

**December 16, 2015**

## **LEGISLATURE RETURNS HOME FOR THE HOLIDAYS/EXECUTIVE DIRECTOR SUSAN CAVE ANNOUNCES RETIREMENT**

The Ohio General Assembly has officially adjourned for the remainder of the year, returning to their districts for the Holidays. Although the House or Senate has not released their legislative schedule for next year, legislators will spend less time in Columbus during 2016 compared to their time in session this year due to the 2016 General Election in November. Next year, excluding those subject to Ohio's term limits law, every member of the Ohio House will be up for re-election while half of the Ohio Senate membership will be doing the same, back in their districts seeking enough votes to return to the Ohio Statehouse for the 132nd General Assembly, which begins January, 2017. In the Ohio House, 14 members will be term limited while 7 members of the Ohio Senate will also be barred from continuing in their service in that chamber.

The league will not be issuing legislative bulletins for the remaining two weeks of 2015, unless something significant occurs legislatively during the recess that would warrant notifying our members. Legislative bulletins will resume in January when the legislature reconvenes.

At the OML Annual Conference in October, OML Executive Director Susan J. Cave announced she will be retiring March 30, 2016. The OML Board of Trustees has assembled a search committee to begin the process of hiring a new Executive Director. The job posting for the position is below.

On behalf of the Board of Trustees and league staff, we would like to wish everyone a very safe and enjoyable Holiday season.

### **JOB POSTING**

**Executive Director, Ohio Municipal League** - The Ohio Municipal League (OML), a statewide organization serving the needs of cities and villages, is accepting applications for the position of Executive Director. Duties include, but are not limited to, managing the affairs of the League under the general direction of a Board of Trustees, managing a staff of 9 employees, membership services, public speaking, lobbying and legislative activities with State of Ohio elected officials and staff, and providing services for member communities. Demonstrated leadership and management experience in progressively larger public organizations, excellent oral and written communication skills, capability to coordinate activities with other state associations and the ability to effectively build and nurture professional relationships are critical for this position. Applicants must possess a minimum of a bachelor's degree in political science, business management, public administration, a law degree or other relevant field of study. A minimum of 10 years of progressively responsible experience in a state or local government setting or related experience is also required. Lobbying, marketing and promotion/sales experience a plus. Salary is dependent upon qualifications. Candidates should apply by January 15, 2016, however, resumes will be accepted until the position is filled. The OML is an equal opportunity employer. Please send resume, references, work and salary history to: The Ohio Municipal League, c/o President Jim Bodenmiller, 76 E High Street, Springfield, OH 45503

**December 10, 2015**

## **LEGISLATURE CLEARS LEGISLATIVE DECKS FOR NEW YEAR; LOCAL TAX PREEMPTION BILL SENT TO GOVERNOR**

The Ohio General Assembly spent their last late night in session Wednesday, passing numerous bills that have been through the committee process (and others not so much) all in an attempt to clear the legislative decks for the end of 2015 and preparing their priorities list for 2016, the final year of the 131st General Assembly.

Two bills we have reported on through previous Bulletins have completed their Statehouse journey before the end of the year and have been delivered to the Governor for his signature.

HB 237, known as the "uber" bill, was passed out of the Senate State and Local Government committee last week and cleared the full Ohio Senate Wednesday by a vote of 32-1, and was followed by the Ohio House unanimously approving amendments added by the Ohio Senate, where it was then sent it to the Governor. The bill, introduced by Reps. Mike Duffey and Bob Hackett, will among other things, usurp local regulatory and taxing authorities by establishing statewide governance of Transportation Network Companies (TNCs), such as Uber or Lyft-style ride sharing businesses, and the drivers employed by the platform services. The league continues to object to language included in the bill prohibiting the ability of local governments to regulate and apply local taxation to TNC's and the drivers they employ. The bill was introduced June 1 and has enjoyed an expedited legislative process through the House and Senate. Through continuing conversations with legislators close to the bill, league staff has been assured that the ambiguous and far reaching local tax preemptions included in the final version of the bill will be revisited to make sure the new regulations match the intent of the legislature.

Also on Wednesday, legislation that is part of a national movement to "ban the box", HB 56, received final approval by the Ohio Senate, and was sent back to the Ohio House which unanimously approved changes made by the Senate. The bill has been sent on to the Governor for his signature. Generally, HB 56 prohibits a public employer from including on an employment application form any question concerning an applicant's criminal background. The legislation does not prevent the public employer from conducting full criminal background checks of applicants and does not prohibit a public employer from placing a statement on the application making it clear who is and is not eligible for the position.

Through-out the week, the typical, end of the year legislative maneuvers were in full force, as bills that may not be long into the process but deemed a priority by majority caucus members seek legislation on the "fast track", bills moving quickly through the committee process and certain to pass before the Holiday recess, to latch-on to through amendment to become one big bill. These bills that attract other "cling-on" bills are often referred to as a "Christmas Tree" bill, because of the "goodies" added and in recognition of the season. HB 340, legislation introduced by Rep. Ron Amstutz (R-Wooster) whose original purpose was to extend the operation of the Local Government Innovation Council (LGIC) through December 31, 2019, became the 2015 "Christmas Tree" bill. Current law sunsets the LGIC Council at the end of December, so it was a high priority of the Ohio legislature to make sure this critical program for local governments continues to operate.

The league, along with the Ohio Township Association and County Commissioners Association of Ohio partnered together as proponents on HB 340 when it was strictly the renewal of the LGIC program so that the roughly \$24 million appropriated for the council plus an additional \$20 million for the newly created local government safety capital grant fund in the next biennium, could be administered to the eligible local governments. Because the council will sunset by the end of the year, and a bill needs 90 days after enacted to become effective, the bill required an emergency clause to continue the life of the council and these programs.

On the way to HB 340's passage, legislators saw their opportunity to add other provisions to the bill, many of those additions were budget corrections items, that needed addressed from the previously enacted state operating budget bill, HB 64. There were 26 items added to HB 340 by the Senate Finance Committee and later approved by the bill sponsor and colleagues of the Ohio House. The list of the items can be found [HERE](#). There were no municipal issues, or "goodies" added to HB 340.

In addition to HB 237 and HB 56, the Ohio legislature passed a full docket of bills Wednesday. Below is a brief overview of the bills that received final action before the year's end.

The Ohio House gave final approval to the following bills:

- SB223 (Bacon), makes changes to health care benefit limits and coverage exclusions for life and health insurance guaranty associations.

HB229 (Hambley-Bishoff), creates the Ohio Family Trust

Company Act.

- HB230 (Sprague), addresses chemical dependency and counseling services.
- HB187 (Ginter), allows emergency responders to stabilize an injured animal in an emergency.
- SB161 (Oelslager), which authorizes probate judges to issue search warrants.
- SB190 (Gardner) and HB338 (Romanchuk), highway naming bills.

The House agreed to Senate amendments and sent the following bills to the Governor:

- HB259 (Ryan), which deals with certificates of insurance.
- HB237 (Duffey), which regulates transportation network companies.
- HB188 (Manning-Huffman), which deals with pharmacist consult agreements.

The Ohio Senate took final action on:

- SB172 (Jordan), which would exempt metal bullion and coins investments from sales and use taxes;
- HB71 (Roegner), which prohibits certain indemnity agreements in motor vehicle carrier transportation contracts;

- HB142 (Hagan), to designate March as "Endometriosis Awareness Month;"
- HB188 (Manning-Huffman), revising the laws on pharmacist consult agreements.
- HB259 (Ryan), addressing certificates of insurance and the purchase of property or casualty insurance coverage.
- SB129 (Gardner-Cafaro), which makes reforms to the prior authorization requirements of insurers.
- SB184 (Balderson), clarifying sex offender registration requirements.
- SB187 (naming a portion of the Nelsonville Bypass the "State

Senator C. Stanley Mechem Memorial Highway."

The Senate unanimously approved House amendments and sent the following bills to the Governor:

- SB10 (Burke-LaRose) to create a process to identify individuals on Medicaid that may be eligible to receive federal military-related health care benefits;
- SB190 (Gardner), designating a highway in Sandusky as the "Army Specialist Charles E. Odums II Memorial Highway;"
- SB223 (Bacon), making changes to health coverage benefit limits and coverage exclusions for life and health insurance guaranty associations.

### **LEGISLATURE ADJOURNS FOR 2015**

Members of the Ohio General Assembly have completed their legislative work for 2015 and will not return to the Statehouse until mid-January. The league will produce one additional bulletin next week and will not issue another legislative bulletin until legislative activity resumes next year.

While legislators return to their districts over the break, we encourage our municipal officials to make an opportunity to talk with members of their statehouse legislative delegation and share with them stories of success your municipalities have enjoyed and challenges that may be looming in the next year, where our state partners can be of assistance in crafting solutions beneficial to all Ohioans.

On behalf of the Board of Trustees and league staff, we would like to wish everyone a very safe and enjoyable Holiday season.



**December 04, 2015**

## **MUNICIPAL BILLS RECEIVE HOUSE AND SENATE COMMITTEE ATTENTION**

An array of bills concerning municipal operations was the focus of numerous committees this week, in the Ohio House and Senate. Below is a brief run-down of bills the league is following that received committee attention.

### House Local Government Committee:

- Committee action resumed Tuesday on HB 302, Rep. Henne and Butler's Type-II Annexation bill which would provide that, beginning five years after a Type-II Annexation is approved, the annexed territory is subject to a fire, police, or EMS tax levy only if the levy is imposed by the subdivision that provides the fire, police, or EMS service to the territory. The hearing was the second held on the bill and was for proponents of the bill only, as is customary for a second committee hearing. The witnesses that attended the hearing in support of the proposal included: John Applegate, city manager for the city of Union and Union Mayor Michael O'Callaghan; Keith Johnson, city manager for the city of Miamisburg; Denise Franz King, trustee for Washington Township in Franklin, Delaware and Union Counties; Catherine Cunningham, an attorney in land use and zoning; and numerous township property owners adversely effected by the double taxation practice currently in place by townships that receive revenue from tax levies but provide no services. Testimony provided by the witnesses at the December 1st hearing can be found on the Ohio House Local Government Committee web page at: <http://www.ohiohouse.gov/committee/local-government>. The league would like to thank the municipal representatives who attended the hearing and those that provided testimony in support of the bill. Municipal officials present at the hearing all agree that residents should not be forced to pay twice for a municipal emergency service, just because their property at one time was part of an unincorporated area.
- Also on Tuesday a second hearing was held on HB 335, legislation specifying the jurisdiction of municipal and county courts over municipal traffic ordinances and establishing requirements governing fines, fees, or other charges for traffic violations and infractions imposed by a municipal corporation that does not have the authority to establish a Mayor's Court. The impetus for the proposal seems to derive from one central Ohio village which has established a civil-violations system for the collection of fines generated through traffic related offenses and, because of changes in state law, is prohibited from establishing a Mayor's Court. Three witnesses were present to lend support to the bill.

### Senate State & Local Government Committee:

- HB 237, also known as the "Uber" bill was passed out of the Senate committee Tuesday, where it now awaits consideration by the full Senate membership. The bill introduced by Reps. Mike Duffey and Bob Hackett bill will among other things, usurp local regulatory authorities by establishing statewide governance of Transportation Network Companies (TNCs), such as Uber or Lyft-style ride sharing businesses, TNC drivers, and the services provided by TNCs. Members of the committee did not receive testimony from any witnesses, but amendments were offered and incorporated to the bill dealing with the issuance of a TNC permit to an entity engaged in providing taxicab services; surplus lines broker rating requirements; financial responsibility identification cards; identification of TNC vehicles; optional acceptance of cash payments; TNC services at public airports and the application of the whistleblower law.
- HB 56, legislation that is part of a national movement to "ban the box" received a second committee hearing reserved for supporters of the bill, of which two provided the committee with testimony. Specifically, the legislation would prohibit a public employer from including on any employment application form any question concerning an applicant's criminal background; prohibits a felony conviction from being used against an officer or employee when a public employer is undertaking certain employment practices, unless the conviction occurs while the officer or employee is employed in the civil service; and removes the bar against sealing a conviction record when the victim is 16 or 17 years old under specified circumstances. There is a matter of constitutional ambiguity in determining if the bill would apply to municipal corporations. The analysis prepared by the Legislative Service Commission (LSC) states: *"Generally, under the Home Rule Amendment to the Ohio Constitution, municipal employment matters are considered to be matters of local self government. The Ohio Supreme Court has upheld the right of chartered municipal corporations to adopt their own civil service ordinances under their powers of local self government if the charters clearly and expressly state the intent to supersede and override general state statutes. Although the courts have established tests with respect to a municipal corporation exercising its home rule authority, the tests are not always consistently applied. It is unclear how a court would rule with regard to a municipal corporation's home rule authority as it relates to the bill."*

#### House Ways and Means Committee:

- A first hearing was held on HB 390, legislation introduced by Reps. Tim Schaffer and Wes Retherford that would exempt municipal gas departments from collecting and remitting sales tax on the natural gas services. During Tuesday's hearing, Rep. Schaffer explained to committee members that the legislation has become necessary due to an apparent policy change within the Department of Taxation. Municipalities through-out Ohio including the city of Lancaster, which resides in the representatives district, had been contacted by officials with the Department of Taxation alerting them that municipal gas services would now be subject to Ohio's sales tax, and that collections must begin on current customers and that any sales tax that had not been collected in the previous three years must also be collected from customers. In addition to Lancaster, the other municipalities that have received notification from the Department of Taxation include Hamilton and the Villages of Oakwood, Verona, and Williamsport.

"Without this protective legislation, imagine what other city services will suddenly become taxable? Where would the slippery slope end? Water? Sewer? Refuse pick-up? I don't think we want to find out," Rep. Schaffer shared with committee members.

#### House Finance & Appropriations Committee:

- The legislature continues to work on the Data Ohio initiative through HB 130, legislation reintroduced this General Assembly by Reps. Mike Duffey and Christine Hagan. As currently written, HB 130 would specify requirements for posting public records online; require the Auditor of State to adopt rules regarding a uniform accounting system for public offices; establish an online catalog of public data at data.Ohio.gov; establish the Local Government Information Exchange Grant Program; and makes an appropriation of \$25 million over the biennium for the funding of \$10,000 grants to communities who voluntarily participate in the program.

The bill has had an extensive review so far this session and the league has worked closely with the sponsor's to address areas of concern that were included in the "As Introduced" version. As a brief history of the bill's legislative journey to this date, the bill was first assigned to the House State Government Committee where it received five hearings. There, it was amended to reflect changes the league had asked for which included such things as adding language to clarify that the program is strictly voluntary, that a funding source is established to assist municipalities that may be interested in participating in the program and that the use of uniform charts of accounts are not statutorily mandated, among other points. The bill was passed out of the committee June 17th but then re-referred to the House Finance & Appropriations Committee, where it received its first hearing Wednesday, so that the issue of the appropriation included in the proposal could be more thoroughly vetted.

The league appreciates the time the bill sponsor's have spent with staff to address our member's concerns and we look forward to the continued positive working relationship.

## **NATIONAL CIVIC LEAGUE ANNOUNCES APPLICATIONS FOR 2016 ALL-AMERICAN CITIES AWARD**

Since 1949, the National Civic League has designated 10 communities each year as All-America Cities for their outstanding civic accomplishments. All-America Cities are collaborative innovators who are willing to put in the hard work to tackle today's most crucial local issues. To win, each community identifies three local efforts targeting pressing community challenges; together these projects should demonstrate innovation, impact, inclusiveness, civic engagement, and cross sector collaboration. I believe your community embodies the All-America City spirit and I encourage you to consider applying.

The 2016 award will spotlight programs that ensure all children are healthy and supported to succeed in school and life. Unlike any other event, the All-America City Experience, provides participants with lasting connections with community members and peers across the country, in-depth learning opportunities, and fun, energizing events!

Find more information on the award and how to apply at <http://www.nationalcivicleague.org/the-all-america-city-award/>

## **NEW BILL INTRODUCTIONS AND COMMITTEE SCHEDULE**

Below is a list of bills recently introduced in the Ohio House and Senate, followed by the committee schedule for next week. If there are any changes to the committee schedule, those will be posted to our website Monday.

Have a safe and enjoyable weekend.~

New House Bill Introductions:

HB 366

HIGHWAY NAMING (Smith, R.) To designate a portion of State Route 93 within Lawrence County as the "Sergeant Donald Long Memorial Highway." En. 5534.20.

HB 367

HIGHWAY NAMINGS (Arndt, S.) To designate a memorial highway within the city of Sandusky and to designate memorial interchanges and a memorial pedestrian bridge in Erie County. En. 5534.01, 5534.02, 5534.05, 5534.06, and 5534.25.

HB 368

HEALTH GUARANTORS (Sears, B.) To make changes to the health coverage benefit limits and coverage exclusions for life and health insurance guaranty associations. Am, 3956.01 and 3956.04.

HB 369

BALANCED BUDGET (Koehler, K., Hambley, S.) To adopt the Compact for a Balanced Budget and to declare an emergency. En. 2.01.

HB 370

AMBULATORY FACILITIES (Clyde, K., Fedor, T.) To eliminate the requirement for a written transfer agreement or variance for ambulatory surgical facilities. Am. 3702.302 and to repeal sections 3702.303, 3702.304, 3702.305, 3702.306, 3702.307, 3702.308, 3702.309, 3702.3010, and 3727.60.

HB 371

TRAIN CREWS (Lepore-Hagan, M., Sheehy, M.) To require the crews of freight trains to consist of at least two individuals. En. 4999.09.

HB 372

EDUCATIONAL SERVICES (Phillips, D.) To require city, exempted village, and local school districts to employ, for each 1,000 students, at least five full-time equivalent educational service personnel in specified areas. En. 3319.078.

HB 373

SURGICAL TECHNOLOGIES (LaTourette, S., Huffman, S.) To regulate the practice of surgical technologists. Am. 109.572, 4731.051, 4731.07, 4731.071, 4731.224, 4731.24, 4731.25, 4776.01, and 4776.20 and to enact sections 4785.01, 4785.02, 4785.03, 4785.04, 4785.05, 4785.06, 4785.07, 4785.08, 4785.09, 4785.10, 4785.11, 4785.111, 4785.12, 4785.13, 4785.14, 4785.15, 4785.16, 4785.17, 4785.18, 4785.19, 4785.20, and 4785.99.

HB 374

PUBLIC DEPOSITORY (Schuring, K.) To authorize the Treasurer of State to determine by rule the total market value of securities that must be pledged to secure the repayment of all uninsured public deposits at a particular public depository, to make other changes relative to the Ohio Pooled Collateral Program, and to declare an emergency. Am. 135.182.

HB 375

SNOW REMOVAL (Brown, T., Arndt, S.) To authorize townships to require the removal of snow and ice from sidewalks abutting property and to impose a fine for failure to do so. En. 505.872.

HB 376

PREGNANCY PROGRAM (Boyd, J., Sykes, E.) To require entities funded through the Ohio Parenting and Pregnancy Program to provide only medically accurate information. En. 5101.805 and 5101.806.

HB 377

UNION DUES (Brinkman, T.) To prohibit any requirement that employees of private employers join or pay dues to any employee organization and to establish civil and criminal penalties against employers who violate that prohibition. En. 4119.01, 4119.02, 4119.04, 4119.05, 4119.06, 4119.07, 4119.08, and 4119.99.

HB 378

TRAFFIC ARRESTS (Hambley, S., Rezabek, J.) To authorize law enforcement officers of township police districts and joint police districts, and township constables, serving specified small populations to make arrests for motor vehicle-related violations committed on an interstate highway in the same manner as township law enforcement officers serving larger populations. Am. 4513.35, and 4513.39.

HB 379

ACADEMIC DISTRESS COMMISSIONS (Lepore-Hagan, M.) To the operation of academic distress commissions and to modify the earmarked funding for the establishment of academic distress commissions. Am. 3302.10 and 3314.102; to enact sections 3302.038, 3302.101, and 3302.103; and to repeal section 3302.11 of the Revised Code and to amend Section 263.220 of Am. Sub. H.B. 64 of the 131st General Assembly.

HB 380

POLICE FIREARM DEATHS (Dever, J., Reece, A.) To require each law enforcement agency to adopt a written policy regarding the investigation of firearms-related officer-involved deaths that involve an officer serving the agency; to provide for investigations into officer-involved deaths by investigatory panels of law enforcement officers; to require an investigatory panel to provide a report of its investigation findings to the prosecutor and the officer's law enforcement agency; to provide for public access to the report, except for information that is not a public record, if the prosecutor determines that there is no basis to prosecute or a grand jury enters a no bill regarding the involved officer; and to require an investigatory panel to inform the deceased individual's family members of contact information for the office of the prosecutor handling the case. Am. 2930.01, 2930.03, and 2930.04 and to enact section 2901.45.

HB 381

NUTRITION PROGRAMS (Ramos, D., Howse, S.) To require the Director of Job and Family Services to request a federal waiver of time limits for certain Supplemental Nutrition Assistance Program recipients. Am. 5101.543

HB 382

MONTH DESIGNATION (Leland, D.) To designate the month of October as "Ohio Principals Month." En. 5.232.

HB 383

FINANCIAL LITERACY (Hagan, C., McColley, R.) To require one-half unit of economic and financial literacy in the high school social studies curriculum, to require the Chancellor of Higher Education to prepare an informed student document for each state institution of higher education, to require the State Board of Education to include information on the informed student document in the standards and model curricula it creates for financial literacy and entrepreneurship, and to entitle the act the "Informed Student Document Act." Am. 3301.079 and 3313.603 and to enact section 3333.89.

HB 384

HIGHER EDUCATION AUDITS (Schaffer, T., Duffey, M.) To specify that state institutions of higher education may be subject to performance audits conducted by the Auditor of State. Am. 117.46, 117.461, 117.462, and 117.463.

HB 385

PAY DISPARITY (Driehaus, D., Howse, S.) To create the Gender Pay Disparity Task Force.

HB 386

STATE SEAL (Perales, R.) To add a representation of the Wright Brothers' first piloted airplane to the Coat of Arms and Great Seal of the State of Ohio. To amend sections 5.04 and 5.10 of the Revised Code

HB 387

SMALL CLAIMS COURTS (Terhar, L., Dever, J.) To raise the maximum allowable limit of the monetary jurisdiction of small claims divisions of municipal courts. Am. 1925.02 and 1925.10.

HB 388

OVI OFFENSES (Scherer, G.) To authorize a court to grant unlimited driving privileges with an ignition interlock device to first-time OVI offenders, to expand the penalties related to ignition interlock device violations, to modify the law governing the installation and monitoring of ignition interlock devices, to extend the look back period for OVI and OVI-related offenses from six to ten years, and to modify the penalties for OVI offenses. Am. 1547.99, 1905.01, 2903.06, 2903.08, 2929.142, 3327.10, 4510.13, 4510.17, 4510.43, 4510.44, 4510.45, 4510.46, 4511.19, 4511.191, 4511.193, and 4511.195 and to enact sections 4510.022 and 4511.199

HB 389

DISCRIMINATION (Antonio, N., Driehaus, D.) To enact the Ohio Fairness Act to prohibit discrimination on the basis of sexual orientation or gender identity or expression, to add mediation to the list of informal methods by which the Ohio Civil Rights Commission may use to induce compliance with Ohio's Civil Rights Law before instituting a formal hearing, and to uphold existing religious exemptions under Ohio Civil Rights Law. Am. 9.03, 124.93, 125.111, 153.59, 153.591, 340.12, 511.03, 717.01, 1501.012, 1751.18, 2927.03, 3113.36, 3301.53, 3304.15, 3304.50, 3314.06, 3332.09, 3721.13, 3905.55, 4111.17, 4112.01, 4112.02, 4112.021, 4112.04, 4112.05, 4112.08, 4117.19, 4735.16, 4735.55, 4757.07, 4758.16, 4765.18, 5104.09, 5107.26, 5123.351, 5126.07, 5165.08, 5515.08, and 5709.832

HB 390

TAX EXEMPTION (Schaffer, T., Retherford, W.) To exempt the sale of natural gas by a municipal gas company from the sales and use tax.

HB 391

FINANCIAL LITERACY (Terhar, L.) To require the Chancellor of Higher Education to create the SmartOhio Financial Literacy Pilot Program at the University of Cincinnati to operate for the 2016-2017 school year and to make an appropriation. Am. 369.10

HB 392

DOMESTIC VIOLENCE (Sykes, E., Kuhns, C.) To authorize the issuance of domestic violence protection orders with respect to conduct directed at an intimate partner, to provide access to domestic violence shelters for intimate partners who are victims of domestic violence, and to require the Attorney General's victim's bill of rights pamphlet to include a notice that an intimate partner who is the victim of domestic violence has the right to petition for a civil protection order. Am. 109.42, 2151.23, and 3113.33 and to enact section 3113.311

HB 393

OPEN CONTAINER (Blessing, L.) To allow a person to possess an open container of beer or intoxicating liquor on the premises of a market if the beer or intoxicating liquor was purchased from an adjacent D permit premises and the market is hosting an event pursuant to an F-8 permit held for the market and grants permission for the possession and consumption within the defined F-8 permit premises. Am. 4301.62

HB 394

UNEMPLOYMENT COMPENSATION (Sears, B.) To temporarily change the taxable wage base under Ohio's Unemployment Compensation Law, to remove dependency classes for unemployment compensation benefit eligibility, to temporarily freeze automatic increases for weekly unemployment compensation benefit amounts, to reduce the number of weeks for which an individual may receive unemployment compensation benefits, to abolish the Unemployment Compensation Advisory Council, and to make other changes to Ohio's Unemployment Compensation Law. Am. To amend sections 145.012, 4123.56, 4141.01, 4141.131, 4141.24, 4141.25, 4141.28, 4141.29, 4141.291, 4141.292, 4141.30, 4141.31, 4141.312, 4141.35, 4141.43, and 4141.53; to enact sections 4141.02, 4141.251, and 4141.294; and to repeal section 4141.08

HB 395

CEMETERY GRANTS (Pelanda, D.) To establish the cemetery grant program and to make an appropriation. Am. 3705.17 and 4767.01 and to enact section 4767.09

HB 396

PROHIBITED SPECIES (Hall, D.) To prohibit the possession, introduction, sale, or offer of sale of specified restricted and prohibited species. Am. 1531.17 and to enact sections 1532.01, 1532.02, 1532.03, 1532.04, 1532.05, and 1532.99

HB 397

LICENSE PLATE (Thompson, A.) To create the "I Stand with Israel" license plate. Am. 4501.21 and to enact section 4503.97

HB 398

AGRICULTURAL LAND (Hill, B.) To require that the computation of the capitalization rate for the purposes of determining CAUV of agricultural land be computed using a method that excludes appreciation and equity buildup and to stipulate that CAUV land used for a conservation practice or enrolled in a federal land retirement or conservation program for at least three years must be valued at the lowest of the values assigned on the basis of soil type. Am. 5713.31, 5713.34, and 5715.01

HB 399

COLLEGE CREDIT PLUS (Koehler, K.) To increase the earmarked funding for the College Credit Plus Program for home instructed students.

