Bureau of Worker's Compensation. **These provisions are: (BWCCD29), (BWCCD30), (BWCCD31) AND (BWCCD27).**

22) Language was added by the Senate creating a Cemetery Law Task Force, **(OHSCD5)**. The League would like to ask for an amendment to change the makeup of said Task Force. We would ask where there is mention of a member "consisting of a representative of local government, other than townships" there should be a municipal corporation representation. **Our rational stems from that fact that there are only two political subdivisions that deal with cemeteries; they are townships and municipal corporations.**

23) OPERS membership determination found in **(LOCCD32)**. It is the League's understanding that this is placeholder language. Supposedly, an amendment is being worked to finalize changes pursuant to public employer notification requirements enacted in SB343 from the 129th General Assembly

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 your upcoming work on HB59. We look forward to working with all parties as work towards completing this budget. Should you have any questions or concerns about the items enclosed in this correspondence please contact us at (614) 221-4349.

Mayor
Opie
Volunteer