HB 400

MICROBEADS (Patterson, J., Smith, K.) To prohibit the manufacture and sale of microbeads, and to create a consumer education program about best practices for microbeads. Am. 3715.99 and to enact sections 3715.522, 3715.523, and 3715.524

HB 401

PRIVATE SCHOOLS (Brinkman, T.) With regard to requirements for chartered nonpublic schools. Am. 3301.16 and to enact section 3301.164

HB 402

VOTER REGISTRATION (Clyde, K.) To modify the circumstances under which a voter registration may be canceled. Am. 3501.05 and 3503.21

New Senate Bill Introductions:

SB 230

ACADEMIC DISTRESS COMMISSIONS (Schiavoni, J.) With regard to the operation of academic distress commissions and to modify the earmarked funding for the establishment of academic distress commissions. Am. 3302.10 and 3314.102; to enact sections 3302.037, 3302.101, and 3302.103; and to repeal section 3302.11 and to amend Section 263.220 of Am. Sub. H.B. 64 of the 131st General Assembly.

SB 231

LICENSE PLATE (Lehner, P.) To create the 'Ohio Association of Child Caring Agencies' license plate. Am. 4501.21 and to enact section 4503.528.

SB 232

DEATH DESIGNATION DEEDS (Bacon, K.) To amend the law related to transfer on death designation deeds and affidavits. Am. 5302.23 and 5302.24.

SB 233

LICENSE PLATE (Hughes, J.) To create the "Ohio Nurses Association" license plate. 4501.21 and to enact section 4503.529.

SB 234

CHILD WELFARE SYSTEM (Cafaro, C.) To require specified public and nonpublic school officials to search the Uniform Statewide Automated Child Welfare Information System within thirty days of a student's enrollment and to notify the county public children services agency if specified information is found during that search. Am. 3314.03, 3326.11, 3328.24, 5101.132, and 5101.134 and to enact sections 2151.4210, 3313.675, 3314.60, 3326.60, and 3328.60.

SB 235

PROPERTY TAXES (Beagle, B., Coley, B.) To exempt from property tax the increased value of property on which industrial or commercial development is planned until construction of new commercial or industrial facilities at the property commences. En. 5709.45.

SB 236

CIVIL ASSET FORFEITURE (Jordan, K.) To eliminate civil asset forfeiture proceedings and to modify the law governing criminal asset forfeitures. Am. 2923.36, 2981.01, 2981.02, 2981.03, 2981.04, 2981.06, 2981.08, 2981.09, 2981.11, 2981.12, 2981.13, and 2981.14 and to repeal section 2981.05.

SB 237

DRUG VOLUME (LaRose, F.) To provide that five milligrams or more of fentanyl or an amount equal to or exceeding one gram of a compound, mixture, preparation, or substance that contains any amount of fentanyl and that is not in a final dosage form manufactured by an authorized manufacturer constitutes a bulk amount for purposes of the laws governing drug offenses, to revise the manner of determining sentence for certain violations of the offense of permitting drug abuse, and to add lisdexamfetamine to the list of schedule II controlled substances. Am. 2925.01, 2925.13, and 3719.41

SB 238

MONTH DESIGNATION (Tavares, C.) To designate the month of October as 'Ohio Principals Month.' En. 5.232

SB 239

DAY DESIGNATION (Hughes, J.) To designate August 7 as Ohio Purple Heart Day. En. 5.46

SB 240

FOSTER CARE PAYMENTS (Eklund, J.) To extend the age for which a person is eligible for federal foster care and adoption assistance payments under Title IV-E to age twenty-one; and to make an appropriation. Am. 2151.353, 5101.141, and 5103.30 and to enact sections 5101.1411, 5101.1412, 5101.1413, and 5101.1414

SB 241

EDUCATION PROFESSIONALS (LaRose, F.) With regard to the employment of specified education professionals by city, exempted village, and local school districts. Am. 3302.03 and to enact section 3319.078

SB 242

MOTOR VEHICLE SALES (Uecker, J., Coley, B.) To revise the law governing new motor vehicle franchise agreements. Am. 4517.01, 4517.52, 4517.55, and 4517.59

SB 243

STEP THERAPY (Lehner, P., Tavares, C.) To adopt requirements related to step therapy protocols implemented by health plan issuers and the Department of Medicaid. En. 3901.82, 3901.821, 3901.822, 5164.7511, 5164.7512, and 5164.7513

SB 244

SALES TAX REFUNDS (Patton, T.) To allow vendors to deduct or apply for a refund of sales tax remitted for bad debts on private label credit cards used to make purchases from the vendor. Am. 5739.121

SB 245

MALNUTRITION (Manning, G.) To create the Malnutrition Prevention Commission to study malnutrition among older adults.

SB 246

AGRICULTURAL LAND (Hite, C.) To require that the computation of the capitalization rate for the purposes of determining CAUV of agricultural land be computed using a method that excludes appreciation and equity buildup and to stipulate that CAUV land used for a conservation practice or enrolled in a federal land retirement or conservation program for at least three years must be valued at the lowest of the values assigned on the basis of soil type. Am. 5713.31, 5713.34, and 5715.01

SB 247

SUMMER MEAL PROGRAM (Brown, E., Lehner, P.) To require school districts to allow alternative summer meal sponsors to use school facilities to provide food service for summer intervention services under certain conditions. Am. 3313.813

SB 248

MEDICAL TRANSPORTATION (Patton, T.) To increase the Medicaid payment rates for certain medical transportation services. Am. 5164.78

SB 249

ROOFING CONTRACTORS (Patton, T.) To require commercial roofing contractors to have a license. Am. 715.27, 3781.102, 4740.01, 4740.02, 4740.04, and 4740.12

**PRELIMINARY COMMITTEE SCHEDULE FOR THE WEEK OF  
DECEMBER 6, 2015**

**Tuesday, December 8, 2015**

HOUSE LOCAL GOVERNMENT

Tue., Dec. 8, 2015, 9:00 AM, Hearing Room 018

HB387 MUNICIPAL COURTS-SMALL CLAIMS (TERHAR L, DEVER J) To raise the maximum allowable limit of the monetary jurisdiction of small claims divisions of municipal courts.

First Hearing, Sponsor Testimony

HB277 9-1-1 SYSTEM LEVY (BRENNER A) To authorize a county, township, or municipal corporation to impose a 9-1-1 system levy in only the portion of the subdivision that would be served by the 9-1-1 system.

Second Hearing, Proponent Testimony

SENATE FINANCE

Tue., Dec. 8, 2015, 10:00 AM, Senate Finance Hearing

SB140 GAMING CREDIT LIMITS (COLEY W) To require the Ohio Casino Control Commission and the State Lottery Commission to adopt rules to limit the amount of promotional gaming credits at casinos and video lottery terminal facilities and to permit the credits only under circumstances specified in the rules.

First Hearing, Sponsor Testimony

HB340 LOCAL GOVERNMENT INNOVATION COUNCIL (AMSTUTZ R) To extend the operation of the Local Government Innovation Council until December 31, 2019, and to declare an emergency.

Second Hearing, All Testimony, AMENDMENTS/POSSIBLE VOTE

HOUSE ARMED SERVICES, VETERANS AFFAIRS AND  
PUBLIC SAFETY

Tue., Dec. 8, 2015, 3:30 PM, Hearing Room 017

HB388 OVI OFFENDERS-IGNITION INTERLOCK (SCHERER G) To authorize a court to grant unlimited driving privileges with an ignition interlock device to first-time OVI offenders, to expand the penalties related to ignition interlock device violations, to modify the law governing the installation and monitoring of ignition interlock devices, to extend the look back period for OVI and OVI-related offenses from six to ten years, and to modify the penalties for OVI offenses.

First Hearing, Sponsor Testimony

SB123 EMERGENCY PERSONNEL-REPORT TRAFFIC VIOLATION (HUGHES J) To allow emergency personnel in public safety vehicles to report traffic law violations under certain circumstances.

First Hearing, Sponsor Testimony

**Wednesday, December 9, 2015**

SENATE GOVERNMENT OVERSIGHT AND REFORM

Wed., Dec. 9, 2015, 8:45 AM, South Hearing Room

HB5 PUBLIC OFFICE-STATE AGENCY EFFICIENCY STUDIES (KUNZE S, KOEHLER K) To allow the Auditor of State to conduct business case studies regarding the efficiency of local public offices and state agencies.

Third Hearing, All Testimony, AMENDMENTS/POSSIBLE VOTE

SENATE TRANSPORTATION, COMMERCE AND LABOR

Wed., Dec. 9, 2015, 10:15 AM, North Hearing Room

SB205 RENTAL PROPERTY-SECONDARY EGRESS (BEAGLE B, LEHNER P) To require a separate, exterior means of egress for dwelling areas above the second story of certain residential rental properties and to provide a qualified immunity to landlords who in good faith comply with the requirement.

First Hearing, Sponsor Testimony

**November 20, 2015**

## **OHIO HOUSE BEGINS HEARING PROCESS ON NUMEROUS MUNICIPAL RELATED BILLS**

The Ohio legislature was in full swing this week, busily working bills through the committee hearing process as the legislative calendar will begin to constrict with the coming of the Holidays, beginning next week. In observance of Thanksgiving next week, there will be little activity at the Statehouse as members of the legislature return to their home districts or do as many of us do and travel over the hills and through the woods to reach your celebratory destinations, which is not the Statehouse for the fortunate ones.

On Tuesday, the House Local Government Committee convened a meeting which included six bills directly pertaining to municipal interests, with topics addressed ranging from issues effecting TYPE-II annexations, municipal home rule to waterway management. All of the bills heard Tuesday by committee members were the first hearing for the respective bills where the sponsor's of the proposals presented to committee members the rationale for their bills. Below is a brief description of the municipal bills heard Tuesday by the House Local Government Committee:

- HB 302, legislation introduced by Representatives Mike Henne (R-Clayton) and Jim Butler (R-Oakwood) which provides that, beginning five years after a TYPE-II annexation is approved, the annexed territory is subject to a fire, police, or emergency medical services (EMS) tax levy only if the levy is imposed by the subdivision that provides the fire, police, or EMS service to the territory. Dubbed the TYPE-II Annexation Dual Taxation Bill, Rep. Henne shared with committee members that the bill would end the practice of double taxation on municipal residents who once were residents of an unincorporated area yet continue to pay taxes for services the township no longer delivers. "HB 302 is a simple commonsense solution to this problem of taxing the property owner twice for the very same service," Rep. Henne said.
- HB 231 sponsored by Reps. Jeff McClain (R-Upper Sandusky) and Cheryl Grossman (R-Grove City) would require before the chief executive or legislative authority of a municipal corporation, a board of county commissioners, a board of township trustees, or the board of education of a school district, files a complaint against the valuation of property the subdivision does not own, the political subdivision must first adopt a resolution approving the complaint at a public meeting of the legislative authority or board. The bill as drafted also specifies that when a resolution is prepared challenging the valuation, it must specify, among other things, the compensation paid to any person retained to represent the county, municipal corporation, township, or school board in the matter of the complaint, unless the person is an employee of the political subdivision. And lastly, the bill specifies the circumstances under which such a resolution need not be adopted.

Rep. McClain shared with committee members that during conference committee deliberations that took place several years ago related to the then proposed state biennial budget, there was an effort by some legislators to remove most entities' or individuals' ability to file a complaint on a property they don't own. "I was able to

defeat the amendment because I believed there should be this option, only with proper notification and transparency. That is why I believe HB231 is a fair compromise to protect both the owners' and the public's attempts at fair taxation."

- As described by the bill sponsors, Reps. Hearcel Craig (D-Columbus) and Cheryl Grossman (R-Grove City) said their HB 335 attempts to quell speed traps in villages that subsist solely on traffic offenses, by specifying the jurisdiction of municipal and county courts over municipal traffic ordinances. HB 335 would also establish requirements governing fines, fees, or other charges for traffic violations and infractions imposed by a municipal corporation that does not have the authority to establish a mayor's court. "This legislation would cap fines, fees and other charges that are in excess of or not included in the local municipal or county court's schedule of fines and costs and specifies the jurisdiction of municipal and county courts over municipal traffic ordinances," Rep. Craig said.

The impetus for the proposal seems to derive from one Ohio village which the sponsors claim has established a "civil-violations system," in which fines are paid directly to the village. Although this situation may need to be examined, the league is very concerned about the root effect of the proposal which will violate the Home Rule provision of the Ohio Constitution. Even the analysis prepared by LSC for committee members states that under Home Rule authority, municipalities have authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary, and other similar regulations not in conflict with general laws. The regulation of traffic is an exercise of municipal police power, as defined by Ohio Supreme Court rulings, and is valid so long as it does not conflict with a general law.

- HB 262 received its first hearing by sponsor's Reps. Mike Stinziano (R-Columbus and Greta Johnson (D-Akron) which would allow a municipal corporation to request assistance from the Ohio Civil Rights Commission in receiving, investigating, passing upon, and enforcing alleged violations of an ordinance of the municipal corporation that prohibits discrimination. The Commission, which enforces the Ohio Civil Rights Law, is required to provide the requested assistance if the Commission has the resources necessary to provide the assistance, and if the assistance is consistent with the Commission's authority to receive, investigate, pass upon, and enforce prohibitions against unlawful discriminatory practices, except that the Commission is not limited to the unlawful discriminatory practices it must enforce under the Ohio Civil Rights. As the bill currently outlines, the Commission may assist a municipal corporation in enforcing a type of discriminatory practice not prohibited under the Ohio Civil Rights Law, so long as it is a discriminatory practice prohibited by the municipal corporation's ordinance. Rep. Stinziano shared with committee members that the idea for the bill came from smaller municipalities in his central Ohio district that, "do not have the resources available to institute their own civil rights commissions. When claims of discrimination are made by residents in accordance with their individual anti-discrimination laws, these cities cannot always investigate those claims."
- A bill that has been drafted in response to language included in HB 64, the most recent state operating budget bill that unconstitutionally stripped Ohio municipal Home Rule authority to regulate and maintain buffers around municipal drinking water reservoirs. HB 304, sponsored by Reps. Mike Stinziano (D-Columbus) and David Leland (D-Grandview Heights) eliminates the new state statute that would require a municipality to allow an owner of property that is contiguous to property that constitutes a buffer around a body of water to interfere with the municipal stewardship of the land. The bill also eliminates a provision included in HB 64 that would prohibit a peace officer or other official with authority to cite trespassers on property that is owned by a municipality

and that constitutes a buffer as described above from issuing a civil or criminal citation to an individual who enters the property for the sole purpose of mowing grass, weeds, or other vegetation.

Rep. Stinziano explained to committee members that, "in effect, a single amendment in H.B. 64 placed the quality of the public's drinking water in the hands of nearby residents by giving them access to alter 'buffer zones' owned by municipalities. These cities maintained certain vegetation requirements in order to naturally filter out chemicals that could enter the drinking supply."

- Another bill that addresses the issue of "double taxation", Representative Andrew Brenner (R-Delaware) presented his HB 277, legislation that would authorize a municipal corporation, county, or township to levy a tax for the establishment and operation of a 9-1-1 system in only the portion of the subdivision that would be served by the system. Only electors residing in the portion of the subdivision subject to the tax would be permitted to vote on the question of the levy. Under current law, a subdivision may levy a tax to establish and operate a 9-1-1 system, and, even when only a portion of the subdivision is served by the system, all electors of the subdivision are permitted to vote on the question of the levy and the tax applies throughout the entirety of the subdivision. In his sponsor's testimony, Rep. Brenner explained that Ohio Revised Code will not allow for subdivisions to be carved out of a tax district. House Bill 277 would allow for the exclusion of territory that will not be served by a 911 system, and only tax those within the area served by the 911 system.

## **2020 TAX POLICY STUDY COMMISSION HOLDS SECOND MEETING; MUNICIPAL TAXATION ENTERS CONVERSATION**

A legislative tax study committee met this week to begin the process of examining issues associated with the feasibility of Ohio revamping the current income tax structure from a graduated tier system to a flat tax, further review of the existing severance tax and the future of the Ohio Historical Preservation Tax Credit. The 2020 Tax Policy Study Commission, chaired by Sen. Bob Peterson (R-Washington Courthouse) and Rep. Jeff McClain (R-Upper Sandusky) received testimony Thursday from three witnesses, Richard Vedder, distinguished professor of economics emeritus at Ohio University, and two representatives of the National Federation of Independent Businesses (NFIB), Albert Macre, CPA of Steubenville, and Steve Bowser of the engineering firm Bowser-Morner, Inc. The witnesses generally talked about the overall universe of state tax issues such as how the CAT tax is working, how a flat tax could be accomplished, how other states have modified their tax administrative practices and the outcomes that have resulted or not resulted, including general opinions of how the state should proceed in making tax policy adjustments.

Invariably, although not part of the charge assigned to the tax study committee, the issue of municipal taxation was addressed by the business witnesses, as part of their prepared testimony. The CPA shared with committee members that he looks forward to the changes coming through the implementation of municipal income tax "reforms" included in HB5 while the business owner feels the reform measure did not go far enough and that conforming with employee tax liability withholding requirements remains very onerous for his organization and feels that this requirement to contribute to the financial support for services his workers enjoy while working in various Ohio municipalities puts his company at an "noncompetitive" disadvantage.

Following the testimony by the three witnesses, a discussion ensued regarding levels of local taxation and how they affect the state's overall tax exposure ranking. The comments were offered by commission panelist Tim

Keen, Director of Ohio Budget and Management, part of the Governor's administration, who observed that, "municipal income taxes continue to only climb higher, the various piggy-back taxes that are being applied by counties on sales taxes and the taxing authority of local school districts, all accumulates to add tremendous pressure on taxpayers and inflates the state's overall tax rating as compared with other states and through the Tax Foundations scoring system." Mr. Keen implored the panel to widen the scope of issues to be considered by the review panel to include what to do about the growing local tax issues.

League staff present at the hearing found that comment interesting and a little perplexing that there is now a concern for the "tax shift" that has and continues to take place through-out the state followed by the recommendation that something must be "done about it" by the Ohio legislature. It may be lost on the OBM Director, who was one of the lead spokesman for the administration cheerleading the policy decisions of 2010 that included slashing the Local Government Fund (LGF) by more than half and the elimination the Ohio's Estate Tax, depriving cities and villages of nearly \$250 million annually, compounding the financial pain of already depleted municipal budgets. It is the hope of the league that the legislature will address the current inequities of past revenue sharing policy changes and will accept that when the state withdraws from decades old revenue sharing agreements and makes other tax policy changes that have the effect of draining already scarce local revenues away from our service providing cities and villages, that these changes do not occur in a vacuum and that residents and businesses suffer.

### **LEGISLATURE TO RECESS NEXT WEEK IN OBSERVANCE OF THANKSGIVING**

Due to the upcoming Holiday next week, there is only one committee that has announced a hearing schedule for next week, which is listed below. If there are any changes to the committee schedule, we will be sure to post those to our website Monday. The league will not produce a legislative bulletin next week and will resume our reporting of legislative activity the following week.

Please note the OML offices will be Closed November 26th & 27th, 2016.  
Have a safe and enjoyable Thanksgiving.~

**November 13, 2015**

## **BILL EXPANDING BWC CANCER COVERAGE FOR FIREFIGHTERS RECEIVES SECOND HEARING**

The Ohio General Assembly has been rather quiet the last several weeks with the November 3rd General election keeping members in their legislative districts that week and the abbreviated legislative schedule this week due to Veterans Day. The committee schedule released for next week, provided at the end of our bulletin, shows that the level of legislative activity will ramp-up to full speed with many bills receiving attention that have municipal interests.

Although activity at the Statehouse has been minimal, the Senate Insurance Committee met this week to hear a bill we are tracking closely, SB 27, legislation introduced by Senator Tom Patton (R-Strongsville). The legislation, which has been introduced in the past four legislative sessions, received a second hearing on Tuesday, when a handful of firefighters presented testimony in support of the proposal.

As currently drafted, SB 27 would provide that a firefighter who is disabled as a result of specific types of cancer is presumed for the purposes of the laws governing workers' compensation and the Ohio Police and Fire Pension Fund (OP&F) to have incurred the cancer while performing the required duties of a firefighter. Firefighters must have been assigned to at least three years of "hazardous duty" (defined as duty performed under the circumstances in which an accident could result in serious injury or death) for the presumption to apply. The specific types of cancer which would be included in the expanded coverage include: cancer of the lung, brain, kidney, bladder, rectum, stomach, skin, or prostate; Non-Hodgkin's lymphoma; Leukemia; multiple myeloma; testicular or colorectal cancer.

Although the financial impact to municipal budgets is currently unknown, based on an analysis prepared by the Legislative Service Commission (LSC), it is projected that the annual cost of providing this benefit to qualifying recipients at approximately \$87 million. From data provided through the U.S. Fire Department Census and the OP&F Pension Fund, there are approximately 70,000 active and retired career and volunteer firefighters in Ohio.

SB 27 also allows the presumption created by the bill to be subject to challenge or rebuttal upon the presentation of competent or affirmative evidence to the contrary of the presumption or if the cancer was revealed during the firefighter's entrance physical examination. The legislation as drafted is not retroactive and would only apply to applications for disability benefits filed on or after the bill's effective date.

We would encourage any of our members who may have thoughts on the effects of this legislation to contact their state Representative or Senator and share those issues with them. The bill is not scheduled for a hearing next week in the Senate Insurance Committee, but we will be sure to keep our members aware of any future hearings on the matter.

Below is the list of announced committee hearings for next week. You will notice that the House Local Government Committee has six bills directly related to Ohio municipalities scheduled for hearings next week. If there are additions to the schedule, we will post those changes to our website Monday.

Have a safe weekend~

**October 30, 2015**

## **OML ANNUAL CONFERENCE LAST WEEK A SUCCESS; BOARD TAKES POSITIONS ON STATE BALLOT ISSUES 2 & 3**

The Ohio Municipal League held its 64th Annual Conference last week at the Renaissance Hotel in downtown Columbus, hosting a great turn-out of municipal officials from across the state, who were interested in learning about current administrative "best practices" in addressing issues related to employment matters, environmental regulations and other opportunities to make communities run more efficiently. We want to thank all those who attended the conference, individuals and organizations that helped present information for our work sessions and to our great group of vendors who make the two day exhibition show a big success. The last day of the conference was dedicated to a review of components of HB5, the municipal income tax reform bill, for those that needed assistance with final clarifications on several complicated new changes being mandated by the state legislature before the revised tax ordinances are enacted by the beginning of next year. The league thanks the municipal tax experts who participated in the panel discussion to help address the administrative questions that remain.

As part of the annual conference, the OML Board of Trustees met on Wednesday to address league matters before the board which included the review and adoption of positions on two of the upcoming state ballot issues voters will be facing in next week's election. After careful and lengthy deliberations, the OML Board of Trustees voted to support Issue 2, the amendment by the Ohio General Assembly to prevent the establishment of economic monopolies in the Ohio Constitution and moved to oppose Issue 3, the initiative to legalization the sale and use of medical and recreational marijuana. Copies of the Resolutions adopted by the board in support and opposition of the state issues can be found on our website [HERE](#).

In comments following the action taken by the board, Jim Bodenmiller, OML Board President and Springfield's City Manager said, "If Issue 3 were successfully passed, it is our feeling that this would unfairly place a monopoly in the Ohio Constitution, providing exclusive benefits to a small group of investors and bringing harm to Ohio's business community while increasing challenges for local officials." In support of Issue 2, President Bodenmiller remarked, "It is the Board's position that the Ohio Constitution should never be a tool for a select group of individuals to receive unfair economic advantage over any other Ohioan."

## **BILLS MOVE CORRECTING LANGUAGE IN RECENT STATE BUDGET**

In the Ohio House this week, legislative action was taken to make several changes to the recently passed HB64, the state's two year operating budget enacted into law July 1st, some of which affect municipalities. By a unanimous vote, Rep. Amstutz (R-Wooster) won the House's approval of his HB 340 which has been sent to the Ohio Senate for their consideration. HB 340 addresses an oversight in the recent state budget that failed to extend the sunset on the Local Government Innovation Council (LGIC), forcing the extinction of the popular program at the end of the year. The legislation, passed with an emergency clause ensuring the bill becomes effective upon the Governor's signature, sets the new sunset date for the council and the availability of financial assistance to communities towards purchasing vehicles, equipment, facilities or systems for public safety

improvements at December 31, 2019. More information about the opportunities for assistance through the council and to learn more about a special program being offered called Lean Ohio Boot Camp, visit the Ohio Development Services Agency website page:  
[http://development.ohio.gov/cs/cs\\_localgovfund.htm](http://development.ohio.gov/cs/cs_localgovfund.htm).

Another bill, Sen. Beagle's (R-Beavercreek) SB 208, introduced for the purpose of addressing another error in the HB 64, moved through the legislative process in less than two months and was adopted by the Ohio House by a vote of 84-6. Once received by the Ohio Senate, the bill originally introduced to fix language in HB 64 that creates a flat tax for small businesses, which inadvertently would have led to a projected \$52 million tax increase for some Ohio small businesses, was quickly approved and is awaiting the Governor's signature.

The Legislative Service Commission (LSC) has determined through their Fiscal Note and Local Impact Statement ([www.legislature.ohio.gov/legislation/legislation-documents?id=GA131-SB-208](http://www.legislature.ohio.gov/legislation/legislation-documents?id=GA131-SB-208)) that accompanies the final version of SB 208, that this change in the personal income tax code will create a revenue loss for the state, estimated for Fiscal Year 2016 to reduce the state General Revenue Fund (GRF) by an estimated \$75 to \$81 million. **This "modification" will in turn create a revenue loss in FY 2016 for the Local Government Fund (LGF) and the Public Library Fund (PLF) estimated to be between \$1.3 million and \$1.4 million.** The report states that beginning in FY 2017 and years thereafter, the combined revenues for these two funds will be reduced by an estimated \$300,000.

Along the way as part of the legislative process, an amendment was added to SB 208 restoring language previously vetoed by Governor Kasich which would have provided Ohio school districts with a new Tangible Personal Property (TPP) supplemental reimbursement fund. The fund, vetoed by the Governor, would have provided school districts up to \$84 million in relief due to the accelerated phase-out and elimination of the TPP reimbursement program, keeping school districts financially "whole" through 2017. Because of the action taken by the Governor and vocal opposition from school leaders across the state, through SB 208 the legislature added language returning \$44 million from the previously appropriated cash in the state budget directed to the School District TPP Supplemental Fund, to school districts. League staff and municipal officials from across the state talked with members of the legislature, asking that relief also be given to local governments negatively impacted by the elimination of the TPP reimbursement schedule but the message was delivered that the money going to the school districts was not "new money" but had previously been budgeted as part of the legislature's spending package and that agreements had been made to only limit the relief to schools impacted by the veto action.

During Tuesday's Ohio House session, another bill offering assistance to Ohio communities was unanimously passed and sent to the Senate. HB 223, legislation introduced by Rep. Kirk Schuring (R-Canton) will authorize municipal corporations to create Downtown Redevelopment Districts (DRD) and Innovation Districts (ID) for the purpose of promoting job creation through the rehabilitation of historic buildings and encouraging economic development in commercial and mixed-use areas. The legislation adopted by the Ohio House would allow for up to 70% of the additional property taxes from the appreciated value of an historic preservation project to be diverted to finance such things as the promotion of activity within the Downtown Redevelopment District (DRD) and to establish revolving loans for other businesses in the district or for infrastructure improvements or debt service on construction loans. This funding mechanism can be used to support economic activity in the districts, serving as a building block to revitalize municipal downtowns interested in supporting this new activity. The Innovation District component of the proposal will use a 100 gigabyte broadband connection to facilitate IT research and development in the form of incubators and business accelerators, attracting the interest of leading-edge businesses and the talented workforce that accompany them.

Other provisions of the bill would: require that an ordinance creating a DRD describe the area included in the district, the number of years the district will exist, and an economic development plan; requires the municipalities to hold a public hearing on the proposed DRD ordinance and give notice of the hearing to each

property owner in the district; requires that the territory of a DRD contain at least one historic building and prohibits the inclusion of areas used exclusively for residential purposes; and restricts the lifetime of DRD exemptions to ten years or, with the approval or reimbursement of affected school districts, 30 years.

The league supported the legislation through committee testimony in the House and looks forward to the Senate's favorable review.

## **LAKE ERIE CAUCUS CONVENES TO CONSIDER BOND PROPOSALS TO PROTECT OHIO WATER SYSTEMS**

The first meeting of an informal legislative panel met this week to consider plans on how best to address the statewide water quality problem that has been pervasive for years due to the expansion of blue-green algae exposures in public drinking water systems and continued threats to Ohio's aquatic assets including Lake Erie, the Ohio River, Grand Lake St. Mary and other state waters. The Lake Erie Caucus, a bipartisan committee made up of legislators who mainly represent areas included in the Lake Erie region met to hear two proposals which would initiate proposed statewide ballot issues seeking to generate the issuance of bonds to fund sewer and water quality programs.

The first initiative was presented by caucus member Senate Minority Leader Senator Joe Schiavoni (D-Youngstown) in the form of SJR 3, a bi-partisanly co-sponsored Senate Joint Resolution currently awaiting a first hearing in the Senate Finance Committee, if passed by the Ohio General Assembly would place before Ohio voters via a statewide ballot issue a proposal to initiate a \$1 billion dollar bond issue for 10 years with a \$100 million annual distribution level, focusing on underground infrastructure projects such as water and sewer systems including capital improvement plans primarily addressing sewage overflow problems. Senator Schiavoni told his fellow caucus members that his plan is to have the measure before voters on the March 15, 2016 ballot, so that funding and projects can begin immediately. That timeframe leaves a tight legislative window to get the measure through the General Assembly, prompting the legislature to pass the Resolution by mid-December. Leader Schiavoni stated that the bonding program would be comparable to the state's public works program renewed by voters last year through Issue 2, the reauthorization of \$1.9 billion bonding program for Ohio roads and bridges.

The second proposal was presented by representatives of a mainly agricultural based organization called Healthy Water Ohio, which was formed in 2013 to develop a long-term water management plan for the state. The organization is promoting the idea of the creating the Ohio Water Trust, whose goal would be to raise \$250 million a year to fund research, monitoring, infrastructure improvements and a public awareness campaign. As explained to caucus members, the primary focus of the bonding measure would be on agriculture, natural resources and community projects, with a concentration towards smaller local projects and not large-scale infrastructure projects that could eat-up all of the available funding. The group said that from the \$250 million figure, \$100 million would come from a voter-approved bonding issue while the remainder would be generated from user fees, private contributions and other sources.

## **ANNOUNCING THE RETIREMENT OF JOHN E. GOTHERMAN**

Effective September 30, 2015 John Gotherman assumed the position of Co-Legal Counsel of the Ohio Municipal League until his announced retirement to take effect November 30, 2015. The OML Executive Director has named Garry Hunter as General Counsel effective September 30, 2015.

John Gotherman is the dean of The Ohio Municipal Lawyers. He has been legal counsel to the Ohio Municipal League for the past 50 plus years and has been on countless amicus briefs in cases before the Supreme Court of

Ohio involving cities and villages. He is a tireless champion of Home Rule and that is an understatement. John's areas of municipal specialization include serving as Bond Counsel, advising over 50 Municipal Charter Commissions and Charter Review Commissions, serving as the mentor and voice of the Ohio Municipal Attorneys Association for the past 30 plus years and other accomplishments too numerous to list. John even served as a municipal official in the early part of his career.

As stated above Garry Hunter will be succeeding John as OML General Counsel. Garry is a local government attorney with over forty-one years' experience. He was elected Law Director for the City of Athens, Ohio for thirty years and has experience representing a regional jail, school districts, and a solid waste district. He is an experienced local government consultant on countless issues, having authored over eighty-five articles.

Please join us in wishing John and his family the very best in his retirement and we appreciate and are grateful for his years of service to all of Ohio.

### **LEGISLATURE TAKES A BREAK NEXT WEEK FOR GENERAL ELECTION**

The General Assembly has a very light schedule for next week. As of Friday morning, only one committee has announced a hearing for next week and it does not include any bills of municipal interest. If there are changes to the schedule we will post those on our website Monday.

We wish everyone a safe weekend and hope those municipal officials seeking to continue their service the best of luck on Tuesday and success to issues important to your communities.~

**October 16, 2015**

## **OHIO EPA SEEKS COMMENT ON PROPOSED HARMFUL ALGAE BLOOM (HAB) RULES**

The Ohio Environmental Protection Agency (Ohio EPA) announced Thursday it has opened an initial comment period related to the agency's new draft rules for public drinking water systems and laboratories as it relates to the reporting and monitoring of harmful algae blooms (HABs). Confirmed reports of these blue green HABs growing in Ohio's lakes, reservoirs and rivers were common this summer, including the toxic algae water crisis in Toledo.

"Current reporting programs are voluntary, and therefore the full scale of HABs across Ohio remains unknown. If adopted, these new administrative rules could assist Ohio EPA in better understanding the extent to which HABs are growing across the state, and ensuring greater protection for customers of all public water systems that use surface water as their source," the agency said in a recent news release.

The issues addressed in the proposed rules revisions include the following: - Establishing microcystins action levels in drinking water based on the U.S. Environmental Protection Agency's health advisory levels; setting HAB screening, microcystins monitoring and reporting requirements for public water systems (PWS) that use surface water as their source; requiring increased monitoring based on detections of microcystins above 5 micrograms per liter in the raw water or exceedances of action levels in drinking water; requiring PWSs to submit written HAB treatment optimization protocols if microcystins are detected in raw or finished drinking water. Additionally, PWSs may be required to submit an HAB general plan with one or a combination of source water protection activities, reservoir management and in-plant treatment technologies; requiring public notification in cases of monitoring violations and exceedances of action levels in drinking water, as well as consumer confidence reports; establishing requirements for laboratory certification, analytical techniques and reporting deadlines.

Below is a link to the OEPA website that hosts the HAB rule information and that listservs for each of the OEPA division rules. To access the information, scroll down to the drinking and ground water rules.

Link to the HAB rule information: <http://epa.ohio.gov/ddagw/rules.aspx#habs>

Link to the listservs: <http://ohioepa.custhelp.com/ci/documents/detail/2/subscriptionpage>

Comments are due by October 23 and can be sent to:  
[DDAGW\\_RULECOMMENTS@epa.ohio.gov](mailto:DDAGW_RULECOMMENTS@epa.ohio.gov).

**A MESSAGE FROM THE OHIO EPA REGARDING THE 2016 RECYCLING & LITTER PREVENTION GRANT INFORMATIONAL MEETING - OCTOBER 29, 2015**

Ohio EPA will host an informational meeting on the 2016 Recycling & Litter Prevention Grant application process on Thursday, October 29, 2015. The informational meeting will be held at 10:00 a.m. at the Ohio Department of Natural Resources, 2045 Morse Road, Columbus, OH 43229, Assembly Center (Building E). There is no registration required; however, those attending are required to bring a photo Identification. In addition, an informational webinar will be held on November 18, 2015 (please see our website, [www.recycleohio.gov](http://www.recycleohio.gov), for further details).

The following competitive grants provide opportunities for communities, local governments, businesses and nonprofit organizations to establish and implement recycling, market development, litter prevention and scrap tire recycling programs.

\* Community Development Grant: This funding allows Ohio communities to support and expand community recycling and litter prevention efforts. Grants provide funding for new equipment infrastructure for collection and materials processing, involving materials such as aluminum, construction and demolition debris, deconstruction material, electronics, glass, paint, paper-based materials, pharmaceuticals, plastics and wood waste. Those eligible to apply include municipal corporations, counties, townships, villages, state colleges or universities, solid waste management districts and authorities, park districts, health districts and state-wide recycling and litter prevention trade associations. The grant requires fifty percent (50%) matching funds to be available.

\* Litter Management Grant: This program accepts grant applications from Ohio communities and nonprofit organizations to support litter and tire amnesty collection projects. Grant proposals must include an actual cleanup activity to take place on public land or public waterways, and involve the use of volunteers. In addition to local government entities, Keep Ohio Beautiful affiliates, boards of education and nonprofit organizations are also eligible. The grant requires a ten percent (10%) match.

\* Market Development Grant: These funds are offered to Ohio businesses and nonprofit organizations that propose to create equipment infrastructure for successful markets of recyclable materials and related products. The program seeks proposals involving materials collected or processed in Ohio. Applicants must be sponsored by an eligible governmental agency who will serve as the grant applicant and a pass-through agency for documenting and receiving funds. The business or nonprofit organization must commit to provide one hundred percent (100%) matching funds.

\* Scrap Tire Grant: This program provides financial assistance to Ohio's local government entities and Ohio businesses to convert manufacturing operations to accept scrap tire material, expand tire processing operations, or utilize scrap tire material in civil engineering projects or manufactured products. Businesses or non-profit organizations may also receive scrap tire market development funding, but must secure a local government sponsor to serve as the grant applicant. The grant requires a commitment to provide one hundred percent (100%) matching funds.

Grant applications for all programs are due February 1, 2016. Grant awards will be announced in April 2016, with funding available in July 2016. Additional information can be found at [www.recycleohio.gov](http://www.recycleohio.gov) or by contacting Chet Chaney, Environmental Supervisor, Ohio EPA at [chet.chaney@epa.ohio.gov](mailto:chet.chaney@epa.ohio.gov) or by calling (614) 728-0043, or by contacting Marie Barnett, Grants Administrator, Ohio EPA at [marie.barnett@epa.ohio.gov](mailto:marie.barnett@epa.ohio.gov) or by calling (614) 705-1019.

## LEGISLATIVE SCHEDULE FOR REMAINDER OF 2015

The following provides a composite of the schedules for both the Ohio House and Senate for the remainder of the year. Unless otherwise notified, Senate sessions start at 1:30 p.m. on Tuesdays and Wednesdays and 11 a.m. on Thursdays, while the House meets at 11 a.m. on Tuesdays, 1:30 p.m. on Wednesdays and 1 p.m. on Thursdays. Dates and times are subject to change.

- Tuesday, Oct. 20 & Wednesday Oct.21- Senate Session only
- Tuesday, Oct. 27 & Wednesday, Oct. 28 - Senate Committee Hearings
- Wednesday, Nov. 4 - Senate Committee Hearings
- Tuesday, Nov. 10 - Senate Session/House Session (if needed)
- Tuesday, Nov. 17 & Wednesday, Nov. 18 - Sessions
- Tuesday, Dec. 1 - Senate Session/House Session (if needed) Wednesday, Dec. 2 - Sessions
- Tuesday, Dec. 8 & Wednesday, Dec. 9 - Sessions
- Tuesday, Dec. 15 & Wednesday, Dec. 16 - Senate Sessions (if needed)

### **New Introductions**

Below is a list of bills introduced this week in the Ohio House and Senate followed by next week's committee schedule for bills the league is tracking. If there are additions or changes to the committee schedule, those will be posted to our website Monday.

Have a safe weekend~

### **New bills in the Ohio House and Senate:**

HB 362 STRANGULATION (Stinziano, M., Kunze, S.) To prohibit a person from knowingly impeding the normal breathing or circulation of another by strangulation. Am. 2929.14 and to enact section 2903.17

HB 363 JUVENILE HEARINGS (Reece, A.) To require restraints to be removed from an alleged or adjudicated delinquent child prior to the commencement of a juvenile court hearing or proceeding unless the court determines that the use of restraints is necessary to prevent physical harm to the child or another person or to prevent the child from escaping. Am. 2151.351

HB 364 ROAD NAMING (Ginter, T.) To designate a portion of State Route 7 within Columbiana County as the "Corporal William F. Bratt Memorial Highway." Am. 5534.24

HB 365 MOBILITY AID TRANSPORTATION (Kuhns, C., Romanchuk, M.) To modify the provisions governing the transport of persons who may use a wheelchair or other mobility aid. Am. 4766.01 and 4766.04

SB 225 AWARENESS DAY (Bacon, K.) To designate the first day of June as "Hypoparathyroidism Awareness Day." Am. 5.232

SB 226 DEBT ADJUSTING (Seitz, B.) Regarding debt adjusting. Am. 4710.01 and to enact section 4710.05

SB 227 ATTORNEY GENERAL (Bacon, K.) To make various changes to the laws governing the duties and functions of the Attorney General. Am. 9.02, 109.08, 109.081, 109.43, 109.521, 109.57, 109.572, 109.578, 109.60, 109.85, 109.86, 149.43, 1331.01, 1331.04, 1331.99, 1345.02, 1345.03, 1345.031, 1345.07, 1345.21, 1345.23, 1345.24, 1345.43, 1345.44, 1349.43, 1716.02, 1716.05, 1716.07, 2743.191, 2743.56, 2743.71,

2746.02, 2901.01, 2923.02, 2923.31, 2923.32, 2953.32, 2981.13, and 5302.221, to enact sections 9.28, 177.05, 1331.17, and 2945.63, and to repeal section 1331.05

**SB 228 NONCOMPETE AGREEMENTS (Williams, S.)** To prohibit the use of noncompete provisions in employment contracts in the broadcasting industry. Am. 4113.66

**SB 229 TRAIN CREWS (Schiavoni, J., Yuko, K.)** To require the crews of freight trains to consist of at least two individuals. En. 4999.09.

**October 9, 2015**

## **HEARINGS BEGIN AND RESUME FOR BILLS RELATED TO LOCAL ISSUES**

This week, the Ohio legislature ramped-up their committee hearing schedules, diving back into legislative proposals previously considered before adjourning for the summer recess with several of the bills on committee dockets dealing with issues affecting Ohio's local governments.

The Ohio House Insurance committee held a first hearing, sponsor's testimony only on HB 292, legislation recently introduced by Rep. Christine Hagan (R-Canton) which provides that a firefighter who is disabled as a result of specified types of cancer is presumed for purposes of the laws governing workers' compensation and the Ohio Police and Fire Pension Fund to have incurred the cancer while performing official duties as a firefighter. Rep. Hagan said the bill would ensure care for firefighters with certain types of cancer presumed to be caused by carcinogens during the performance of their duties. Committee members peppered the sponsor with questions concerning the cost to rate payers for the expanded coverage while other committee members were concerned with definitions in the bill including a request for greater clarification of what "exposure rates" consist of and what determines an exposure rate to be considered "significant". The sponsor shared with committee members that Ohio BWC has determined the expansion of the proposed coverage to be estimated annually at \$87 million, which is a conservative estimate, and Rep. Hagan shared with committee members that exposure varies wildly from person to person based on the environments the firefighter is working in, whether or not the firefighter properly manages equipment, and the firefighter's physical condition.

The Senate State and Local Government committee held a second hearing on HB 237, Reps. Mike Duffey (R-Worthington) and Bob Hackett (R-London) bill which would among other things, usurp local regulatory authorities by establishing statewide governance of Transportation Network Companies (TNCs), such as Uber or Lyft-style ride sharing businesses, TNC drivers, and the services provided by TNCs. The hearing was held for proponents of the bill and included testimony from a representative of Uber explaining to committee members how the legislation will allow their operations to expand to every city and village in Ohio by streamlining among other things, background check and vehicle inspection processes of people who sign up to be commercial drivers and determine appropriate insurance requirements. One committee member asked the Uber official whether the requirements and provisions of this bill should apply to competitors as well, including taxi drivers. The league would strongly oppose any alteration to the legislation removing current Home Rule authorities provided Ohio municipalities in regulating and inspecting taxi cab, limousine or other commercial passenger ride businesses or services, and handing this consumer protection authority over to the state.

Also on Tuesday, the House Government Accountability & Oversight committee held a third hearing for Rep. Kirk Schuring's HB 233, legislation the league previously testified in support of, authorizing municipal corporations to create downtown redevelopment districts and innovation districts for the purposes of promoting the rehabilitation of historic buildings, creating jobs, encouraging economic development in commercial and mixed-use areas, and supporting grants and loans to technology-oriented and other businesses. We appreciate the local officials who came to the committee hearing to show their support for the proposal and for those that shared with committee members that communities are seeking tools like those in the bill to help foster private sector redevelopment in central business districts. The league would encourage other municipal officials who

may have an opinion on the legislation to contact their state Representatives and Senators and share with them your interests.

On Wednesday, the Senate Civil Justice committee held a second hearing, proponents only, on SB 201, a bill introduced by Sen. Jim Hughes (R-Columbus) to expand Ohio's nuisance law to apply to any real property, including vacant land, on which an offense of violence has occurred or is occurring. Specifically, the legislation, would add acts of violence to the list of offenses that allow a property to be declared a nuisance. Much of the discussion in the hearing surrounded concerns that the measure may infringe on the rights of private property owners who may be exposed to circumstances that may be included in the expanded classification. Committee members heard from witnesses including municipal officials who assured committee members that laws and safeguards are currently firmly in place to protect innocent property owners, and SB201 would not alter these laws.

### **ATTORNEY GENERAL DEWINE ANNOUNCES ROCK SALT SETTLEMENT FUNDS SENT TO 850 OHIO ENTITIES**

Ohio Attorney General Mike DeWine announced that his office is sending checks to 850 Ohio public entities as part of the Attorney General's \$11.5 million settlement to resolve an antitrust lawsuit against Cargill Inc. and Morton Salt Inc. over past rock salt prices.

The complete list of award recipients can be found [HERE](#).

Attorney General DeWine's settlement with Cargill and Morton Salt resolved a 2012 lawsuit accusing the companies of dividing up the Ohio rock salt market and agreeing not to compete with each other for public bids during a period ending in 2010. Although Morton and Cargill admitted no wrongdoing, they agreed to pay \$11.5 million to resolve the state's case.

Of the total settlement, about \$6.8 million was available to local governments. Additional payments were allotted to the state's largest single rock salt purchaser - the Ohio Department of Transportation (\$1.7 million), the Ohio Turnpike Commission (\$174,435), and, as required by law, the state's antitrust fund.

The office received eligible claims from 848 Ohio public entities, each of which is receiving a check. Distribution amounts were calculated at a percentage of an entity's total eligible rock salt purchase. To ensure that no entity received a check for just a few dollars, entities were guaranteed at least a minimum distribution of \$500, except for one entity whose total purchase was just \$319.

All public entities in Ohio can receive free help from the Ohio Attorney General's Antitrust Section to detect possible anti-competitive activity. For more information, entities can contact the Ohio Attorney General's Office at [www.OhioAttorneyGeneral.gov](http://www.OhioAttorneyGeneral.gov) or 800-282-0515.

### **NATIONAL CIVIC LEAGUE ANNOUNCES APPLICATIONS FOR 2016 ALL-AMERICAN CITIES AWARD**

Since 1949, the National Civic League has designated 10 communities each year as All-America Cities for their outstanding civic accomplishments. All-America Cities are collaborative innovators who are willing to put in the hard work to tackle today's most crucial local issues. To win, each community identifies three local efforts targeting pressing community challenges, together these projects should demonstrate innovation, impact, inclusiveness, civic engagement, and cross sector collaboration. I believe your community embodies the All-America City spirit and I encourage you to consider applying.

The 2016 award will spotlight programs that ensure all children are healthy and supported to succeed in school and life. Unlike any other event, the All-America City Experience, provides participants with lasting connections with community members and peers across the country, in-depth learning opportunities, and fun, energizing events!

Find more information on the award and how to apply at <http://www.nationalcivicleague.org/the-all-america-city-award/>

## **BILL INTRODUCTIONS AND UPCOMING COMMITTEE SCHEDULE**

Below is a list of new bills that have been introduced in the Ohio House and Senate followed by next week's hearing schedule for legislative committees.

Have a safe weekend~

### **New Bills in the Ohio House:**

HB 338

ROAD NAMING (Romanchuk, M.) To designate a portion of I-71 in Richland County as the "Lt. Col. Albert L. Allen, Jr. Memorial Highway." Am. 5534.29

HB 339

FOREIGN LAW (Young, R.) To prohibit courts, administrative agencies, and arbitrators from applying foreign law to the detriment of constitutional rights under the United States and Ohio constitutions. Am. 2701.01

HB 340

INNOVATION COUNCIL (Amstutz, R.) To extend the operation of the Local Government Innovation Council until December 31, 2019, and to declare an emergency. Am. 189.10

HB 341

TRANSPORTATION LAWS (Young, R., Sweeney, M.) To require the Public Utilities Commission to raise the existing statutorily designated towing and storage fees annually by the percentage increase in the consumer price index, to establish a \$35 fee for the retrieval of nonmedical personal items from a motor vehicle, to modify the civil penalties applicable to violations of the towing law, to modify the calculation of the value of an abandoned vehicle to which a towing service or storage facility seeks to take title, and to make other changes to the towing law. Am. 4505.101, 4513.60, 4513.601, 4513.61, 4513.611, 4513.68, and 4921.25 and to enact sections 4505.103 and 4511.044

HB 342

WINERY PERMITS (Young, R.) To create the Ohio Farm Winery Permit. Am. 4301.12, 4301.13, 4301.24, 4301.30, 4301.355, 4301.43, 4301.432, 4301.47, 4301.62, 4301.82, 4301.83, 4303.021, 4303.07, 4303.10, 4303.182, 4303.204, 4303.33, 4303.333, and 5709.55 and to enact section 4303.031

HB 343

TAX EXEMPTION (Young, R., Romanchuk, M.) To exempt employment services and employment placement services from sales and use tax. Am. 5739.01, 5739.02, and 5741.01

HB 344

ADOPTION FILES (Pelanda, D.) Regarding the maintenance of and access to adoption files and social and medical histories. Am. 3107.09, 3107.17, 3107.38, 3107.39, 3705.12, and 3705.126 and to enact section 3107.395

HB 345

PRISON TERMS (Johnson, G.) To eliminate the requirement that a mandatory prison term be imposed for certain types of gross sexual imposition if evidence other than the testimony of the victim was admitted in the case, to specify that an offender who is serving a sentence imposed under that requirement may request a resentencing hearing, and to remove the requirement that a conviction for sexual imposition be supported by evidence other than the victim's testimony. Am. 2907.05 and 2907.06

HB 346

SCHOOL FUNDING (Brenner, A.) To require that each city, local, and exempted village school district receive a per-pupil amount of state funding that is at least as much as the statewide per pupil amount paid for chartered nonpublic schools in Auxiliary Services funds and for administrative cost reimbursement, and to make an appropriation. Am. 3317.022

HB 347

CIVIL FORFEITURES (McColley, R., Brinkman, T.) To eliminate civil asset forfeiture proceedings and to modify the law governing criminal asset forfeitures. Am. 2923.36, 2981.01, 2981.02, 2981.03, 2981.04, 2981.06, 2981.08, 2981.09, 2981.11, 2981.12, 2981.13, and 2981.14 and to repeal section 2981.05

HB 348

ROAD NAMING (Buchy, J.) To designate a portion of State Route 571 within Darke County as the "196th Light Infantry Brigade SP4 Robert L Fowble Jr and PFC Jack E Beam Memorial Highway." En. 5534.24

HB 349

EMISSIONS PLAN (Smith, R., Ginter, T.) To require the Environmental Protection Agency to submit a state plan governing carbon dioxide emissions to the General Assembly prior to submitting it to the United States Environmental Protection Agency, and to declare an emergency. Am. 3704.10

HB 350

AUTISM TREATMENT (Grossman, C., Terhar, L.) To mandate coverage of autism treatment. Am. 1739.05 and to enact sections 1751.84 and 3923.84

HB 351

LIQUOR LAWS (Perales, R., DeVitis, T.) To increase the amount of spirituous liquor that an A-3a liquor permit holder may annually manufacture and to allow an A-3a permit holder to obtain an A-1-A liquor permit. Am. 4303.021 and 4303.041

HB 352

MONTH DESIGNATION (Johnson, T.) To designate April as "Osteopathic Medicine Recognition Month." En. 5.256

HB 353

SEX OFFENDERS (Ruhl, M.) To require a sheriff to mail a notice to every adult member of a household where a person who is required to register as a sex offender resides informing those household members that the person has committed a sexually oriented offense or a child-victim oriented offense. Am. 2950.04, 2950.041, and 2950.99

HB 354

DAY DESIGNATION (Kuhns, C.) To designate the third day of October as Ezzard Charles Day. En. 5.256

HB 355

EMPLOYEE DEFINITION (Retherford, W.) To create a generally uniform definition of employee for specified labor laws and to prohibit employee misclassification under those laws. Am. 1349.61, 4121.01, 4123.01, 4123.026, 4141.01, and 5747.01 and to enact sections 4175.01, 4175.02, 4175.03, 4175.04, 4175.05, 4175.06, 4175.061, 4175.07, and 4175.99

HB 356

ABORTION (Celebrezze, N., Johnson, G.) To permit using state resources to provide abortion care. Am. 109.921, 3701.046, 3727.60, and 5101.55 and to repeal sections 9.04, 3701.511, 5101.56, and 5101.57

HB 357

ABORTION WAITING PERIOD (Johnson, G., Smith, K.) To remove waiting-period restrictions on when a woman can obtain an abortion and to repeal requirements governing the provision of notice to a woman's relative, custodian, or guardian, if the woman is seeking an abortion and is pregnant, unmarried, a minor, and unemancipated. Am. 2317.56, 2919.12, and 2919.192 and to repeal section 2919.122

HB 358

SAVINGS ACCOUNTS (Dever, J., Conditt, M.) To allow an income tax deduction for contributions to ABLE savings accounts. Am. 5747.01 and to enact section 5747.78

HB 359

ADDRESS CONFIDENTIALITY (Duffey, M., Gonzales, A.) To create the address confidentiality program for victims of domestic violence, menacing by stalking, human trafficking, trafficking in persons, rape, sexual battery and other crimes. Am. 149.43, 2929.18, 2929.28, 3503.13, 3503.16, 3503.21, 3503.23, 3503.24, 3503.26, 3504.02, 3504.04, 3505.181, 3505.182, 3505.183, 3509.03, 3509.04, 3509.05, 3509.06, 3509.07, 3509.09, 3511.02, 3511.05, 3511.11, and 3511.12 and to enact sections 111.41, 111.42, 111.43, 111.44, 111.45, 111.46, 111.47, 111.48, and 111.99

HB 360

ABORTION (Celebrezze, N., Antonio, N.) To repeal the prohibitions against including abortion coverage in insurance plans purchased through the federal health insurance exchange and in health insurance policies, contracts, or plans offered to public officers and employees. Am. 3727.60 and 5101.57 and to repeal sections 9.04 and 3901.87.

HB 361

COMMUNITY EVENT FUNDING (Brenner, A.) To authorize boards of township trustees and boards of park commissioners to expend funds for the public purpose of presenting community events in their parks and at other recreational facilities. Am. 505.261, 511.23, and 755.13.

New bills in the Ohio Senate:

SB 216

TAX EXEMPTION (Burke, D., Gardner, R.) To exempt the first \$500 of prescription eyeglasses, contact lenses, and other optical aids sold by licensed dispensers from sales and use tax.

SB 217

**MILITARY SERVICE** (Eklund, J.) To permit exemptions for local officials from continuing education requirements of the office for an illness or disability or for out-of-state military service.

**SB 218**

**WAGE LEVELS** (Tavares, C.) To enact the "Fair and Acceptable Income Required (FAIR) Act" and to revise the enforcement of the prohibitions against discrimination in the payment of wages. En. 3314.03, 3326.11, 4111.04, 4111.05, 4111.06, 4111.07, 4111.09, 4111.11, 4111.12, 4111.13, 4111.17, 4111.99, and 4112.01

**SB 219**

**TAX REFUNDS** (Hughes, J.) To allow taxpayers to contribute all or a portion of their income tax refunds to a Metropark. Am. 5747.113 and to enact section 1545.30

**SB 220**

**DEFERRED COMPENSATION** (Hottinger, J.) To authorize the Ohio Public Employees Deferred Compensation Board and local governments to establish designated Roth account features and other tax-deferred or nontax-deferred features permitted for government deferred compensation plans. Am. 148.04 and 148.06

**SB 221**

**ROAD NAMING** (Schiavoni, J.) To designate a portion of State Route 7 in Mahoning County as the "Army Chief Warrant Officer Donald V. Clark Memorial Highway." Am. 5534.25

**SB 222**

**ADDRESS CONFIDENTIALITY** (Lehner, P., Williams, S.) To create an address confidentiality program for victims of domestic violence, menacing by stalking, human trafficking, trafficking in persons, rape, sexual battery, and other crimes. Am. 149.43, 2929.18, 2929.28, 3503.13, 3503.16, 3503.21, 3503.23, 3503.24, 3503.26, 3504.02, 3504.04, 3505.181, 3505.182, 3505.183, 3509.03, 3509.04, 3509.05, 3509.06, 3509.07, 3509.09, 3511.02, 3511.05, 3511.11, and 3511.12 and to enact sections 111.41, 111.42, 111.43, 111.44, 111.45, 111.46, 111.47, 111.48, and 111.99.

**SB 223**

**HEALTH BENEFITS** (Bacon, K.) To make changes to the health coverage benefit limits and coverage exclusions for life and health insurance guaranty associations. Am. 3956.01 and 3956.04.

**SB 224**

**AGRICULTURE LAWS** (Brown, E.) To revise the application and enforcement of the law governing operation and management plans, and to require certain animal feeding facilities to annually report the amount of manure that is applied by or for the facilities. Am. 939.03 and 939.07 and to enact sections 901.80 and 901.81

September 25, 2015

## LEGISLATIVE HEARINGS AND VOTING SESSIONS RESUME FOLLOWING SUMMER RECESS

Even though members of the Ohio legislature have been working mostly from their districts over the summer recess, legislators are returning to their normal legislative schedules at the Ohio Statehouse with committee hearings resuming and voting sessions back on the calendar. A few committee hearings were held last week to continue the work on bills started and temporarily put on hold while the heady budget process dominated both the House and Senate during the spring and up until the two year state operating plan was enacted July 1st. Now that the legislative recess is over, the league expects work will resume on legislation introduced this session that will have an impact on Ohio cities and villages which include:

HB130, legislation introduced by Reps. Mike Duffey and Christine Hagan which would create a Data Ohio Board which would establish rules to specify requirements for posting public records online and to require the Auditor of State to adopt rules regarding a uniform accounting system for public offices, among other changes. The bill has received five hearings in the House State Government Committee.

HB 134, a bill introduced by Reps. Cheryl Grossman and Mike Curtain which would establish summary actions to foreclose mortgages on vacant and abandoned residential properties, and expedite the foreclosure and transfer of unoccupied, blighted parcels, among other changes. The bill was reported out of the House Financial Institutions, Housing and Urban Development committee and sent to the floor of the Ohio House where it was then re-referred to the House Judiciary committee, for more committee attention.

HB 182, legislation sponsored by Rep. Kirk Schuring which seeks to make changes to the current Joint Economic Development District (JEDD) law by allowing the creation of the economic development agreements for purposes of redevelopment, among other things. The bill has received three hearings in the House Economic & Workforce Development committee.

HB 237 is legislation that would directly interfere with Ohio's constitutional Home Rule authorities. Introduced by Reps. Mike Duffey and Bob Hackett, as written HB 237 would among other things, establish requirements governing Transportation Network Companies (TNCs), such as Uber or Lyft-style ride sharing businesses, TNC drivers, and the services provided by TNCs. Under the bill, a "transportation network company" includes any entity operating in Ohio that uses a digital network, such as an online-enabled application, software, website, or other system, to prearrange rides between TNC riders to TNC drivers. The bill analysis states, per the description offered by the Legislative Service Commission (LSC): "HB237 specifies the intent of the General Assembly to preempt any local ordinance, resolution, or other law adopted to license, register, tax, or otherwise regulate TNCs, TNC drivers, and TNC services." On June 25, 2015, the Ohio House of Representatives passed the bill 93-0. It has been referred to the Senate State & Local Government Committee.

HB 302, legislation introduced by Reps. Mike Henne and Jim Butler that would provide that, beginning five years after a type-II annexation is approved, the annexed territory is subject to a fire, police, or EMS tax levy

only if the levy is imposed by the subdivision that provides the fire, police, or EMS service to the territory. The bill was introduced August 17th and has yet to be referred to a House committee.

SB 198, introduced by Sen. Kris Jordan seeks to restrict the ability of Ohio municipalities to apply the municipal income tax to resident taxpayers only, prohibiting the ability of withholdings to be applied and to exclude the taxation of net profits on nonresident workers. The bill has been referred to the Senate State and Local Government committee.

SB 201, a bill introduced by Sen. Jim Hughes which would expand Ohio's nuisance law to apply to any real property, including vacant land, on which an offense of violence has occurred or is occurring. The bill has received one hearing in the Senate Civil Justice committee.

The above list is a sampling of legislation the league is tracking and will continue to keep our members informed of any changes to their status and any new bills introduced that warrant our member's attention.

Below is a list of new bills recently introduced in the Ohio House and Senate followed by the legislative committee schedule that has been released for next week.

#### New Ohio House Bills:

##### HB 303

DEED PROGRAM (Dever, J., McColley, R.) To create the D.O.L.L.A.R. Deed Program. Am. 5315.01, 5315.02, 5315.03, 5315.04, and 5315.05

##### HB 304

WATER RESERVOIRS (Leland, D., Stinziano, M.) To eliminate law authorizing the maintenance of buffers around municipal water reservoirs by contiguous property owners. Am. 743.50

##### HB 305

RETIREMENT SYSTEMS (Schuring, K.) To include new nonteaching employees of The University of Akron as members in the Public Employees Retirement System and to make an appropriation for the University's School Employees Retirement System employer surcharge payments. Am. 145.011

##### HB 306

DWELLING EGRESS (Perales, R.) To require a separate, exterior means of egress for dwelling areas above the second story of certain residential rental properties and to provide a qualified immunity to landlords who in good faith comply with the requirement. Am. 3737.82, 3781.10, 3781.104, and 4740.14 and to enact section 2305.403

##### HB 307

DRIVER'S LICENSE SUSPENSIONS (Pelanda, D.) To make the suspension of an offender's driver's license for a violation of specified drug offenses discretionary rather than mandatory, to authorize a court to terminate a driver's license suspension imposed for specified drug offenses committed out-of-state, to generally authorize a court to terminate a previously imposed mandatory suspension for specified drug offenses, to provide for the discretionary suspension of an offender's driver's license for possessing nitrous oxide in a motor vehicle, and to make consistent the provisions of law governing the ability of a court to grant limited driving privileges. Am.

2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.33, 2925.36, 2925.37, 4510.021, 4510.17, and 4510.31

#### HB 308

TAX EXEMPTION (Duffey, M., Stinziano, M.) To exempt from sales and use tax textbooks purchased by post-secondary students. Am. 5739.02 and 5739.03

#### HB 309

ABSENTEE BALLOTS (Clyde, K.) To eliminate the requirement that absent voter's ballots received during the ten days after the day of an election contain a postmark and to specify circumstances under which those ballots must not be counted. Am. 3509.05

#### HB 310

LICENSE PLATE (Ryan, S., Ginter, T.) To establish the "Distinguished Flying Cross" license plate. Am. 4503.434

#### HB 311

TEACHER RETIREMENT (Schuring, K.) To base the percentage of an employee's salary that must be contributed to the State Teachers Retirement System to mitigate the effect of the employee's participation in an alternative retirement program on the average percentage used to amortize the Retirement System's unfunded actuarial accrued pension liabilities. Am. 3305.063

#### HB 312

LICENSE PLATE (Anielski, M.) To create the "Brecksville-Broadview Heights City Schools" license plate. Am. 4501.21 and to enact section 4503.873

#### HB 313

LICENSE PLATE (Anielski, M.) To create the "Cleveland St. Ignatius High School" license plate. Am. 4501.21 and to enact section 4503.87

#### HB 314

LICENSE PLATE (Anielski, M.) To create the "Lakewood St. Edward High School" license plate. Am. 4501.21 and to enact section 4503.874

#### HB 315

LICENSE PLATE (Anielski, M.) To create the "Solon City Schools" license plate. Am. 4501.21 and to enact section 4503.871

#### HB 316

LICENSE PLATE (Anielski, M.) To create the "Mayfield City Schools" license plate. Am. 4501.21 and to enact section 4503.872

#### HB 317

IDENTITY THEFT (Maag, R.) To enable the parents or guardian of a protected consumer to freeze that consumer's credit to protect the consumer from identity theft. Am. 1349.52 and to enact section 1349.521

#### HB 318

HOMELESSNESS COMMITTEE (Stinziano, M.) To create The Ohio Coordinating Committee to End Homelessness and to make an appropriation. Am. 176.10, 176.11, and 176.12

HB 319

LICENSE PLATE (Anielski, M., LaTourette, S.) To create to the "Chagrin Falls Exempted Village Schools" license plate. Am. 4501.21 and to enact section 4503.876

HB 320

LICENSE PLATE (Anielski, M.) To create the "Independence Local Schools" license plate. Am. 4501.21 and to enact section 4503.877

HB 321

LICENSE PLATE (Anielski, M.) To create the "North Royalton City Schools" license plate. Am. 4501.21 and to enact section 4503.875

HB 322

LICENSE PLATE (Anielski, M., Barnes, J.) To create the "Orange City Schools" license plate. Am. 4501.21 and to enact section 4503.878

HB 323

LICENSE PLATES (Anielski, M., Patmon, B.) To provide for the issuance of public school district license plates and private school license plates. Am. 4501.21 and to enact sections 4503.88, 4503.881, 883, 4503.882, 4503.883, 4503.884, and 4503.885

HB 324

DAY DESIGNATION (Ramos, D.) To declare November 23rd as Fleet Admiral Ernest Joseph King Day.

HB 325

DRUG ADDICTION TREATMENT (Green, D., O'Brien, S.) Regarding encouraging pregnant women who are addicted to controlled substances to seek treatment. Am. 5119.17 and 5139.01 and to enact sections 2151.26, 2945.65, and 3701.70.

HB 326

INCOME TAX LAW (Amstutz, R., McClain, J.) To make technical changes to the state income tax law, to modify the requirements for receiving the joint filing credit, and to provide that, for the 2015 taxable year, any taxable business income under \$125,000 for married taxpayers filing separately or \$250,000 for other taxpayers is subject to the graduated tax rates applicable to nonbusiness income, while business income in excess of those amounts remains subject to the existing 3% flat tax. Am. 9.66, 122.16, 122.172, 122.173, 5709.65, 5709.66, 5733.33, 5733.42, 5733.98, 5747.01, 5747.02, 5747.05, 5747.054, 5747.055, 5747.056, 5747.059, 5747.21, 5747.212, 5747.22, 5747.27, 5747.28, 5747.29, 5747.331, 5747.37, 5747.65, 5747.66, 5747.71, 5747.75, 5747.76, 5747.80, 5747.81, and 5747.98 and to repeal sections 5733.48, 5747.051, 5747.057, 5747.26, 5747.261, 5747.31, 5747.32, 5747.34, 5747.35, 5747.36, 5747.38, 5747.39, and 5747.77.

HB 327

HOMESTEAD EXEMPTION (Gonzales, A.) To extend eligibility for the enhanced disabled veterans homestead exemption to veterans whose disability rating is less than total but who have been judged by the

Department of Veterans Affairs as unable to secure or follow a substantially gainful occupation as a result of service-connected disabilities. Am. 323.151.

HB 328

LICENSE PLATE (Anielski, M.) to create the "University of Notre Dame" license plate. Am. 4501.21 and to enact section 4503.514.

HB 329

DAY DESIGNATION (Howse, S., Boyd, J.) To designate February 23 as Louis Stokes Day. En. 5.28.

HB 330

EQUAL PAY CERTIFICATE (Howse, S., Clyde, K.) To require a contractor or person submitting a bid or other proposal for a state contract or a business entity applying for a grant or other economic incentive from a state agency to obtain an equal pay certificate, to require state agencies and political subdivisions to establish a job evaluation system to identify and eliminate sex-based wage disparities among classes of employees, and to prohibit an employer from retaliating against an employee who discusses the employee's salary or wage rate with another employee. Am. 4117.08 and to enact sections 9.71, 9.72, 9.73, 9.74, 9.75, 9.76, 9.77, 9.78, 9.79, 142.01, 142.02, 142.03, 142.04, 142.05, 142.06, 142.07, 142.08, 142.09, 142.10, 4113.42, and 4117.141.

HB 331

SAFETY BELTS (Phillips, D.) To require all passengers in automobiles to wear safety belts. Am. 4513.263.

HB 332

REPLICA VEHICLE TITLES (Patterson, J.) To provide that when a certificate of title is issued for a motor vehicle, the owner may request that the certificate indicate that the motor vehicle is a replica vehicle. Am. 4505.072.

HB 333

BIDDING THRESHOLDS (Schaffer, T., Hambley, S.) To increase the monetary thresholds above which competitive bidding is required for township road construction, repair, or maintenance contracts, and to increase the monetary thresholds above which a force account assessment is required for a township road construction, repair, or maintenance project. Am. 5575.01.

HB 334

TAX EXEMPTION (Buchy, J.) To exempt memberships to gyms or other recreational facilities operated by nonprofit organizations from sales and use taxation. Am. 5739.01

HB 335

COURT JURISDICTION (Craig, H., Grossman, C.) To specify the jurisdiction of municipal and county courts over municipal traffic ordinances and to establish requirements governing fines, fees, or other charges for traffic violations and infractions imposed by a municipal corporation that does not have the authority to establish a mayor's court. Am. 1901.20 and 1907.02 and to enact section 4511.072

HB 336

CORPORATE DISSOLUTION (Dever, J., Ryan, S.) To require, under certain circumstances, a certificate of dissolution of a corporation to be accompanied by an affidavit stating that the corporation is not required to pay or has not been assessed any taxes at the time of dissolution. Am. 1701.86

HB 337

DAY DESIGNATION (Clyde, K.) To designate the fourth Tuesday of September as Ohio Voter Registration Day. Am. 5.256

New Bills in the Ohio Senate:

SB 204

DRIVERS LICENSE SUSPENSIONS (Seitz, B.) To make the suspension of an offender's driver's license for a violation of specified drug offenses discretionary rather than mandatory, to authorize a court to terminate a driver's license suspension imposed for specified drug offenses committed out-of-state, to generally authorize a court to terminate a previously imposed mandatory suspension for specified drug offenses, to provide for the discretionary suspension of an offender's driver's license for possessing nitrous oxide in a motor vehicle, and to make consistent the provisions of law governing the ability of a court to grant limited driving privileges. Am. 925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.33, 2925.36, 2925.37, 4510.021, 4510.17, and 4510.31

SB 205

DWELLING EGRESS (Beagle, B., Lehner, P.) To require a separate, exterior means of egress for dwelling areas above the second story of certain residential rental properties and to provide a qualified immunity to landlords who in good faith comply with the requirement. Am. 3737.82, 3781.10, 3781.104, and 4740.14 and to enact section 2305

SB 206

CAMPAIGN FINANCE REPORTS (LaRose, F.) To require certain campaign committees and other entities to file campaign finance statements electronically and to require the Secretary of State to make the information in those statements available online. Am. 3517.10, 3517.105, 3517.106, 3517.1011, and 3517.11

SB 207

ROAD NAMING (Coley, B.) To designate a portion of State Route 73 in Butler County as the "SPC James E. Hall Jr. Memorial Highway." Am. 5534.27

SB 208

SMALL BUSINESS TAX DEDUCTION (Beagle, B.) To make technical changes to the state income tax law, to modify the requirements for receiving the joint filing credit, and to provide that, for the 2015 taxable year, any taxable business income under \$125,000 for married taxpayers filing separately or \$250,000 for other taxpayers is subject to the graduated tax rates applicable to nonbusiness income, while business income in excess of those amounts remains subject to the existing 3% flat tax. Am. 9.66, 122.16, 122.172, 122.173, 5709.65, 5709.66, 5733.33, 5733.42, 5733.98, 5747.01, 5747.02, 5747.05, 5747.054, 5747.055, 5747.056, 5747.059, 5747.21, 5747.212, 5747.22, 5747.27, 5747.28, 5747.29, 5747.331, 5747.37, 5747.65, 5747.66,

5747.71, 5747.75, 5747.76, 5747.80, 5747.81, and 5747.98 and to repeal sections 5733.48, 5747.051, 5747.057, 5747.26, 5747.261, 5747.31, 5747.32, 5747.34, 5747.35, 5747.36, 5747.38, 5747.39, and 5747.77

#### SB 209

RURAL JOBS (Hite, C.) To enact the "Ohio Rural Jobs Act" which authorizes a nonrefundable tax credit for insurance companies that invest in rural business growth funds, which are certified to provide capital to rural and agricultural businesses. Am. 5725.98 and 5729.98 and to enact sections 122.15, 122.151, 122.152, 122.153, and 122.154

#### SB 210

BIDDING THRESHOLDS (Balderson, T.) To increase the monetary thresholds above which competitive bidding is required for township road construction, repair, or maintenance contracts, and to increase the monetary thresholds above which a force account assessment is required for a township road construction, repair, or maintenance project. Am. 5575.01.

#### SB 211

TAX EXEMPTION (Beagle, B.) To exempt memberships to gyms or other recreational facilities operated by nonprofit organizations from sales and use taxation. Am. 5739.01

#### SB 212

ELECTION PROCEDURES (Uecker, J.) To reduce the minimum number of precinct election officials in a precinct in which electronic poll books are used and to eliminate the requirement that a board of elections send a notice to a person's residence address when the board cancels the person's voter registration because it received a report of the person's death. Am. 3501.22 and 3503.21

#### SB 213

COSMETOLOGY LAW (Jordan, K., Tavares, C.) To make changes to the Cosmetology Licensing Law. Am. 2925.01, 4713.01, 4713.02, 4713.03, 4713.06, 4713.07, 4713.08, 4713.081, 4713.082, 4713.09, 4713.10, 4713.13, 4713.14, 4713.141, 4713.16, 4713.17, 4713.20, 4713.21, 4713.22, 4713.24, 4713.25, 4713.26, 4713.28, 4713.30, 4713.31, 4713.34, 4713.35, 4713.36, 4713.37, 4713.39, 4713.41, 4713.42, 4713.44, 4713.45, 4713.48, 4713.55, 4713.56, 4713.57, 4713.58, 4713.59, 4713.60, 4713.61, 4713.62, 4713.63, 4713.64, 4713.641, and 4713.99 and to enact sections 4713.071, 4713.66, and 4713.69

#### SB 214

PLANNED PARENTHOOD (Faber, K.) To require the Department of Health to ensure that state funds and certain federal funds are not used either to perform or promote nontherapeutic abortions, or to contract or affiliate with any entity that performs or promotes nontherapeutic abortions. Am. 3701.034

#### SB 215

VEHICLE FORCIBLE ENTRY (Hughes, J., LaRose, F.) To grant a person immunity from civil liability for any damage resulting from the forcible entry of a motor vehicle for the purpose of removing a minor or an animal from the vehicle because the minor or the animal is in imminent danger of suffering harm. Am. 959.133

**August 21, 2015**

## **NEW GASB STATEMENT REQUIRES GOVERNMENTS TO DISCLOSE INFORMATION ON TAX ABATEMENTS**

On Friday, August 14, the Governmental Accounting Standards Board (GASB) issued final guidance that requires state and local governments for the first time to disclose information about tax abatement agreements.

The disclosure requirements in GASB Statement #77, Tax Abatement Disclosures, are designed to provide financial statement users with essential information about these agreements and the impact they have on a government's finances.

GASB noted that governments often agree to abate or reduce the taxes of individuals and entities to promote economic development, job growth, redevelopment of blighted or underdeveloped areas, and other actions that are beneficial to the government or its citizens. Many state and local governments have tax abatement programs in place and the effects of tax abatements on their financial health and ability to raise revenue can be substantial. GASB officials go on to state that, until now it has been difficult to determine the extent and nature of these effects from financial statements. GASB Chair David A. Vautt stated, "this new guidance will result in people who use governmental financial statements having access to essential information about the tax abatements governments enter into."

The new Statement #77 requires governments to disclose information about their own tax abatements separately from information about tax abatements that are entered into by other governments and reduce the reporting government's tax revenues. The new disclosures about a government's own tax abatement agreements include:

- The purpose of the tax abatement program
- The tax being abated
- Dollar amount of taxes abated
- Provisions for recapturing abated taxes
- The types of commitments made by tax abatement recipients
- Other commitments made by a government in tax abatement agreements, such as to build infrastructure assets.

The new disclosures about tax abatements that are entered into by other governments and reduce the reporting government's tax revenues include:

- The name of the government entering into the abatement agreement

- The tax being abated
- Dollar amount of the reporting government's taxes abated.

The full text of the Statement is available on the GASB website, [www.gasb.org](http://www.gasb.org).

In January, the National League of Cities joined with the Government Finance Officers Association, International City/County Management Association, The U.S. Conference of Mayors and the National Association of Counties to jointly express their united opposition to the proposal and request the GASB reconsider the adoption of the new standards. The primary points of opposition expressed by these local government organizations centered on the degree of difficulty many governments will face complying with the new reporting standards due to the sheer volume of information required and there is concern that the enhanced information will provide a misleading impression of the overall impact of a government's tax abatement programs by not taking into account the anticipated return on investment. A copy of the letter of opposition signed by each organization to GASB can be found [HERE](#).

## **NEW BILL INTRODUCTIONS**

Below is a list of bills that have been introduced over the summer break by members of the Ohio House and Senate.

### **House Bills:**

#### **HB 234**

**SEX OFFENSES** (Johnson, G., Fedor, T.) To eliminate the period of limitation for the criminal prosecution of a person for rape, sexual battery, or complicity to commit rape or sexual battery, eliminate the spousal exceptions for the offenses of rape and sexual battery, and to permit a person to testify against the person's spouse in a prosecution for sexual battery. Am. 2901.13, 2907.02, 2907.03, and 2945.42

#### **HB 235**

**CCW LICENSES** (Terhar, L.) To waive the concealed carry license fee for active members of the armed forces and retired and honorably discharged veterans and to accept military experience with firearms as proof of competency with firearms regardless of when the applicant for a license acquired the experience. Am. 2923.125

#### **HB 236**

**PROFESSIONAL ENGINEERS** (Landis, A., Blessing, L.) To require professional engineers to complete continuing professional development hours in professional ethics or rules relevant to engineering or surveying practices. Am. 4733.151

HB 237

TRANSPORTATION COMPANIES (Duffey, M., Hackett, B.) To regulate transportation network companies and transportation network company services. Am. 3938.01, 3938.02, 3938.03, 3938.04, 4925.01, 4925.02, 4925.03, 4925.04, 4925.05, 4925.06, 4925.07, 4925.08, 4925.09, and 4925.10

HB 238

LAND CONVEYANCE (Sears, B., McColley, R.) To authorize the conveyance of state-owned real property.

HB 239

CORRECTIONS FUNDS (Sears, B.) To allow the Director of Budget and Management to transfer funds from the Adult and Juvenile Correctional Facilities Bond Retirement Fund to any fund created in the state treasury administered by the Department of Rehabilitation and Correction or the Department of Youth Services, to create the Community Programs Fund, and to authorize the conveyance of state owned real property. Am. 5120.092 and to enact section 5120.80

HB 240

CORONER LAW (Huffman, S., Johnson, T.) To recognize that coroners include medical examiners; to change the qualifications for holding office as a coroner of a charter county; to require, under certain conditions, and to authorize, under other conditions, supplemental compensation for coroners who are forensic pathologists; to revise how the office of coroner is filled when a vacancy cannot be filled by election or appointment; to specify the disposition of a firearm when a person meets death under certain circumstances; to specify who pays for the autopsy of an inmate of a state correctional facility; and to make other changes to the coroners' law. Am. 9.15, 313.01, 313.02, 313.04, 313.05, 313.14, 313.161, and 325.15 and to repeal section 313.141.

HB 241

MONTH DESIGNATION (Grossman, C., Curtin, M.) To designate the month of September as "Hunger Action Month." En. 5.256

HB 242

DAY DESIGNATION (Hagan, C., Dever, J.) To designate the fourth Sunday of July as Blue Star Mothers Day. En. 5.2298

HB 243

ARCHITECTS (Schaffer, T.) To make changes governing the architects board and the landscape architects board regarding continuing education requirements. Am. 4703.02 and 4703.33

HB 244

DAY DESIGNATION (Rosenberger, C., Johnson, T.) To designate the tenth day of November as Armed Services, Peace Officer, First Responder, and Dual Service Recognition Day. Am. 5.28

HB 245

LICENSE PLATE (Fedor, T., Bishoff, H.) To create the "Women Veterans" license plate. Am. 4503.581

HB 246

ABSENTEE BALLOT APPLICATIONS (Clyde, K.) To modify the circumstances under which the Secretary of State and other public officials and employees may mail unsolicited applications for absent voter's ballots. Am. 3501.05, 3517.13, and 3517.992 and to enact section 3509.031

HB 247

SEXUAL ORIENTATION THERAPY (Driehaus, D., Phillips, D.) To prohibit certain health care professionals from engaging in sexual orientation change efforts when treating minor patients. Am. 4723.93, 4731.96, 4732.34, 4743.09, and 4757.46

HB 248

MEDICAID DRUG COVERAGE (Sprague, R., Antonio, N.) To prohibit certain health care plans and the Medicaid program from denying coverage for opioid analgesic drugs with abuse-deterrent technology based solely on cost. Am. 1739.05 and 5167.12 and to enact sections 1751.691, 3923.851, and 5164.091

HB 249

DRUG OVERDOSES (Driehaus, D., Sprague, R.) To provide an immunity from arrest, prosecution, or conviction, or to permit a court to consider drug treatment or as a mitigating factor in supervised release sanctioning, for a minor drug possession offense for a person who seeks or obtains medical assistance for self or another person who is experiencing a medical emergency as a result of ingesting drugs or for a person who is experiencing such a medical emergency and for whom medical assistance is sought. Am. 2925.11, 2929.13, 2929.141, 2929.15, 2929.25, and 2967.28

HB 250

MEDICAID DRUGS (Sprague, R., Driehaus, D.) Regarding Medicaid pharmacy utilization management programs and prior authorization requirements for certain opioids. Am. 5164.01, 5167.12, and 5167.13 and to enact sections 5164.7511, 5167.121, and 5167.15

HB 251

MEDICAID BEHAVIORAL CARE (Sprague, R., Driehaus, D.) To establish certain requirements regarding the Medicaid program's coverage of community behavioral health services. Am. 103.41, 5164.01, 5167.01, and 5167.03 and to enact sections 103.416, 103.417, 5164.151, and 5167.04

#### HB 252

TREASURER FEES (Hackett, B., Ryan, S.) To adjust the fees allowed to county treasurers for collecting property taxes. Am. 321.26.

#### HB 253

RURAL JOBS (Retherford, W.) To enact the "Ohio Rural Jobs Act" which authorizes a nonrefundable tax credit for insurance companies that invest in rural business growth funds, which are certified to provide capital to rural and agricultural businesses Am. 5725.98 and 5729.98 and to enact sections 122.15, 122.151, 122.152, 122.153, and 122.154.

#### HB 254

ROAD NAMING (Ruhl, M.) To designate a portion of State Route 13 within Knox County as the "William "Bill" Burgett Highway." En. 5534.90.

#### HB 255

ABORTION (Brinkman, T., Hagan, C.) To expand the regulation of inducing an abortion with certain drugs. Am. 109.572, 2919.123, 2953.25, 4729.291, 4731.22, and 4731.223; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 2919.123 (2919.201); and to enact sections 2919.20, 2919.202, 2919.203, 2919.204, 2919.205, 2919.206, 2919.207, and 2919.208.

#### HB 256

ROAD NAMING (Maag, R.) To designate a portion of state route forty-eight within Warren county as the "SFC Bobby Lee Estle Memorial Highway." En. 5534.23.

#### HB 257

STATE OPERATIONS (Becker, J.) To modify the law governing re-employed retirants; to expand the immunity from liability for certain health care professionals, workers, and organizations when providing care to indigent and uninsured individuals; to require the Department of Health to ensure that certain funds are not used to perform elective abortions, or promote or affiliate with any entity that performs elective abortions; to modify the method of calculating the severance tax; to make certain changes to the sales tax; to modify the income tax rates and calculation; and to reduce General Revenue Fund appropriations for the fiscal biennium ending June 30, 2017; and to eliminate Medicaid funding for the group described in section 192(a)(10)(i)(VIII) of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(i)(VIII). Am. 145.01, 145.191, 145.38, 145.384, 145.471,

145.472, 145.58, 742.26, 1509.01, 1509.02, 1509.11, 1509.34, 2305.234, 2305.2341, 3307.01, 3307.35, 3307.352, 3309.341, 3309.344, 3501.13, 5703.052, 5703.19, 5739.01, 5747.02, 5747.05, 5747.08, 5747.41, 5749.01, 5749.02, 5749.03, 5749.04, 5749.06, 5749.07, 5749.08, 5749.10, 5749.12, 5749.13, 5749.14, 5749.15, and 5749.17, to enact sections 190.01, 190.02, 190.03, 190.04, 321.50, 3701.034, 5163.04, and 5747.027, and to repeal sections 145.381, 145.382, 1509.50, 3307.353, and 3309.345.

#### HB 258

LIQUOR PERMITS (Henne, M.) To generally prohibit, for purposes of expansion of a liquor permit holder's premises during certain times of the year, the presence of operable motor vehicles in the expanded area while beer or intoxicating liquor is being served. Am. 4303.27.

#### HB 259

INSURANCE CERTIFICATES (Ryan, S., Sears, B.) To regulate certificates of insurance prepared or issued to verify the purchase of property or casualty insurance coverage. En. 3938.01, 3938.02, 3938.03, 3938.04, 3938.05, 3938.06, 3938.07, 3938.08, and 3938.09.

#### HB 260

WEEK DESIGNATION (Blessing, L.) To designate the first week of December as "Crohn's and Colitis Awareness Week." En. 5.2240.

#### HB 261

TRAUMA SYSTEM (Grossman, C., Huffman, S.) To establish the State Trauma Board in the Ohio Department of Health, to require that facilities that provide trauma care be designated by the Board as level I, II, or III trauma centers, and to provide that the amendment by this act to section 101.82 of the Revised Code terminates on December 31, 2016. Am. 101.82, 3701.83, 3727.09, 3727.10, 3727.102, 4511.81, 4765.01, 4765.02, 4765.03, 4765.04, 4765.05, 4765.06, 4765.07, 4765.11, 4765.16, 4765.35, 4765.37, 4765.38, 4765.39, 4765.40, 4765.41, and 4765.50; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 3727.09 (3728.15), 3727.10 (3728.16), and 3727.102 (3728.25); to enact sections 3728.01, 3728.02, 3728.03, 3728.06, 3728.07, 3728.09, 3728.10, 3728.11, 3728.12, 3728.20, 3728.21, 3728.22, 3728.23, 3728.24, 3728.26, 3728.28, 3728.30, 4731.28, and 4765.44; and to repeal sections 3727.081 and 3727.101

#### HB 262

DISCRIMINATION (Stinziano, M., Johnson, G.) To allow a municipal corporation to request assistance from the Ohio Civil Rights Commission in receiving, investigating, passing upon, and enforcing alleged violations of an ordinance of the municipal corporation that prohibits discrimination and to require the Ohio Civil Rights Commission to provide the assistance if the resources necessary are available. Am. 4112.04 and to enact section 4112.16

#### HB 263

PAY RAISES (Rogers, J., Celebrezze, N.) To increase judicial salaries and the salaries of county elected officials, township trustees, township fiscal officers, and boards of elections members, to reinstate the annual cost of living adjustment to their salaries, and to make appropriations. Am. 141.04, 141.13, 325.18, 505.24, 507.09, 1901.11, 1907.16, and 3501.12

#### HB 264

MONTH DESIGNATION (Barnes, J.) To enact the "Respect Your Date Act" to designate the month of April as "Respect Your Date Month" and to require each state institution of higher education to adopt a policy regarding dating violence, domestic violence, sexual assault, stalking, and rape on campus and to declare an emergency. Am. 2298 and 3345.43

#### HB 265

ROAD NAMING (Hood, R.) To designate a portion of the Nelsonville Bypass of U.S. Route 33 as the "State Senator C. Stanley Mechem Memorial Highway." Am. 5534.52

#### HB 266

RESPIRATORY CARE (Schuring, K.) To modify the laws governing respiratory care professionals. Am. 4730.09, 4761.01, 4761.03, 4761.04, 4761.05, 4761.06, 4761.07, 4761.09, 4761.11, and 4761.17

#### HB 267

DEER (Ruhl, M.) To establish a deer sanctuary license to allow a licensee to raise deer, to establish requirements governing such a license, to require the Chief of the Division of Wildlife to issue a wild animal permit to allow a permit holder to rehabilitate deer, to establish procedures that certain law enforcement officers must follow when responding to accidents involving injured or deceased deer, and to require training for those officers regarding humane procedures for euthanizing injured deer. Am. 109.73, 109.74, 1533.08, and 1533.121 and to enact sections 901.80 and 901.801

#### HB 268

HUMAN TRAFFICKING (Hall, D., Dever, J.) To expand the list of human trafficking-related convictions and delinquency adjudications that may be expunged, to increase the penalties for compelling prostitution and promoting prostitution, and to authorize intervention in lieu of conviction for persons charged with committing an offense while a victim of compelling prostitution. Am. 2151.358, 2907.21, 2907.22, 2951.041, and 2953.38

#### HB 269

TAX CREDIT (Smith, K., LaTourette, S.) To authorize a refundable income tax credit for individual investors in a sound recording production company equal to a portion of the company's costs for a recording production or recording infrastructure project in Ohio. Am. 5747.98 and to enact sections 122.851 and 5747.67

#### HB 270

OVERDOSE DEATHS (Dever, J., Pelanda, D.) To provide that causing the death of another person by an overdose that results from the offender's sale, distribution, dispensation, or administration of a controlled substance or controlled substance analog is a violation of the offense of involuntary manslaughter and to make this provision a strict liability offense. Am. 2903.04

#### HB 271

ROAD NAMING (Smith, R., Ryan, S.) To designate a portion of State Route 93 within Jackson County as the "Lieutenant Stephen Byus Memorial Highway."

#### HB 272

TAX EXEMPTION (Johnson, G., Sykes, E.) To exempt from sales and use tax the sale of tampons and other feminine hygiene products associated with menstruation. Am. 5739.02

#### HB 273

UNOCCUPIED HOMES (Pelanda, D.) Regarding the removal of abandoned or unoccupied manufactured homes, mobile homes, or recreational vehicles from manufactured home parks. Am. 1923.12, 1923.13, and 1923.14 and to enact section 4781.56

#### HB 274

APPRENTICESHIP PROGRAMS (Hagan, C.) To create a subprogram of the College Credit Plus Program that permits students to participate in certified apprenticeship programs. Am. 3365.16

#### HB 275

VISION CARE (Schuring, K.) Regarding limitations imposed by health insurers on vision care services. Am. 1739.05, 1753.07, 1753.09, 3901.21, 3963.01, 3963.02, and 3963.03 and to enact sections 1751.72 and 3923.84

#### HB 276

CHIROPRACTORS (Schuring, K.) To authorize chiropractors to engage in certain activities involving nutrition-related items and therapies, nonprescription drugs, and medical goods and devices. Am. 4734.15

HB 277

911 LEVIES (Brenner, A.) To authorize a county, township, or municipal corporation to impose a 9-1-1 system levy in only the portion of the subdivision that would be served by the 9-1-1 system. Am. 5705.19

HB 278

HUMANE SOCIETIES (Hambley, S.) To require approval by the board of county commissioners, instead of the probate judge, of appointments of agents by county humane societies outside a municipal corporation, to specify that a county humane society is a political subdivision, to make its directors, agents, officers, and employees subject to the Ethics Law, and to increase the salaries paid to the agents. Am. 1717.04, 1717.05, 1717.06, and 1717.07

HB 279

VEHICLE INSURANCE (Henne, M.) To generally prohibit individuals who do not maintain statutory minimum levels of automobile insurance from collecting noneconomic damages for harm sustained in a motor vehicle accident. Am. 4509.105

HB 280

BALANCED BUDGET (Kraus, S., Koehler, K.) To adopt the Compact for a Balanced Budget and to declare an emergency. En. 2.01

HB 281

TAX DEDUCTION (Rogers, J.) To enact the "Blair Deduction" to allow recent college graduates to claim an income tax deduction for qualified higher education expenses. Am. 5747.01 and to enact section 5747.82

HB 282

PREVAILING WAGE (Roegner, K., Hood, R.) To repeal the Prevailing Wage Law. Am. 121.083, 123.281, 164.07, 176.011, 307.022, 307.671, 307.673, 307.674, 307.696, 351.06, 353.03, 1311.25, 1506.44, 1509.071, 1710.02, 5540.03, and 6117.012; to repeal sections 176.05, 4115.03, 4115.031, 4115.033, 4115.034, 4115.04, 4115.05, 4115.06, 4115.07, 4115.071, 4115.08, 4115.09, 4115.10, 4115.101, 4115.11, 4115.12, 4115.13, 4115.131, 4115.132, 4115.133, 4115.14, 4115.15, 4115.16, 4115.21, 4115.99, and 6121.061

HB 283

DNA TESTING (Fedor, T.) To require DNA testing for misdemeanor convictions of voyeurism, public indecency, procuring, soliciting, loitering to engage in soliciting, and prostitution. Am. 2901.07

HB 284

RETIREMENT BENEFITS (Dovilla, M., Anielski, M.) To add extortion and perjury and certain federal offenses to the offenses that may result in forfeiture or termination of public retirement system benefits. Am. 145.27, 145.572, 145.573, 742.41, 742.463, 742.464, 2329.66, 2901.43, 2929.192, 2929.193, 3305.08, 3305.11, 3305.12, 3305.20, 3307.20, 3307.372, 3307.373, 3309.22, 3309.672, 3309.673, 5505.04, 5505.262, and 5505.263 and to enact sections 2901.432, 2901.433, 2901.434, and 2927.28

#### HB 285

PRESCRIPTION REFILLS (Sprague, R.) To authorize pharmacists to dispense multiple refills of a prescription simultaneously under certain circumstances. Am. 4729.40

#### HB 286

MARRIAGE (Vitale, N.) To provide that an ordained or licensed minister or religious society is not required to solemnize a marriage and a religious society is not required to allow any building or property of the religious society to be used to host a marriage ceremony if the marriage does not conform to the ordained or licensed minister's or religious society's sincerely held religious beliefs, to provide that an ordained or licensed minister or religious society is not subject to civil or criminal liability for such a denial, and to provide that the state and political subdivisions may not penalize or withhold benefits to an ordained or licensed minister or religious society for such a denial. Am. 3101.08

#### HB 287

SUMMER JOBS (Barnes, J.) To require the Director of Development Services to establish a youth summer jobs pledging initiative to increase access to summer employment opportunities for high school and college youth. Am. 122.043

#### HB 288

ANSWERING POINTS (Henne, M., Rezabek, J.) To require the statewide emergency services internet protocol network steering committee to update the operational standards for public safety answering points En. 128.021

#### HB 289

DEATH PENALTY (Antonio, N., Antani, N.) To abolish the death penalty. Am. 9.07, 120.03, 120.06, 120.14, 120.16, 120.18, 120.24, 120.26, 120.28, 120.33, 120.34, 1901.183, 2152.13, 2152.67, 2301.20, 2307.60, 2701.07, 2743.51, 2901.02, 2909.24, 2929.02, 2929.13, 2929.14, 2929.20, 2929.61, 2930.03, 2930.06, 2930.16, 2937.222, 2941.021, 2941.14, 2941.148, 2941.401, 2941.43, 2941.51, 2945.06, 2945.13, 2945.21, 2945.25, 2945.33, 2945.38, 2949.02, 2949.03, 2953.02, 2953.07, 2953.08, 2953.09, 2953.10, 2953.21, 2953.23, 2953.71, 2953.72, 2953.73, 2953.81, 2967.03, 2967.05, 2967.12, 2967.13, 2967.19, 2967.193, 2967.26, 2967.28, 2971.03, 2971.07, 5120.113, 5120.53, 5120.61, 5139.04, 5149.101, and 5919.16 and to repeal sections 109.97, 120.35, 2725.19, 2929.021, 2929.022, 2929.023, 2929.024, 2929.03, 2929.04, 2929.05, 2929.06, 2945.20, 2947.08, 2949.21, 2949.22, 2949.24, 2949.25, 2949.26, 2949.27, 2949.28, 2949.29, 2949.31, and 2967.08

## HB 290

TERMINAL PATIENTS (Sprague, R., Anielski, M.) To permit a physician to treat a terminally ill patient with a drug that is not approved by the United States Food and Drug Administration and permit a drug manufacturer to provide such a drug to the patient or physician. Am. 1739.05, 4729.291, 4729.51, 4729.57, 4731.22, and 4731.227 and to enact sections 1751.671, 3923.851, 4729.88, 4729.89, and 4731.96

## HB 291

JUDGMENT HEARINGS (Young, R., Dever, J.) To require notice and an opportunity for a hearing to a defendant before entry of judgment pursuant to a confession of judgment. Am. 2323.13.

## HB 292

FIREFIGHTER DISABILITY (Hagan, C.) To provide that a firefighter who is disabled as a result of specified types of cancer is presumed for purposes of the laws governing workers' compensation and the Ohio Police and Fire Pension Fund to have incurred the cancer while performing official duties as a firefighter Am. 124.42, 505.374, 505.375, 505.38, 709.012, 737.08, 737.22, 742.38, 4123.57, 4123.68, and 4766.09.

## HB 293

ACCESSIBILITY GRANTS (Grossman, C., Stinziano, M.) To create the Home Accessibility Grant Program to be administered by the Director of Development Services, and to make an appropriation. En. 122.631.

## HB 294

ABORTION (Patmon, B., Conditt, M.) To require the Department of Health to ensure that state funds and certain federal funds are not used either to perform or promote elective abortions, or to contract or affiliate with any entity that performs or promotes elective abortions. En. 3701.034

## HB 295

LICENSE PLATE (Ruhl, M.) To create the "Global War on Terrorism Civilian Service Medal" license plate. En. 4503.536

## HB 296

UNION CEREMONIES (Young, R.) To provide that a business is not required to participate in a ceremony creating a union between two persons of the same sex if such participation violates the business's right of conscience or freedom of religion. En. 4112.024

#### HB 297

TAX CREDIT (Hill, B.) To authorize a refundable income tax credit for current livestock owners who invest in a manure storage or treatment facility or acquire manure application equipment or manure handling and transportation equipment. Am. 5747.98 and to enact section 5747.052

#### HB 298

DRUG TESTING (Schaffer, T., Maag, R.) To require applicants for unemployment benefits to submit to a drug test under certain circumstances, to require the director of Job & Family Services to operate an Ohio Works First drug testing pilot program and to make an appropriation. Am. 4141.28, 4141.29 and 4141.294

#### HB 299

AUTISM SCHOLARSHIPS (Blessing, L., Rezabek, J.) To permit the temporary, legal, or permanent custodian of a qualified child to apply for an Autism Scholarship. Am. 3310.41.

#### HB 300

LICENSE SUSPENSIONS (Baker, N., Manning, N.) To modify the law governing the termination or modification of a lifetime driver's license suspension or a class two suspension that exceeds fifteen years and to specify that a class one driver's license suspension for a specified aggravated vehicular homicide offense begins upon the offender's release from prison. Am. sections 2903.06 and 4510.54.

#### HB 301

HEALTH CARE (Henne, M., Huffman, S.) To require the Department of Administrative Services to make a high deductible health care plan available to state employees and state elected officials. Am. 124.824

#### HB 302

ANNEXATION (Henne, M., Butler, J.) To provide that, beginning five years after a type-II annexation is approved, the annexed territory is subject to a fire, police, or EMS tax levy only if the levy is imposed by the subdivision that provides the fire, police, or EMS service to the territory. Am. 09.023

#### **Senate Bills:**

#### SB 174

LAW ENFORCEMENT OFFICERS (Tavares, C.) To grant a person the right to lawfully record any incident involving a law enforcement officer and to impose civil liability upon the state or a local law enforcement agency if a law enforcement officer employed by the state or local law enforcement agency interferes with the recording of the incident, destroys the recording, seizes the recording without a warrant or subpoena or the

person's consent, or retaliates against the person who recorded the incident. Am. 2315.18, 2323.43, 2744.02, 2744.03, 2744.04, and 2744.05 and to enact sections 2743.021, 2744.021, and 2744.022

#### SB 175

TRUST COMPANY LAW (Eklund, J.) To create the Ohio Family Trust Company Act. Am. 1121.30 and to enact sections 1112.01, 1112.02, 1112.03, 1112.06, 1112.07, 1112.08, 1112.11, 1112.12, 1112.13, 1112.14, 1112.15, 1112.17, 1112.18, 1112.19, 1112.20, 1112.21, 1112.24, 1112.27, 1112.28, 1112.29, 1112.32, and 1112.33

#### SB 176

LICENSE PLATES (Uecker, J.) To modify the requirements related to nonstandard license plates. Am. 4503.77 and 4503.78 and to enact section 4503.771

#### SB 177

MEDICAL RECORDS (Jordan, K.) To prohibit a physician from submitting patient medical records to an electronic database maintained by another party without patient authorization and from asking a patient about firearm ownership or possession. Am. 3798.04 and to enact sections 4731.74 and 4731.78

#### SB 178

PRISON TERMS (Schiavoni, J., Gentile, L.) To impose a mandatory prison term of one, two, three, four, or five years on an offender who is convicted of or pleads guilty to a felony that includes, as an essential element, purposely causing or attempting to cause the death of or physical harm to another, if the indictment, count in the indictment, or information charging the offense specifies that the offense resulted in serious physical harm to a person who was less than 13 years of age. Am. 2903.11 and 2929.14 and to enact section 2941.1424

#### SB 179

BRIDGE NAMING (Hite, C.) To designate the "Lt. Col. Ralph D. Cole Memorial Bridge" within the municipal corporation of Findlay. En. 5534.70

#### SB 180

EMPLOYMENT STATUS (Uecker, J.) To prohibit an employer from discharging or otherwise discriminating against a person who exercises a constitutional or statutory right within the person's private real property or motor vehicle. Am. 4112.01, 4112.02, 4112.05, 4112.08, and 4112.14

#### SB 181

FIDUCIARY DUTIES (Obhof, L., Schiavoni, J.) To prescribe the fiduciary duties of corporate and limited liability company officers, to specify that officers are not required for limited liability companies, to permit a written waiver or elimination of the fiduciary duties of limited liability company members, managers, or officers, to clarify when a limited liability company manager's or officer's duties can be the same as a member's duties, to declare the policy of the Limited Liability Company Law generally to give maximum effect to freedom of contract, and to make other changes regarding corporations and limited liability companies. Am. 1701.56, 1701.64, 1705.081, 1705.161, 1705.281, 1705.30, and 1705.48 and to enact sections 1701.641, 1705.031, 1705.291, and 1705.292

#### SB 182

ROAD NAMING (Balderson, T., Peterson, B.) To designate a portion of United States route twenty-three within Pickaway County as the "Army Specialist Gerald R. Jenkins Memorial Highway" and a portion of United States route sixty-two within Pickaway County as the "Army PFC Kevin C. Ott Memorial Highway." Am. 5534.21 and 5534.22

#### SB 183

PRIVATE INVESTIGATORS (LaRose, F., Thomas, C.) To amend the requirements related to the licensing and registration of private investigators and security officers. Am. 9.07, 109.78, 2921.51, 2925.01, 3743.06, 3743.19, 4749.01, 4749.02, 4749.021, 4749.031, 4749.05, 4749.06, 4749.07, 4749.08, 4749.09, 4749.10, 4749.11, 4749.13, 4749.99, and 5502.011; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 4749.031 (4749.035); to enact new sections 4749.03, 4749.031, 4749.04, and 4749.12 and sections 4749.032, 4749.033, 4749.034, 4749.041, 4749.061, 4749.062, 4749.063, and 4749.151; and to repeal sections 4749.03, 4749.04, and 4749.12.

#### SB 184

SEX OFFENDERS (Balderson, T.) To clarify the sex offender registration requirements. Am. 2950.04, 2950.041, 2950.05, and 2950.99

#### SB 185

IMPROVEMENT DISTRICTS (Seitz, B.) To revise the law governing special improvement districts created for the purpose of developing and implementing plans for special energy improvement projects. Am. 727.01, 1710.01, 1710.02, 1710.021, 1710.03, 1710.04, 1710.05, 1710.06, 1710.061, 1710.07, 1710.11, 1710.12, 1710.13, 4582.06, and 4582.31; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 1710.061 (1710.40); and to enact sections 1710.20, 1710.21, 1710.22, 1710.23, 1710.24, 1710.241, 1710.25, 1710.26, 1710.27, 1710.28, 1710.29, 1710.30, 1710.31, 1710.32, 1710.33, 1710.331, and 1710.34

#### SB 186

ELECTIONS COMMISSION (LaRose, F., Seitz, B.) To authorize the Ohio Elections Commission to hear complaints regarding violations of the laws prohibiting use of public funds for political campaign purposes, impose civil penalties for violation of those laws, and establish additional enforcement measures for violations of those laws. Am. 9.03, 3315.07, 3517.153, 3517.154, 3517.155, 3517.156, 3517.993, and 3599.40

SB 187

ROAD NAMING (Balderson, T.) To designate a portion of the Nelsonville Bypass of United States Route 33 as the "State Senator C. Stanley Mechem Memorial Highway." Am. 5534.52

SB 188

AWARENESS MONTH (Seitz, B., Tavares, C.) To designate the month of April as "Genocide Awareness Month." En. 5.256

SB 189

ROAD NAMING (Gentile, L.) To designate the portion of U.S. Route 33 known as the Nelsonville Bypass in Hocking County and Athens County as the "Governor Ted Strickland Highway."

SB 190

ROAD NAMING (Gardner, R.) To designate a portion of United States Route 6 within the city of Sandusky as the "Army Specialist Charles E. Odums II Memorial Highway." Am. 5534.25

SB 191

TAX CREDIT (Eklund, J., Cafaro, C.) To authorize a refundable income tax credit for individual investors in a sound recording production company equal to a portion of the company's costs for a recording production or recording infrastructure project in Ohio.

SB 192

BICYCLE PASSING (Balderson, T.) To provide that when a motor vehicle passes a bicycle the safe passing distance to the left is three feet, and to alter the protocol for proceeding into an intersection that has malfunctioning traffic lights. Am. 4511.132 and 4511.27

SB 193

MICROBEADS (Skindell, M., Gardner, R.) To prohibit the sale of microbeads. Am. 3715.99 and to enact section 3715.522

SB 194

ALTERNATIVE HEALTH (Jordan, K.) Regarding the provision of complementary or alternative health services. Am. 4759.02 and to enact sections 4785.01, 4785.02, 4785.03, 4785.04, and 4785.05

SB 195

SEXUAL CONDUCT (Hughes, J., Hottinger, J.) To prohibit a person from engaging in sexual conduct with an animal and related acts, to provide for the seizure and impoundment of an animal that is the subject of a violation, and to authorize a sentencing court to require an offender to undergo psychological evaluation or counseling. Am. 959.99 and enact 959.21

SB 196

ROAD NAMING (Widener, C.) To designate a portion of state route 72 in Greene county as the "LCPL Brent Turner U.S.M.C. Memorial Highway." En. 5534.26

SB 197

GOVERNOR TRAVEL (Tavares, C.) To prohibit state funds from being used to fund the provision of security by the State Highway Patrol for the Governor when the Governor travels outside the state not for official state business except personal travel, to allow a person to fund the Governor's travels outside the state not for official state business, and to specify that cost and payment information regarding the provision of such security is a public record. Am. 102.04, 149.433, and 2921.43 and to enact sections 5502.021 and 5502.022

SB 198

MUNICIPAL TAXES (Jordan, K.) To prohibit municipal corporations from levying an income tax on nonresidents' compensation for personal services or on net profits from a sole proprietorship owned by a nonresident. Am. 709.023, 718.01, 718.02, 718.03, 718.04, 718.05, and 718.16 and to repeal sections 718.011 and 718.50

SB 199

MILITARY FIREARMS (Uecker, J., Gardner, R.) To specify that an active duty member of the U.S. Armed Forces: (1) does not need a concealed handgun license to carry a handgun concealed if the member is carrying valid military identification and a certificate indicating successful small arms qualification; and (2) may be sold or furnished a handgun if the member has received military or equivalent small arms training. Am. 1547.69, 2923.12, 2923.121, 2923.122, 2923.123, 2923.126, 2923.16, and 2923.21

SB 200

ROAD NAMING (Hughes, J., Bacon, K.) To designate a portion of I-70 in Franklin county as the "Sergeant Adam L. Knox Memorial Highway."

SB 201

NUISANCE LAW (Hughes, J.) To expand nuisance law to apply to any real property, including vacant land, on which an offense of violence has occurred or is occurring. Am. 3767.01.

SB 202

FRONT LICENSE PLATE (Thomas, C.) To specify that failure to display a license plate on the front of a motor vehicle that is required to display a license plate on the front and rear of the vehicle is a secondary traffic offense, to establish a maximum fine of \$25 for such an offense, to name this act the "DuBose Was A Beacon Act," and to amend the version of section 4503.21 of the Revised Code that is scheduled to take effect January 1, 2017, to continue the provisions of this act on and after that effective date. Am. 4503.21 and 4511.043.

SB 203

FETAL TISSUE (LaRose, F.) To expand the prohibitions regarding the transfer of the product of human conception which is aborted. Am. 2919.14.

SB 204

DRIVERS LICENSE SUSPENSIONS (Seitz, B.) To make the suspension of an offender's driver's license for a violation of specified drug offenses discretionary rather than mandatory, to authorize a court to terminate a driver's license suspension imposed for specified drug offenses committed out-of-state, to generally authorize a court to terminate a previously imposed mandatory suspension for specified drug offenses, to provide for the discretionary suspension of an offender's driver's license for possessing nitrous oxide in a motor vehicle, and to make consistent the provisions of law governing the ability of a court to grant limited driving privileges. Am. 925.02, 925.03, 925.04, 925.041, 925.05, 925.06, 925.11, 925.12, 925.13, 925.14, 925.141, 925.22, 925.23, 925.31, 925.32, 925.33, 925.36, 925.37, 4510.021, 4510.17, and 4510.31



August 6, 2015

## DEPARTMENT OF TAXATION RELEASES NEW MUNICIPAL LGF DISTRIBUTION FIGURES

It's still summertime and for some the living remains easy, so the Statehouse is relatively quiet these days except for the occasional visits by national media celebrities with crew in tow who have been showing up from time to time to cover issues related to the 2016 Presidential Election. We did report in our previous legislative bulletin that Senator Kris Jordan (R-Delaware) reintroduced legislation he introduced last General Assembly (SB282) that would permit Ohio cities and villages to only apply their municipal income tax to those that reside in the municipality and to prohibit withholding on those that are nonresidents. The new bill number for this legislative session is SB198 and as in the past, the league strongly objects to the premise of the legislative attempt and believes this is a very poorly thought out concept which represents a dangerous attempt to defund the economic engines of Ohio.

On another budget matter, we want to share with our members recently updated figures for municipal supplemental LGF distributions, released a few weeks ago by the Ohio Department of Taxation. The figures represent the new distribution amounts municipalities will be receiving after the Ohio legislature made the unfortunate policy decision to redistribute revenue dedicated specifically to municipalities, that now will be divided between all of Ohio's 1,300+ townships, very small villages and yet to be determined enhanced training requirements for all law enforcement personnel through-out the state. The figures can be accessed through the Ohio Department of Taxation's website: <http://www.tax.ohio.gov/Government/distributions.aspx>. When you access the page via the link, you will then want to go to the "Local Government Fund and Public Library Fund" link, which will in turn access you to the page listing all of the LGF distribution figures and resources. The current year distribution figures for municipalities is located in the third section, center of the page entitled: Current Year Distributions-Fund 7069 Municipalities (LGF to Municipalities). From this access point, the most recent July 2015 figures are listed and can easily be compared to the June and previous month distribution amounts, illustrating the degree of reduction each municipality will now receive from the remaining amount of the fund, as a result of the cuts included in the recently enacted state budget bill. We would encourage municipal officials interested in new LGF distribution amounts for this fund and others to periodically check the ODT page for updates.

## IN THE BUDGET BILL: NEW RED LIGHT CAMERA REPORTING REQUIREMENTS MANDATED

The Auditor of State's office recently contacted the league's office to let us know that there is a slight concern that some municipalities may not be aware of new reporting requirements included in HB64, the state's recently passed two year operating budget package, that affect only those municipalities that continue to operate Red Light cameras (traffic law photo-monitoring device) in their communities. The language related to this issue included in the budget requires municipalities to file a report if they are not complying with the new guidelines imposed by the state on how and in what circumstances the cameras are being used, and list all revenue

collected through the enforcement action. If municipalities are following the new state requirements, a "statement of compliance" is required to be filed with the Auditor of State's office. Failure to comply with the mandated reporting requirements can result in the State Tax Commissioner withholding Local Government Fund (LGF) distributions for those cities or villages. The following is the direct language included and passed as part of the state budget bill that puts in statute the new reporting requirements:

**Sec. 4511.0915. (A) On or before July 31, 2015, any local authority that has operated a traffic law photo-monitoring device between March 23, 2015, and June 30, 2015, shall file either a report or statement of compliance with the auditor of state as follows:**

**(1) If the local authority operated any traffic law photo-monitoring device without fully complying with sections 4511.092 to 4511.0914 of the Revised Code, the local authority shall file a report that includes a detailed statement of the civil fines the local authority has billed to drivers for any violation of any municipal ordinance that is based upon evidence recorded by a traffic law photo-monitoring device, including the gross amount of fines that have been billed.**

**(2) If the local authority has fully complied with sections 4511.092 to 4511.0914 of the Revised Code, in lieu of a report, the local authority shall submit a signed statement affirming compliance with all requirements of those sections.**

**(B) Beginning with the three-month period that commences July 1, 2015, and ends September 30, 2015, and for each three-month period thereafter, during which a local authority has operated a traffic law photo-monitoring device, the local authority shall file either a report or a signed statement of compliance with the auditor of state in the same manner as described in division (A) of this section. The local authority shall file the report or statement not later than thirty days after the end of the applicable three-month period.**

**(C) The auditor of state shall do all of the following: (1) Immediately forward a copy of each report or signed statement of compliance received under this section to the tax commissioner for purposes of calculating payments under section 5747.50 of the Revised Code; (2) Notify the commissioner of each subdivision required to file a report or signed statement that did not do so; (3) Notify the commissioner when a subdivision that is the subject of a notification under division (C)(2) of this section files all reports or signed statements the subdivision is required to file.**

### **BMV ANNOUNCES SEPTEMBER DELAY IN RECEIPT OF LICENSE & PERMISSIVE TAX DISTRIBUTION DEPOSITS**

Officials with the state Bureau of Motor Vehicles (BMV) contacted the league this week to ask if we could help with their efforts to communicate to Ohio municipal officials an important announcement concerning an upcoming delay in motor vehicle license and permissive tax distribution deposits.

On September 1st, 2015, the Ohio Office of Budget and Management (OBM) will be updating the state OAKS financial accounting systems, and as a result, there will be a delay in communities' September monthly license and permissive tax distribution deposits. The BMV has advised that the September deposit should be mailed or deposited to the appropriate financial institution on or no later than September 15, 2015. The Ohio Department of Public Safety/BMV will be sending letters to all counties, municipalities and townships alerting officials to the delay, which will be going out via the mail August 17th.



**July 24, 2015**

## **LEGISLATION RESTRICTING MUNICIPAL INCOME TAX TO RESIDENTS ONLY INTRODUCED**

Although the Ohio legislature has officially adjourned for their summer recess, returning to their districts to participate in the local fairs, festivals and parades that fill political calendars during this time of year, back at the Ohio Statehouse bills continue to be introduced and ready for consideration upon the return of the members of the Ohio House and Senate in mid September.

One of those bills that have recently been introduced is a proposal of particular concern to Ohio cities and villages and a legislative attempt the Ohio Municipal League strongly objects to. On Tuesday, Senator Kris Jordan (R-Delaware) introduced SB 198 which is a reintroduction of legislation the Senator sponsored last General Assembly, SB 282 which will prohibit municipal corporations from levying an income tax on nonresidents' compensation for personal services or on net profits from a sole proprietorship owned by a nonresident. A link to the text of the bill and other information can be accessed here:

[www.legislature.ohio.gov/legislation/legislation-documents?id=GA131-SB-198](http://www.legislature.ohio.gov/legislation/legislation-documents?id=GA131-SB-198)

Municipal leaders may remember that the previous SB 282, the same bill as the newly introduced SB 198, restricting the ability of the nearly 600 Ohio cities and villages who have an income tax to have that earnings tax apply only to residents, providing no municipal tax obligation for those who work and earn an income in a municipality other than the municipality where they reside, if any, received one hearing in the Senate Ways and Means committee and was not advanced legislatively by the Ohio Senate.

The league will be watching the legislation closely and will alert our members if the bill is placed on the Senate Ways and Means committee hearing schedule. In the meantime, with the introduction of this very dangerous and poorly conceived legislative proposal, when you see your state legislative members around this summer, please discuss any concerns you as a municipal leader may have with them on this topic and share with them what it would mean for the financial future of your community if residents were the only source of revenue for your municipal income tax.

## **OHIO SENATE AND HOUSE LEADERS ANNOUNCE REMAINING SESSION DATES**

Ohio Senate President Keith Faber and Speaker of the House Cliff Rosenberger released their legislative schedules for the remaining half of 2015. The Ohio Senate has a total of 17 dates scheduled for floor session remaining in the year, with two dates scheduled on an "if needed" basis. The Senate is scheduled to return from summer recess September 15th, kicking off three consecutive weeks of session.

The Ohio House will return to session September 30th and have a total of ten dates slated for days where the House will be in full session with floor votes.

As a reminder to our members and bulletin subscribers, the OML Legislative Bulletins will be produced less frequently over the next couple months, while legislative activity around Capital Square quiets down. We will send out bulletins as situations warrant, keeping our members up to date on any legislative activity that may occur.

Have a great weekend~

**July 17, 2015**

## **2015 OML TAX CONFERENCE RECORDS RECORD ATTENDANCE**

Last week the league hosted the annual OML Tax Conference at the NW Marriott in Dublin. Over 400 municipal officials, including mayors, members of council, law directors, finance directors and tax administrators attended the three day seminar that covered all aspects of recently enacted HB5, municipal tax reform legislation. We appreciate all those public officials who attended the program and we also want to thank the exhibitors who attended and provided greater resources for our members and to the regional tax groups for their monetary support.

No conference would ever be a success without the intellectual firepower through those recruited to be session presenters; the 2015 tax conference covered some of the most confusing, poorly drafted changes to the administration of the municipal income tax dictated by the Ohio legislature, so our presenters more than had their work cut out for them. The league is deeply grateful to the amazing cast of municipal tax experts who worked for months to translate for our attendees the changes that have been made in Ohio statute that will affect all of the nearly 600 Ohio cities and villages who depend upon their local municipal tax to provide the revenue that keeps their communities alive and providing the critical services to businesses and residents every day. Sometimes explaining the unexplainable created challenges that we all recognize we will be working through together as ordinances reflect the new tax procedures January 1, 2016.

For those municipal officials who were not able to attend the tax conference, regional municipal tax groups such as Southwest Ohio Tax Administrators Assoc. (SWOTTA), Ohio Tax Administrators Assoc. (OTAA), Greater Ohio Tax Administrators Assoc. (GOTTA) NW Tax Commissioners Association, TRICOTA and others will be holding informational programs later in the year to educate municipal officials about the changes to current tax ordinances that will be required for municipalities who wish to continue to administer their municipal income tax.

July 2, 2015

## GOVERNOR'S SIGNATURE FINALIZES FY 2016-17 BUDGET PROCESS

On Tuesday evening, Governor Kasich affixed his signature to sub. HB64, the new two-year state operating budget. Before signing the bill and enacting the budget into law, the Governor exercised his constitutionally provided veto authority to 44 items that had been part of the spending and policy package. As we shared with our members in the last legislative bulletin, the league drafted a letter to the Governor asking that he veto areas of the bill that would cause municipalities to needlessly lose additional revenue through continuing to withhold LGF distributions specifically earmarked for Ohio cities and villages who administer an income tax and other policy proposals by the state that violate Home Rule authority. Unfortunately, the Governor did not veto the areas of the budget detrimental to Ohio municipalities. As a result, municipalities currently struggling to raise revenue on the local level will see their financial challenges increased and the quality and quantity of services businesses and taxpayers depend upon everyday put in greater jeopardy. You can access the list of items vetoed by the Governor [HERE](#).

## BILLS ON THE MOVE MEAN MORE RESTRICTIONS TO MUNICIPAL HOME RULE

In the final legislative push to advance bills considered to be priorities by leaders of their respective chambers, this week members of the House and Senate passed legislation that has been making their way through the committee process, before adjourning for summer recess. A few of those bills acted upon deal with municipal issues which include more threats to municipal home rule authority.

One example is the issue of restricting residency requirements for local construction projects which surfaced in two bills which later were included in the state transportation budget and then in the biennial operating budget as amendments, only to be removed after legislators agreed the issue needed additional study through the committee process. Both bills mirror each other as they will prohibit municipalities from enforcing requirements on contractors who are awarded local construction projects to employ a certain percentage of the workforce from the community, where the projects are being performed. Tuesday afternoon by a vote of 61-31, the Ohio House of Representatives passed HB 180, sponsored by Rep. Ron Maag (R-Lebanon) which is the House's version while the Ohio Senate acted quicker on their proposal, SB 152 (Sen. Uecker-R, Loveland) when it was passed by that body this past Thursday by a 21-11 vote. The decision on which bill will be the legislation to complete the process and be enacted, further restricting the ability of Ohio municipalities to fully exercise their constitutionally protected home rule powers, has yet to be determined by legislative leaders.

The other bill clearing its first legislative hurdle in the process before becoming law is a bill introduced by Representative Mike Duffey (R-Worthington) and Bob Hackett (R-London) that would among other things, establish requirements governing Transportation Network Companies (TNCs), such as Uber or Lyft-style ride sharing businesses, TNC drivers, and the services provided by TNCs. Under the bill, a "transportation network company" includes any entity operating in Ohio that uses a digital network, such as an online-enabled application, software, website, or other system, to prearrange rides between TNC riders to TNC drivers. The bill

analysis states, per the description offered by the Legislative Service Commission (LSC): "HB237 specifies the intent of the General Assembly to preempt any local ordinance, resolution, or other law adopted to license, register, tax, or otherwise regulate TNCs, TNC drivers, and TNC services." The analysis goes on to explain that the legislation specifies that with regard to the provision of TNC services, no TNC or TNC driver may be regulated as a chauffeured limousine, a taxicab or vehicle for hire, or a for-hire motor carrier and that no vehicle used to provide TNC services can be required to register as a chauffeured limousine, a taxicab or vehicle for hire, or a for-hire motor carrier in order to provide TNC services.

As a means of guidance for legislators as they consider the contents and consequences of HB237, LSC added in the comment section at the end of the analysis this point of clarification:

**COMMENT: Under Article XVIII, Section 3 of the Ohio Constitution, municipal corporations "have the authority to exercise all powers of local self-government and adopt and enforce within their limits such local police, sanitary, and other similar regulations, as are not in conflict with general laws." Accordingly, a statute enacted by the General Assembly that purports to limit that constitutional authority may be invalid as applied to municipal corporations. See *Canton v. State*, 95 Ohio St.3d 149 (2002).**

The Ohio House passed HB237 by a vote of 93-0. The league objects to the language giving the state of Ohio exclusive regulatory authority over this fast growing industry, operating throughout Ohio cities and villages. To preserve the ability of municipalities to regulate "vehicles for hire" including Uber and other ride sharing enterprises accessible to the general public not only insures that safety standards are being met through local requirements that regular maintenance and general inspections are occurring on vehicles the unsuspecting citizen may hire for service, but it also adds a layer of protection for consumers, through the establishment of uniform fare rates via local ordinance and regular inspection of metering devices. By setting fare rates through municipal ordinance, "vehicle for hire" charges are published and not subject to fluctuation when specific "business opportunities" such as location of the ride request, time of night or volume of business may entice drivers to charge higher fare rates or develop their own schedule for fare charges.

HB 237 has moved on to the Ohio Senate where it is waiting to be assigned to a committee. We presume hearings will begin when the legislature returns later in the fall and will be sure to keep our members updated on any future activity concerning the bill. We encourage municipal officials that object to continued attempts to erode the home rule provision of the Ohio Constitution to contact their state Representative and Senator and ask them to uphold the tenants of Ohio's Constitution, as they swore to do with their hand atop the Bible, as they were sworn into their state legislative seats.

While the members of the General Assembly are on their legislative recess and back in their hometowns and districts participating in meetings, parades and other civic events in your municipalities, please share with them concerns you and other municipal leaders may have with changes the state is making regarding the deterioration of financial support provided cities and villages and how previous revenue sharing agreements are not being lived up to but rather are being diverted away from municipalities unnecessarily. You might also share with your state policy makers when you see them that state imposed challenges to home rule powers is not making the job of local governance any easier and that interference by the state on local matters only separates taxpayers from their local democracies and adds greater frustration for businesses and citizens alike.

Until further notice, there will not be committee hearings in the near future while the legislature is in recess. The legislative bulletins will also slow down in frequency during the legislative break and will be sent out roughly two times a month instead of on the current weekly basis.

Have a safe 4th of July holiday weekend.~



**June 26, 2015**

## **STATE OPERATING BUDGET NEARS FINAL PASSAGE/MUNICIPALITIES ASK GOVERNOR FOR VETO CONSIDERATIONS**

The Ohio legislature is putting the final touches on the proposed \$71.3 billion, two-year state operating budget plan this week as the House votes today on the report produced by members of the HB64 Conference Committee including the last language changes. Yesterday, the Ohio Senate did their part by approving the conference committee report which including large portions of the version adopted by Senator's the week before. The Legislative Service Commission has produced a "Comparison Document" for HB64, the state operating budget bill that can be accessed at: <http://www.lsc.ohio.gov/fiscal/comparedoc131/cc/comparedoc-hb64-ccr.pdf>. The document compares all of the budget proposals offered by the Ohio House, Senate and what was decided upon as the final policy through the conference committee negotiations. The issues are listed through the state agency or department sections that have jurisdiction over that particular area of state government. Most of the areas that effect municipalities can be found in the "Local Government Provisions" section that begins on page #1105, municipal tax changes are included in the Department of Taxation section beginning on page #972, while the municipal LGF revenue changes can be found in the "State Revenue Distributions" area, on pages #958-959 specifically.

Most troubling to Ohio municipalities in what is being approved as the two year state spending plan is the retention of language adopted by the Ohio Senate that "redirects" revenue dedicated specifically for Ohio municipalities through the LGF municipal distribution, in the amount of \$39 million over the two- year biennium. As we have previously reported through our last several editions of the legislative bulletin, reporting on the evolving budgetary additions and subtractions, budget language was added that will "redirect" over the two-year budget period \$20 million of the municipal LGF distribution to the general funds of Ohio's 1308 townships; \$4 million to villages smaller than 1,000 in population and \$15 million over the biennium to the Law Enforcement Assistance Program to increase police officer training for all police officials across the state including State Highway Patrol Troopers, Township Constables, County Sheriff Deputies, and state Park Rangers. The enhanced training mandates were proposed through recommendations offered by the Governor's Police Relations Advisory Commission, many of which the administration is implementing. As a reminder of agreements reached in the not so distant past between the state of Ohio and its local government partners, this one goes back 43 years ago as to why the state provides some municipalities with this supplemental distribution. The city of Toledo was the first city to institute a municipal income tax in 1946, and thus was the first form of taxation on income for Ohio workers with other cities following suit shortly thereafter. The distribution formula for state support to local communities through the LGF, in what we are sure was made in good faith between Ohio's state legislative leaders and their municipal counterparts at the time, included the recognition in 1972 that because the state legislature had just enacted Ohio's own income tax, this new statewide income tax would be in direct competition with the ability of Ohio municipalities to raise revenue on the local level through their current local tax, because of the growing tax burden on Ohioans now coming from the state. In recognition of this new threat to funding municipal services and the importance of sustaining the mission of cities and villages, state leaders dedicated a mere 10% of the total yearly LGF distribution to be dedicated to Ohio municipalities who administer their own income tax.

In 2014, that amount of the municipal LGF revenue distribution was roughly \$28 million. What municipalities who receive this stipend will be left after the state budget siphons away this supplement to 536 Ohio cities and villages will be minimal, at best. The Department of Taxation will produce an analysis of the projected revenue losses cities and villages will incur soon and we will provide that information when it is available.

Ohio cities and villages are challenged more than ever by previous agreements with the state that have been broken or not lived up to in the area of taxation policy, revenue replacement schemes and numerous other instances where the state government continues to grow its scope of influence, eclipsing the authority and effectiveness of their local governments who deliver the services businesses and residents depend upon and expect every day.

The language included by the Ohio House that punitively withholds LGF revenue from municipalities that continue to operate Red Light cameras under the new state guidelines remains part of the operating budget plan despite current court challenges making their way through the judicial process, questioning the constitutionality of the state imposed restrictions.

There were changes made by the conference committee that we had asked for and are grateful that the final budget reflects things that we support such as:

- The reinsertion of \$20 million appropriation of GRF over the biennium to create the Local Government Safety Grant Program.
- The removal of legislative language in HB5 from the previous General Assembly that would have made municipal Tax Administrators personally liable for performing their duties.
- The removal of language that would have included the mental affliction of post-traumatic stress disorder (PTSD) as an eligible condition covered through workers' compensation system.

Other general budget items included in the final package worth highlighting include:

- Increased Ohio's "Rainy Day Fund" or Budget Stabilization Fund from \$1.85 billion to \$3.15 billion.
- 6.3% across-the-board state income tax cut
- Will increase the current 50% small business income tax cut to 100% income tax cut for business that earn less than \$250,000 annually over the two year biennium
- Lowers the income tax rate to 3% for businesses that earn greater than \$250,000 a year.

After the House completes their approval of the state budget (HB64) conference committee report, the final budget plan will be sent to Governor Kasich over the weekend for his review. The Governor does possess the power of the "Veto" and can strike any language that he does not believe is the best policy for Ohio going forward. On Tuesday, on behalf of the OML Board of Trustees and our members, the league sent to Governor Kasich a letter [HERE](#) requesting his veto consideration for issues included in the budget that cities and villages are in opposition and wish not to be included in the state operating budget and enacted into law. Throughout the summer, the league will include in our legislative bulletins greater detail on changes made in the budget that will have an impact on the administration of Ohio municipalities.

There have been other things happen at the Statehouse this week as the legislature pushes committee hearings and schedules in an attempt to "clear the decks" legislatively before the legislature breaks for their summer recess,

which begins next week after the budget is signed. In upcoming bulletins we will highlight other budget issues included in HB64 and make our members aware of legislation moving through the process that they should be aware of.

**June 19, 2015**

## **OHIO SENATE APPROVES STATE OPERATING BUDGET/CONFERENCE COMMITTEE NEXT STEP**

This week the Ohio Senate, by a vote of 23-10 approved the two year spending package that Senators have deconstructing and reconstructing for the past six weeks. The Senate's biennial budget proposal was not accepted by the members of the Ohio House, as expected and Conference Committee hearings began today for members of the House and Senate to work through their legislative differences.

It is with much regret that we must share with our members that Ohio cities and villages again are taking the brunt of additional cuts in financial assistance by the state through more revenue being withheld via redirect municipal LGF distributions and additional threats to the constitutionally granted Home Rule provisions of self governance.

Instead of going through the list in last week's bulletin of items inserted by the Ohio Senate that will be detrimental to Ohio municipalities in the next two year budget cycle if they remain part of HB64 and are enacted into law, below you will find a letter we have sent to members of the HB64 Conference Committee outlining our objections for what has been proposed as the budget for the state of Ohio.

The league strongly encourages municipal officials to immediately contact the Governor Kasich's office and individual state representative and state senator and educate them on how important revenue is to your community, citizens and businesses that the financial and Home Rule assaults against Ohio's hometowns.

June 19, 2015

Senator Scott Oelslager  
Chairman  
HB64 Conference Committee

Chairman Oelslager:

On behalf of the OML Board of Directors and our member municipalities, we are writing to ask that reconsideration be given to several budget items that have been added to sub.HB64, the proposed state operating budget bill, currently before you. The areas highlighted below include changes that, if were to be included in the final, enacted version of the budget bill, would further compromise the ability of municipalities to deliver the quality services business and resident constituents depend upon daily without increasing the financial burden through higher local tax rates.

The most objectionable policy changes proposed in the current budget language relate to the "redirection" of Local Government Fund (LGF) distribution amounts specifically dedicated to municipalities that will now be siphoned away from the locales that are instrumental in generating the state revenue amounts making the program possible. Ohio municipalities are once again being told that they must "pick-up the slack" and have more revenue withheld to support perceived financial deficiencies in other government entities, to fund new state mandates applied to a universe of service providers and as a punitive measure meant to punish autonomous political subdivisions. Specifically, the following provisions included in HB64 will take more LGF revenue from service providing municipalities:

1. \$24 million over the biennium "redirected" from the LGF municipal distribution to townships and small village's general funds. State revenue dedicated towards municipalities should not be a "revenue enhancer" for other political subdivisions financial challenges, originally created by changes in state revenue sharing policies. This revenue should be "redirected" back to municipalities.
2. \$15 million over the biennium "redirected" from the LGF municipal distribution to the Law Enforcement Assistance Program to increase the required number of hours of police officer training for all police officials across the state including State Highway Patrol Troopers, Township Constables, County Sheriff Deputies, Park Rangers and municipal police forces, changes proposed by the Governor's Police Relations Advisory Commission. State revenue dedicated towards municipalities should not be redistributed to other state supported law enforcement programs or mandates initiated through executive order. This revenue should be "redirected" back to municipalities.
3. \$2 million over the biennium "redirected " from the LGF municipal distribution to implement key recommendations of the Governor's Community Police Relations Task Force including financing the creation and operation of a database and public awareness campaign.
4. The league objects to language incorporated in HB64 financially penalizing municipalities that have conformed to new state statutes regulating the use of electronic traffic devices by withholding LGF distribution. The league believes this is a reckless attack on the Home Rule provision of the Ohio Constitution and will only perpetuate future constitutional challenges.

The Ohio Municipal League objects to language added late in the budget hearing process that we believe has not been vetted extensively enough through the legislative process to determine the full impact to municipal worker's compensation rates and premiums required of our local governments. Specifically, portions of SB5 has been inserted into the state budget bill, legislation making the mental affliction of post-traumatic stress disorder (PTSD) an eligible condition covered through workers' compensation benefits for peace officers and other first responders, regardless of the presence of a physical injury. The league shares the concerns put forth by the Administrator of BWC, which have been expressed during committee hearings held on the proposal that this inclusion of covered conditions will place a significant strain on the state insurance program causing an undetermined increase in public employer rates. We are hopeful this provision is removed from the state operating proposal and more study is given to the change.

The Ohio Municipal League asks that language be removed currently in HB64 which also was a late addition to the bill that received no legislative hearings this session and was previously attempted to be enacted surreptitiously only to be removed through veto. The Senate Finance committee included language that will encroach upon the regulatory responsibilities placed upon municipalities with maintenance of buffer zone requirements around drinking water reservoirs. The proposal will prevent a municipality that has established and implemented a watershed management program with respect to a drinking water reservoir from restricting a property owner that has a parcel of land contiguous to property that constitutes a buffer from interfering in maintenance requirements

and responsibilities placed upon the municipality. This provision violates requirements by USEPA for erosion management and other pollution control procedures mandated on municipalities.

Further changes are being proposed for the administration of the municipal income tax that were not vetted through the legislative process, neither through committee hearings or by not distributing the included changes with municipal tax officials or representatives of municipal government. They include changes to extension for municipal income tax returns; taxation of publicly traded partnerships; changes to municipal taxation of foreign income; new procedure for former municipal income taxpayer to submit affidavit; changes to municipal tax sharing with school districts; and language related to the Net Operating Loss (NOL) Carry Forward provision that was tremendously ambiguous in previous tax reform legislation.

The most objectionable change made in the current state budget bill in relation to the municipal income tax is language originally inserted by the Ohio House of Representatives and later removed by the Ohio Senate which specifies that taxpayers seeking damage awards on the basis of actions or omissions regarding municipal income taxes may sue the municipal corporation, but not the tax administrator.

The league very much appreciates the Ohio Senate reauthorizing the Ohio Historic Preservation Tax Credit program, insuring that this popular and very important public-private revitalization program will continue. We also appreciate the different grant programs included in the current version of the bill directed towards such things as Brownfield remediation and the extension of the Enterprise Zone program.

Although we have outlined the top objections the league has identified currently in HB64, there are numerous other areas of the proposed spending plan that we ask the Ohio legislature to reconsider before enacting, including the removal of \$20 million originally supported by a majority of Ohio House members and included in their budget plan, appropriating excess state revenue to create a much needed Local Government Safety Grant Program. Building a stronger partnership between the state and municipalities through critical support programs like the proposed grant program and a secure and stable LGF distribution procedure would be a tremendous benefit to communities that are the front lines of service to Ohio's constituents while simultaneously providing for a healthier Ohio.

Thank you for your time and consideration of our requests to improve upon the state budget proposal.

Yours in service,

Susan J. Cave

## **STATE AUDITOR ANNOUNCES ENHANCED AUDIT STANDARDS**

The league wants to bring to the attention of our municipal officials action being initiated by the Auditor of State David Yost related to enhanced audit standards that will become effective July 1, 2015. The additional audit standard information was first distributed to municipal officials through an "Auditor of State Bulletin" dated May 18, with the subject heading: "Abuse Standards." The league did not receive a copy of the notification by the Auditor's office, but was able to obtain a copy which can be found [HERE](#).

*The league is concerned that municipal officials may not be aware of the upcoming enhanced category of audit standards being imposed July 1st.*

The Bulletin announcing the introduction of the new micromanaging procedure from the Auditor states that:

*".....for audit periods beginning July 1, 2015 and after, auditors will report abuse on the part of any public official coming to our attention. If auditors become aware of abuse that could be quantitatively or qualitatively significant, auditors will obtain evidence to ascertain the potential effect of the abuse. After performing the additional work, auditors may determine that the abuse requires reporting as fraud or illegal acts, and, in either case, appropriate further action will be taken."*

The announcement goes on to state that:

*".....if auditors discover conduct which may constitute abuse under the foregoing standards, notice to the public official and opportunity for comment will be provided in a manner similar to that utilized for proposed Findings for Recovery. The public official will be afforded written notice of the potential abuse with sufficient information to identify, with reasonable specificity, the assertion. The public official will be afforded a period of five days to respond to the finding with an explanation or other pertinent information."*

We strongly encourage Ohio municipal officials to read the directive from the Auditor of State carefully and share any comments or concerns you may have with the league and the Auditor's office directly, so an accurate reflection of local officials' opinion of this enhanced oversight procedure can be measured.

Below is a list of upcoming committee meetings for next week. If there are any changes, we will post them to our website.

Have an enjoyable weekend.~

June 12, 2015

## OHIO SENATE UNVEILS BUDGET PACKAGE DELIVERING ADDITIONAL FINANCIAL HARDSHIP TO OHIO MUNICIPALITIES

On Tuesday, the Ohio Senate unveiled language that members of various committees and subcommittees have been working on for the past six months, as their proposals for what policy and spending items should be included in the upcoming state operating budget. Before the substitute language was available, Senate Finance committee held hearings on the budget package where the league testified both in writing and through oral presentation. A copy of the written testimony can be found [HERE](#). There were many areas of the Senate budget proposal that will affect Ohio municipalities including proposals to "redirect" municipal specific LGF revenue to other government sources and to withhold LGF distributions, more changes to municipal income tax practices and procedures and state policy changes effecting tax credits and land management requirements. There is an updated LSC Comparison Document and Budget in Detail Document for Sub. H.B. 64 (LSC 131 0001-6) that is available on the LSC website: <http://www.lsc.ohio.gov/budget/mainbudget.htm>.

While the state continues to enjoy robust tax collection revenues and is proposing in the Senate budget language to increase the state's Budget Stabilization Fund (also known as the "rainy day fund") from the current \$1.85 billion in reserves to \$3.15 billion by increasing the percentage of state revenue dedicated to this pot of taxpayer dollars, it is fair to say that Ohio cities and villages continue to be the target of some who feel municipalities are somehow flush with extra revenue and that their communities have an untapped fiscal capacity that will allow them to ask without impunity for local taxpayers to pay more in local taxes. It appears as if some feel municipalities have not done enough to subsidize fiscal challenges facing the state and other local government entities.

Without providing too much editorializing on our part, every municipality who has entered into the challenge of raising revenue on the local level, to provide an adequate and once reliable source of funding to support basic services businesses and residents depend upon every day, through the implementation of a municipal income tax, will be punished fiscally through the newly proposed state operating budget. This punishment is materializing itself in the form of language offered through the substitute bill presented Tuesday that will "redirect" LGF distribution amounts dedicated to municipalities with a income tax and will divert those financial resources in two substantial directions, leaving the supplemental appropriation for municipalities essentially bankrupt.

As a brief reminder, about 70 years ago, the state of Ohio pledged this supplemental financial support to taxing municipalities when it, the state of Ohio, entered the arena of administrating its own income tax. This new income tax by the state of Ohio was and continues to be in direct competition with municipalities in Ohio that had already exercised their authority provided them through the Ohio Constitution to initiate their own municipal income tax. With the recognition that taxpayers will be less tolerant of the requirement to comply with two income taxes, one from the local service provider and one from the state thus making future revenue

generation more difficult locally and so the cooperative agreement was reached. That agreement seems to now be in significant jeopardy.

## Local Government Fund

There are four significant objections the league has identified with the current Senate version of HB64 as it relates to revenue received by cities and villages through the LGF.

1. The Senate proposes to "redirect" \$24 million over the biennium in funding from the LGF municipal distribution that provides supplemental LGF payments to cities and villages levying an income tax. The "redirected" revenue would go to townships and small villages. Section: 375.10  
Specifically, the proposal will:

- Alter the distribution of money in the Local Government Fund, specifying that \$10 million in each of FY 2016 and FY 2017 be distributed through county undivided local government funds to townships, and \$2 million each year be distributed to small villages, **instead of directly from the Department of Taxation to municipal corporations.** (For this purpose, "small village" is defined to be those with populations under 1,000).
- Specifies that half of each amount is to be distributed equally among all townships and small villages in the state and half is to be distributed based on road miles in each township and small village.
- Fiscal effect: Increases LGF transfers to townships by a total of \$10 million in each fiscal year. Decreases transfers to all municipal corporations by a total of \$12 million in each fiscal year, increases transfers to small villages by \$2 million, resulting in a net loss to cities and larger villages totaling more than \$11 million and a net gain to small villages of over \$1 million.

2. The Senate proposes to "redirect" \$15 million over the biennium in funding from the LGF municipal distribution that provides supplemental LGF payments to cities and villages levying an income tax. The "redirected" revenue would go to the Law Enforcement Assistance Fund which will be used to increase the required number of hours of police officer training, changes proposed by the Governor's Police Relations Advisory Commission. The training would include all police officials across the state including State Highway Patrol Troopers, Township Constables, County Sheriff departments, Park Rangers and municipal police forces.

Specifically, the proposal for funding continuing professional training for law enforcement will: (Section: 221.10)

- Alter the distribution of money in the Local Government Fund, specifying that \$5,000,000 in FY 2016 and \$10,000,000 in FY 2017 be distributed through county undivided local government funds to the Law Enforcement Assistance Fund (Fund 5L50), **instead of directly from the Department of Taxation to municipal corporations.**
- Requires the Ohio Peace Officer Training Commission to direct every appointing authority to require each of its appointed peace officers and troopers to complete a total of 11 hours of continuing professional training in calendar year (CY) 2016, and a total of 20 hours of continuing professional training in calendar year (CY) 2017.

- Requires the state, in FY 2017, reimburse each public appointing authority for 100% of the cost of continuing professional training for 11 of the 20 hours of training required in CY 2017.
- Requires the state, in FY 2017, reimburse each public appointing authority, for the first 50 full-time officers or troopers trained, for 100% of the cost of continuing professional training for the remaining 9 of the 20 hours of training required in CY 2017.
- Requires the state, in FY 2017, reimburse each public appointing authority, for any full-time officers or troopers trained after the first 50 full-time officers or troopers are trained, for 80% of the cost of continuing professional training for the remaining 9 of the 20 hours of training required in CY 2017.
- Bill Fiscal effect: The Law Enforcement Assistance Fund (Fund 5L50) will receive an additional \$5 million in FY 2016 and \$10 million in FY 2017 from the Local Government Fund for the purpose of reimbursing public appointing authorities for the cost of required continuing professional training for law enforcement (peace officers and troopers), at the fiscal expense of revenue previously dedicated to Ohio municipalities.

3. The Senate has proposed to "redirect" \$2 million in LGF revenue to implement key recommendations of the Governor's Community Police Relations Task Force including a database and public awareness campaign.

Specifically the proposal would:

- Create the Community Police Relations Fund (Fund 5RS0) in the state treasury.
- Alters the distribution of money in the Local Government Fund, specifying that \$1,000,000 in FYs 2016 and 2017 be distributed through county undivided local government funds to Fund 5RS0.
- Requires appropriation item 768621 be used to implement key recommendations of the Ohio Task Force on Community-Police Relations, including a database on use of force and officer involved shootings, a public awareness campaign, and state-provided assistance with policy-making and manuals.
- Fiscal effect: Appropriates \$1,000,000 in each fiscal year away from the LGF and to DPF Fund 5RS0 appropriation item 768621, Community Police Relations.

The league believes that municipalities should not have to shoulder the financial responsibility for state mandates requiring increased training for all safety forces throughout the state. Instead, the state should dedicate alternate state funding for heightened training qualifications, especially in light of the bulging state reserve figures and casino revenue which initially was to be earmarked for law enforcement training.

The other significant LGF issue relates to the objection the league has with language incorporated into HB64 by the Ohio House that relates to the use of Red Light Cameras and LGF distribution amounts being withheld. Specifically we object to the language preserved by the Senate that would:

- Require any local authority that has operated a traffic camera between March 23, 2015, and June 30, 2015, to file either of the following with the Auditor of State on or before July 31, 2015: (1) If the local authority has complied with the traffic camera law, a statement of compliance with the traffic camera law; (2) If the local authority has not complied with the traffic camera law, a report including the civil fines the local authority has billed to drivers for any violation of any municipal ordinance that is based upon evidence recorded by a traffic camera. Requires any local authority that has operated a traffic camera to submit either a report or statement of compliance, as discussed above, to the Auditor of State every three months, beginning July 1, 2015. Requires the report or statement of compliance to be filed within 30 days after the end of the three-month period. Requires the Auditor of State to immediately forward these reports or statements of compliance to the Tax Commissioner for purposes of calculating LGF

- Requires the Auditor of State to notify the Tax Commissioner when political subdivisions have failed to make the required filings and when political subdivisions that were the subject of such a notification make the required filings.
- Reduces Local Government Fund (LGF) payments to subdivisions required to file a report of fine receipts in an amount equal to the gross amount of traffic camera fine receipts reported by the subdivision.
- Eliminates LGF payments to a subdivision that is required to but does not submit such a report or statement until the subdivision files the required reports or statements. Requires the LGF payments to resume according to current law once a political subdivision complies with the filing requirements under the provision.
- Redistributes LGF payments withheld from a non complying subdivision on a pro rata basis to other political subdivisions within that subdivision's county.
- Fiscal effect: Loss of LGF distributions for certain political subdivisions.

The league believes this is a reckless attack on the Home Rule provision of the Ohio Constitution and is a warrant-less maneuver against municipalities who are conforming to the new state guidelines for the operation of traffic control devices.

## Municipal Tax Changes

Although municipalities across the state continue to digest what was passed last year in the sweeping municipal tax reform legislation, HB5, more changes have been incorporated into the Senate version of the state operating budget bill without consultation by the league or municipal tax officials.

The following is a list of the proposed municipal tax changes now included in HB64, the state operating budget bill:

1. The Senate has removed language the league supported, first introduced by Rep. Sprague (R-Findlay) as HB84 and later placed in HB64, which specifies that taxpayers seeking damage awards on the basis of actions or omissions regarding municipal income taxes may sue the municipal corporation, but not the tax administrator. HB5 changed current law to allow a municipal income tax taxpayer aggrieved by an action or omission of a municipal tax administrator, an administrator's employee, or a municipal employee to bring an action against the tax administrator or municipal corporation to recover compensatory damages and costs. (A tax administrator can include any individual or entity retained by a municipal corporation to administer its income tax, including the Regional Income Tax Agency and the Central Collection Agency.)
2. Also related to HB5, the Senate added language related to the Net Operating Loss (NOL) Carry Forward provision which would: (R.C. 718.01)
  - Clarify municipal income tax law, effective January 1, 2016, that temporarily reduces the amount of net operating loss (NOL) that a business may deduct and carry-forward to 50% of the amount otherwise allowed. The temporary limit applies to NOLs incurred after 2016 and claimed on tax returns filed for taxable years 2018 through 2022; this provision clarifies that, if an amount is not fully utilized due to this temporary limit and is carried forward to the 2019, 2020, 2021, or 2022 taxable year, the 50% limit continues to apply to that carried-forward amount. Again, the league was not provided with an advance

copy of the language added to the bill to determine if the proposal actually clarifies the ambiguity of the proposed treatment.

3. Changes to municipal income taxation of publicly traded partnerships R.C. 718.01

- Allows a publicly traded partnership (defined as any partnership, an interest in which is publicly traded on an established securities market) to elect to be taxed as if the partnership were a C corporation for municipal income tax purposes. (Beginning in 2016, all municipal corporations must tax C corporations at the entity level, while all pass-through entities must be taxed at the owner level). Fiscal effect: Potential municipal tax loss undetermined current partnership treatment is uniform. More review is necessary to determine how this carve-out will be administered.

4. Changes to Municipal income taxation of foreign income (R.C. 718.01)

- Allows a municipal corporation to tax an individual's foreign income if (1) the income is employee compensation that either (a) is included in the taxpayer's federal gross income or (b) would have been included in federal gross income if the taxpayer did not elect to exclude the income under section 911 of the Internal Revenue Code, (2) the amount was not subject to federal or municipal income tax withholding in any previous year, and (3) the amount will not be subject to federal income tax withholding in any future year. Current municipal income tax law makes no specific reference to foreign earned income, and I.R.C. 911 authorizes U.S. citizens and residents living abroad for an extended period to elect to exclude foreign-earned income from their U.S. gross income for federal tax purposes under certain conditions. Fiscal effect: Potential revenue gain for municipalities that use federal adjusted gross income in their municipal tax ordinance.

5. Changes to procedure for former municipal income taxpayer to submit affidavit (R.C. 718.05)

- Allows a municipal income taxpayer to submit an affidavit to a tax administrator certifying that the person is no longer a taxpayer in the municipal corporation. Provides that upon submitting the affidavit, the former taxpayer is no longer required to file a tax return for that municipal corporation for future taxable years, unless the tax administrator possesses information that conflicts with the affidavit or the person's circumstances change. Fiscal effect is unknown at this time.

6. Change to municipal income tax sharing with school districts, only effecting Columbus ( R.C. 718.04)

- Allows a municipal corporation that shares at least 70% of its territory with a school district to enter into an agreement to share municipal income tax revenue with the school district, provided that a portion of the remaining 30% of school district territory lay within another municipal corporation with a population of 400,000 or more. Fiscal effect: Unlike state or municipal income taxes, school district income taxes (SDIT) may be levied only on the income of residents of the school district. Authorizing a municipal income tax and sharing the proceeds with the school district would potentially yield a greater amount of revenue available to a school district than a SDIT with a comparable rate because the municipal tax base includes nonresidents. The only municipality in Ohio with a population over 400,000 is Columbus; therefore, this provision is only applicable to those municipal corporations adjacent to Columbus.

The Senate proposes addressing two issues that are specific to only two municipalities in Ohio which were intended to be addressed in HB5 but were omitted. They are:

7. Allowing alternative municipal income tax base adjustments (R.C. 718.01 R.C. 718.01.)
  - Specifically allows a municipal corporation that has adopted Ohio adjusted gross income as its tax base to make adjustments to that tax base with respect to resident individuals. Under continuing law, a municipality that adopted Ohio adjusted gross income as the municipality's tax base before January 1, 2012, may continue to use that tax base instead of the tax base prescribed in Chapter 718. of the Revised Code. However, under current law, the tax base that may be used is that which was in effect on December 31, 2013 and no further adjustments may be made. Same as the House. This particular treatment is for two municipalities in Ohio only.
  
8. Expands documents submitted with municipal income tax returns (R.C. 718.05 R.C. 718.05)
  - Allows the municipal tax administrator of a municipal corporation that adopted Ohio adjusted gross income as the municipality's tax base before January 1, 2012, to require an individual taxpayer to submit their Ohio individual tax return form (IT-1040) along with the individual's municipal income tax return. Under current law to take effect in 2016, an administrator may require an individual to submit only the individual's federal 1040 return and W-2 statements and, if the individual files an amended return or refund request, the documentation needed to support the refund request or adjustments. Fiscal effect: None.

The Senate has retained the following municipal tax changes proposed by the Ohio House:

Due date for municipal income tax returns R.C. 718.05 R.C. 718.05

- Changes the annual return filing deadline for municipal income taxpayers that are not individuals to the fifteenth day of the fourth month following the end of the taxpayer's taxable year. Under current law, all municipal income tax returns for all taxpayers - individuals and entities - are required to be filed on or before the date prescribed for filing individual state income tax returns. Same as the House.

Six-month extension for municipal income tax returns R.C. 718.05 R.C. 718.05

- Beginning January 1, 2016, requires municipal tax administrators to grant taxpayers a six-month filing extension for a municipal income tax return even if the taxpayer did not request a corresponding federal extension. Fiscal effect will be felt through cash flow interruptions and spending adjustments that will be necessary.

Publication of municipal taxpayers' rights and responsibilities R.C. 718.07 R.C. 718.07

- Requires municipal corporations to publish a summary of taxpayers' rights and responsibilities online.

Ohio Historic Preservation Tax Credit

The league is very concerned with language added by the Ohio Senate that appears to end all State Historic Preservation Tax Credits that are not completed and certified by **July 1, 2015**, as well as any applications for projects that are pending. There are several sections of language added to HB64 by the Ohio Senate that gives us great concern. They are:

(TAXCD60) Historic rehabilitation tax credits for C corporations (Section: 757.70 Section: 757.70)

- The Ohio House extended, to July 1, 2017, a provision authorizing owners of an historic rehabilitation tax credit certificate to claim the credit against the commercial activity tax (CAT) if the owner cannot claim the credit against another tax. (H.B. 483 of the 130th General Assembly authorized such credit claims against the CAT only for tax periods ending before July 1, 2015).
- **The Senate changed the House language by replacing the House version with a provision that terminates the awarding of new tax credits for expenditures incurred to rehabilitate historic buildings beginning July 1, 2015.**
- Fiscal effect: The state GRF revenue will increase. The timing of the revenue gain is uncertain, due to time lags in claiming credits awarded. The revenue gain may be offset, in whole or in part, by an expenditure increase for a grant program for the same purpose (see DEVCD48)

(DEVCD48) Historic Rehabilitation Grant Program (R.C. 122.97)

- Creates the Historic Rehabilitation Grant Program for DSA to award grants, beginning in FY 2018, that cover 25% of the costs of rehabilitating a historic building, with similar requirements, procedures, and individual dollar limitations as currently apply to the Historic Rehabilitation Tax Credit Program. **(The tax credit program is ended under the bill. See TAXCD60).**

The league has been working with other groups affected by this proposed change to determine the consequence of these sections and have communicated with members of the General Assembly the importance in preserving the Ohio Historic Preservation Tax Credit. We strongly urge municipal officials who object to losing credits or having projects cancelled by this change to immediately contact their State Representative or member of the Senate

## Land Management

The Ohio Senate included in their redraft of HB64 language previously vetoed by Governor Kasich that encroaches on regulatory responsibilities placed upon municipalities with maintenance of buffer zones requirements around drinking water reservoirs ( R.C. 743.50). The budget would:

- Require a municipal corporation that has established and implemented a watershed management program with respect to a drinking water reservoir to allow an owner of property that is contiguous to property that constitutes a buffer around a body of water that is part of such a reservoir to maintain property that constitutes a buffer if the maintenance is for any of the following purposes: (1) creation of an access path that is not wider than five feet to the body of water; (2) creation of a view corridor along adjacent property boundaries; (3) removal of invasive plant species as defined in Section 901.50 of the Revised Code; (4) creation and maintenance of a filter strip of plants and grass that are native to the area surrounding the reservoir in order to provide adequate filtering of wastewater and polluted runoff from the owner's property to the body of water; (5) beautification of the property.

- Prohibits a peace officer or other official with authority to cite trespassers on property that is owned by the municipal corporation and that constitutes a buffer as described above, from issuing a civil or criminal citation to an individual who enters the property for the sole purpose of mowing vegetation or for any of the purposes specified in the bill.

Although LSC says the fiscal effect potential is a reduction of costs for property maintenance for municipal corporations, this provision may violate requirements by USEPA for erosion management and other pollution control procedures mandated on municipalities.

## Auditor of State

The House included language in the budget bill that permits the state Auditor to elevate a situation from financial watch to emergency to financial emergency regardless of financial recovery plan status and to reduce the time frame for a local government to create a financial plan from 120 days to 90 days. The Senate amended the language, at the request of the league, to eliminate this provision two years from the effective date of the bill. Specifically the Senate language will:

- Require the Auditor of State to declare that a fiscal emergency condition exists in a municipal corporation, county, or township if the municipal corporation, county, or township in which a fiscal watch exists has not made reasonable proposals or otherwise taken action to discontinue or correct the fiscal practices or budgetary conditions that prompted the declaration of fiscal watch, if the auditor determines a fiscal emergency is necessary to prevent further decline. Senate amended with sunset language to eliminate this provision two years from the effective date of the bill.
- Reduces from 120 days to 90 days the amount of time a municipal corporation, county, or township for which fiscal watch has been declared is given to submit to the Auditor of State its financial recovery plan.

The budget work is not over. The Senate will be producing an omnibus amendment early next week, to further adjust budget language they have proposed in the substitute version released Tuesday. The league has been talking with members of leadership about our objections to items currently being proposed and asking for relief through the coming amendment package. Currently, the final Senate budget plan is scheduled to be voted on by the full Senate Wednesday, June 17th. Following the vote by the Senate, the bill will be sent back to the Ohio House where they will vote not to accept the Senate version and instead will call for a Conference Committee to convene, for leaders of both Chambers, including the Governor's office, to meet and resolve differences in budget priorities. The bill will then go to the Governor for his signature by July 1st.

Clearly, the budget work is not over and we need for municipal officials, now more than ever, to contact your state Senator and state Representatives, by telephone or personal visit, to impress upon them how vital LGF revenues are to your communities. Local officials must convey to state policy leaders that it is not the responsibility of municipalities to carry the financial burden for other government entities, including the state of Ohio, as cities and villages of every size and geographic location continue to struggle financially to meet current and future demands for service businesses and residents deserve and expect.

**June 5, 2015**

## **SENATE FINANCE COMMITTEE TO RECEIVE SUBSTITUTE BUDGET BILL AND TESTIMONY NEXT WEEK**

The Senate Finance Committee is heading into the final stretch of their role in crafting the next state operating budget bill. Although Senators continue to craft the final pieces to what is planned to be presented Monday as the blueprint preferred by the majority of members of the Ohio Senate, small indicators have leaked out through press interviews and sidebar comments shedding some light on what the Senate will be presenting. Thus far, Senate plans to alter policies that may affect Ohio cities and villages have not been revealed. There is a general feeling that the Senate will be a little more supportive of some of the tax proposals first presented by Governor Kasich, when he offered his suggestions for issues and policies that should be included in the biennial budget plan, compared to how they were received by members of the Ohio House of Representatives. Tax issues such as increasing Ohio's Severance Tax and tax increases on tobacco products may garner more support as members of the Senate have indicated they are interested in providing Ohioans with a larger income tax cut than what is before them now in Sub. HB64.

The league is scheduled to testify before the Senate Finance Committee next week to emphasize areas of the current budget plan that we support, areas where we feel more work is needed and to share with committee members our views on what the Senate unveils Monday as their list budget priorities to be included in Sub. HB64, the operating budget bill. Once the Finance Committee concludes its three days of testimony next week, beginning on Tuesday, it is expected that a final omnibus amendment will be offered by Senators to address last minute fixes and issues to the bill, before being voted out of committee and to the Senate floor. At the moment, Senate leadership has indicated that Am. Sub. HB64 will be presented to the full Senate membership and on the Senate floor Wednesday, June 17. The bill will then be sent back to the Ohio House, for members of that Chamber to consider the Senate changes to their original bill. As tradition would have it, it is fully expected that a majority of House members will have "differences of opinions" when considering the changes made by their counterparts in the Senate and will decline to accept the returned Am. Sub. HB64. The next play is usually that House members will call for a Conference Committee to convene in order to resolve the anticipated differences between the two legislative bodies. Legislative leaders have until have until June 30th to have the final language package agreed to so that the Governor can affix his signature, enacting the bill into law by the July 1st Constitutional deadline.

The Senate Finance Committee has not released the hearing schedule for next week but it is expected that committee members will receive testimony from state budget stakeholders Tuesday, Wednesday and Thursday of next week. If any municipal officials are unable to attend the budget hearings next week in person to offer testimony or to be in attendance as Senators craft the final legislative product for the two year spending plan, the Ohio Senate telecasts each Finance Committee hearing online. The Ohio Channel provides the budget hearing proceedings which can be accessed via their website at: <http://www.ohiochannel.org/> with the hearing portal located under the banner "Live Streams in Progress."

## **OHIO ATTORNEY GENERAL DeWINE ANNOUNCES \$11.5 MILLION SETTLEMENT OVER ROCK SALT PRICES**

Settlement Funds Will be Available to Local Government Agencies in All 88 Ohio Counties

Ohio Attorney General Mike DeWine today announced an \$11.5 million settlement with Morton Salt Inc. and Cargill Inc. to resolve allegations that the companies conspired with each other, causing state and local governments to pay higher prices on the rock salt used to make icy roads safer for travelers.

Under the settlement, Morton and Cargill will pay a combined \$11.5 million, most of which will be distributed to local government entities throughout Ohio, the Ohio Department of Transportation, and the Ohio Turnpike Commission.

"This settlement is good for Ohio taxpayers and the local and state governments who serve them," Attorney General DeWine said. "I am pleased that Morton and Cargill have agreed to resolve this lawsuit and will be returning money to local agencies and governments who buy rock salt to help keep Ohio's roads clear during the winter months."

"Ohio taxpayers and consumers can have confidence that my office will investigate and take action to ensure a competitive marketplace and safeguard taxpayer dollars," DeWine added.

The Attorney General filed an antitrust lawsuit against Morton and Cargill on March 21, 2012, in Tuscarawas County alleging that the two companies divided up the Ohio rock salt market between themselves, agreeing not to compete with each other and driving up rock salt prices for about a decade, ending in 2010.

The result of the alleged conspiracy, according to the Attorney General, was that the Ohio Department of Transportation and other government entities statewide paid above-market prices for rock salt.

Rock salt is the primary method used by the state, counties, cities, and municipalities in Ohio to keep roads, highways, and bridges clear of ice.

Each year, the Ohio Department of Transportation invites companies to submit bids for supplying rock salt in the state. Bids are separated by county, and public purchasers (such as counties or municipalities) can choose to participate in the program and purchase salt under the terms of the ODOT contract for their particular county. Cargill and Morton are two of the major producers of rock salt in the U.S. and the only two that mine rock salt in Ohio for commercial sale.

According to the Attorney General's lawsuit, during the alleged conspiracy period, Cargill and Morton predetermined which company would win particular bids in Ohio, thus allocating customers between themselves and driving up prices.

The alleged conspiracy was especially hard on the northern two thirds of the state, where typically harsher winters and heavier snowfall amounts require that far more tax dollars be spent on salt and snow removal annually.

Under the settlement, Morton and Cargill's \$11.5 million payment will be distributed by the Ohio Attorney General's Office.

Local government entities will be contacted by the Attorney General's Office and asked to submit documentation reflecting their rock salt purchases from Cargill or Morton between 2008 and 2010, the period of time for which the state was permitted to seek recovery in this case. Agencies with questions about the settlement may contact the Attorney General's Antitrust Section at 614-466-4328.

A copy of the [settlement agreement](#) and a copy of the Attorney General's [2012 lawsuit](#) are available on the Ohio Attorney General's website.

Below is a list of the announced committee hearings for next week. The schedule is particularly light due to the budget proceedings and the around the clock work that are under way by legislative staff and members of the legislature. Have a safe weekend.~

May 29, 2015

## SENATE FINANCE COMMITTEE RECEIVES BUDGET SUBCOMMITTEE REPORTS

Although it was a shorter than usual week with offices closed Monday in observance of Memorial Day, the legislature and more specifically the Ohio Senate continues their examination of issues to be considered for the state two year operating budget, HB64.

On Wednesday, the Senate Finance Committee received reports from those serving as Chairman and Ranking Minority Members of the various Finance subcommittees, including Ways and Means Committee, whom have been spending the last four weeks going through various proposals of the state budget. As part of the testimony presented to Finance Committee members, Ways and Means Chairman Sen. Bob Peterson (R-Washington Courthouse) offered this quick analysis of the testimony his committee was provided with, as they studied the various tax policy issues: *"I can summarize all of our testimony very clearly in a few quick sentences: people and businesses like tax cuts. People and businesses do not like paying taxes," he said. "That summarizes the four weeks' of testimony we heard. In addition, a good tax plan I hope we can develop over the next few weeks would be pro-growth...it's simple, both simple to administer and simple for the taxpayers filing. It would be transparent: the taxpayers would know what taxes need to pay. It would be fair and equitable. "*

In delivering the report for the minority party members of the Senate Ways and Means Committee, Ranking Minority Member Sen. Charleta Travares (D-Columbus) shared with committee members that her caucus will be offering several tax relief amendments that will be targeted towards helping lower and middle-income families. Senator Travares went on to explain that there are disagreements between majority and minority party leaders on what issues should receive more support by the state through the upcoming budget and said the Senate Democrat caucus will submit "much needed funding amendments to increase the local government and public library fund to ensure vital services are maintained."

The Senate Finance Committee is still scheduled to begin receiving testimony the week of June 8th from those that have an interest in what is included in the state's two year spending plan. The league is asking our members to consider arranging time in their upcoming schedules to join us at the Ohio Statehouse as we lobby members of the Ohio Senate to restore financial support to Ohio cities and villages, by restoring funding cuts to the Local Government Fund. State legislators are always grateful for the time our local officials are able to carve-out of their busy schedules, to join in the legislative process by providing testimony in committees, like the Finance Committee, so they can hear firsthand the real challenges faced by our local officials as they facilitate the delivery of crucial services residents and businesses expect every day. Unfortunately, some members of the

legislature are still under the false impression that municipal revenue figures across the board are back to or even higher than revenue collection amounts before the 2008 economic recession or the dramatic cuts in state financial assistance that took place in HB 153, the FY 2010-11 state budget, with the LGF and Estate tax.

For those municipal officials who will be able to join us in the Senate Finance Committee hearing and want to provide their communities story through prepared remarks, testimony should be brief, 5 to 10 minutes in duration so that the committee can get through as many witnesses as possible in a manageable time frame. Chairman Oelslager asks that those giving testimony to please provide his office with a written copy of the testimony 24 hours before the hearing date. The league would be happy to assist in making sure testimony is delivered to the Chairman's office before the hearing, if municipal witnesses choose to send their testimony to us first.

As soon as the official public hearing schedule, including dates and times, is released for the week of June 8th by the Senate Finance Committee, we will be sure to alert our members.

### **BILL TO ALTER JOINT ECONOMIC DEVELOPMENT DISTRICTS (JEDDs) RECEIVES PROPONENT HEARING**

Members of the House Economic & Workforce Development Committee heard proponent testimony this week on HB 182, legislation introduced by Rep. Kirk Schuring (R-Canton) that would revise the law governing the creation and operation of Joint Economic Development Districts (JEDDs) including Enterprise Zones. The Ohio Chamber of Commerce delivered the only testimony to committee members and shared with those present their support for the idea of expanding authority to create a JEDD for redevelopment; their support for allowing the option of imposing the JEDD income tax on either residents or businesses; the language in the bill allowing an "opt-out" provision which would permit the owner of a business to be exempt from the JEDD income tax; and that the bill would allow parties included in a JEDD to designate parcels of property to be excluded from the JEDD boundaries.

After reviewing several components of the bill, the league has reached out to the bill sponsor to facilitate a discussion regarding issues that may be a concern for municipalities. We will keep our members updated on future committee action concerning this bill and any changes that may be recommended to address weaknesses with the current version.

Below is a list of bills recently introduced in the Ohio House and Senate followed by the upcoming hearing schedule for legislative committees next week. Have a safe and pleasant weekend.~

#### **NEW BILLS IN THE OHIO HOUSE:**

HB 182

DEVELOPMENT ZONES (Schuring, K.) To revise the law governing the creation and operation of joint economic development districts (JEDDs) and enterprise zones. Am. 715.72, 715.79, 715.80, 715.81, 715.82, 715.83, 5709.61, 5709.62, 5709.63, 5709.632, 5709.82, 5733.06, 5733.41, 5747.02, and 5747.41 and to repeal sections 715.73, 715.74, 715.75, 715.76, 715.761, 715.77, 715.771, and 715.78

HB 183

STUDENT TRUSTEES (Antani, N., Stinziano, M.) To grant student members of the boards of trustees of state universities and the Northeast Ohio Medical University voting power and the authority to attend executive sessions. Am. 3335.02, 3335.09, 3337.01, 3339.01, 3341.02, 3343.02, 3343.06, 3344.01, 3350.10, 3352.01, 3356.01, 3359.01, 3361.01, 3362.01, and 3364.01

HB 184

MUSIC THERAPISTS (Dovilla, M., Antonio, N.) To require the licensure of music therapists and to require the State Medical Board to regulate the licensure and practice of music therapists. Am. 109.572, 4731.07, 4731.224, 4731.24, 4731.25, 4776.01, and 4776.20 and to enact sections 4780.01 to 4780.15 and 4780.99

HB 185

ARSON (Koehler, K.) To eliminate lack of the property owner's consent as an element of arson when the property is abandoned real property and to make the consent of the owner of abandoned real property an affirmative defense. Am. 2909.03 and 2909.11

HB 186

MOTOR FUEL (Burkley, T.) To create a qualified immunity for the dispensing of incompatible motor fuel, to limit the Product Liability Law with respect to motor fuel and motor fuel additives, and to prohibit an insurer from denying a claim on the basis that an underground storage tank is not compatible with a motor fuel if the State Fire Marshal has determined otherwise. Am. 2307.75 and 3737.88 and to enact section 2305.52

HB 187

ANIMAL TREATMENT (Ginter, T.) To authorize a first responder, emergency medical technician-basic, emergency medical technician-intermediate, emergency medical technician-paramedic, or volunteer firefighter to stabilize an injured animal in an emergency.

HB 188

PHARMACY (Manning, N., Huffman, S.) To revise the laws governing pharmacist consult agreements and the laws governing the circumstances under which a pharmacist may dispense or sell a drug without a prescription. Am. 4729.01, 4729.281, and 4729.39

HB 189

VOTER IDENTIFICATION (Brenner, A.) To revise the law concerning the identification an elector must provide in order to cast absent voter's ballots, to vote in person at a polling place, or to cast a provisional ballot. Am. 3501.01, 3503.14, 3503.16, 3503.19, 3503.28, 3505.18, 3505.181,

3505.182, 3505.183, 3509.03, 3509.04, 3509.05, 3509.08, 3511.02, 3511.05, 3511.09, 4507.50, and 4507.52

HB 190

WIND SETBACKS (Burkley, T., Brown, T.) To permit counties to adopt resolutions establishing an alternative setback for wind farms and to extend by five years the deadlines for obtaining the qualified energy project tax exemption. Am. 5727.75 and to enact sections 4906.21, 4906.211, 4906.212, 4906.213, 4906.214, and 4906.215

HB 191

CLIENT ASSESSMENTS (Pelanda, D.) Regarding the assessment of a client who has been referred to a community mental health or addiction services provider for treatment related to probation for a criminal offense. Am. 5119.366

HB 192

SCHOOL SAFETY (Rogers, J., Perales, R.) To require the State Board of Education to adopt rules prescribing standards for safety enhancements to new public and nonpublic school facilities and to require the Ohio School Facilities Commission to revise its construction and design standards to comply with the State Board's standards. Am. 3318.031 and to enact section 3301.80

HB 193

ADDRESS CONFIDENTIALITY (Clyde, K., Fedor, T.) To establish an address confidentiality program for individuals who reasonably believe that they are in danger of being threatened or physically harmed by another person, to exclude the residential and familial information of a federal law enforcement officer from the definition of a public record, to include federal law enforcement officers among the protected individuals who are authorized to request a public office other than the county auditor to redact the person's address from any record made available to the general public on the internet, and to include those officers among the protected individuals who may request the county auditor to replace the person's name with the person's initials on the general tax list and duplicate. Am. 149.43, 149.45, 319.28, 319.54, 2903.213, 2903.214, 3113.31, 3503.15, and 3509.03 and to enact sections 111.31, 111.32, 111.321, 111.33, 111.34, 111.35, 111.36, 111.37, 111.38, 111.39, 111.40, 2901.44, and 3503.151

HB 194

PATENT INFRINGEMENT (Roegner, K.) To prohibit a person from engaging in the widespread sending of bad faith, objectively baseless communications of patent infringement and to authorize the Attorney General to investigate and institute a civil action if the Attorney General believes a person has made such assertions of patent infringement. Am. 2307.66 and 2307.67

HB 195

LICENSE PLATE (Grossman, C.) To create the "Dream Field" license plate. Am. 4501.21 and to enact section 4503.87

HB 196

HEALTHIER BUCKEYE COUNCILS (Amstutz, R., Derickson, T.) To require boards of county commissioners to establish local healthier buckeye councils; to rename the Ohio Healthier Buckeye Advisory Council the Ohio Healthier Buckeye Council and to expand its duties; to establish the Healthier Buckeye Grant Program; to establish the Comprehensive Case Management and Employment Program; and to make changes to the law governing the Prevention, Retention, and Contingency Program. Am. 355.02, 355.03, 355.04, 5101.90, 5101.91, 5101.92, 5108.01, 5108.04, 5108.06, 5108.07, 5108.09, and 5108.11; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 5108.03 (5108.05) and 5108.05 (5108.041); to enact new section 5108.03 and sections 5101.901, 5101.902, 5101.93, 5108.021, and 5108.022; and to repeal section 5108.03 of the Revised Code

HB 197

DRUG SALES (Rezabek, J.) To prohibit the over-the counter sale, without a prescription, of dextromethorphan to a person who is under 18 years of age. Am. 2925.62

HB 198

HUMANE SOCIETIES (Hambley, S., Johnson, G.) To abolish the humane society's authority to employ an attorney to prosecute certain violations of law dealing with animal cruelty or acts involving mistreatment or nonsupport of children. Am. 2931.18

HB 199

MOTOR VEHICLE BOARD (Blessing, L., Rezabek, J.) To extend the jurisdiction of the Motor Vehicle Repair Board to persons who perform motor vehicle mechanical repairs, to require motor vehicle repair facilities to register with the Board, and to make other changes to the Motor Vehicle Repair and Window Tint Operator Law, and to further enact new section 4775.03 and repeal section 4775.03 of the Revised Code on January 1, 2016, to dissolve the existing Motor Vehicle Repair Board and replace it with a new board of the same name. Am. 4775.01, 4775.02, 4775.03, 4775.04, 4775.05, 4775.06, 4775.07, 4775.08, 4775.09, 4775.10, and 4775.11

HB 200

EPINEPHRINE ACCESS (Hagan, C.) To permit epinephrine autoinjectors for which no prescriptions have been written to be stored and accessed for use in case of emergency. Am. 4729.51 and 4729.60 and to enact sections 2925.64, 3728.01, 3728.03, 3728.04, 3728.05, 3728.09, 3728.10, 3728.11, 4723.489, 4729.88, 4730.432, and 4731.96.

HB 201

UNDERAGE DRINKING (Dever, J., Stinziano, M.) To provide persons under 21 years of age with a qualified immunity from prosecution for offenses involving underage alcohol possession or consumption if law enforcement personnel become aware of the offense solely because the person sought or obtained medical assistance, solely because another individual sought or obtained medical assistance for the person, or because the person requested law enforcement assistance to report a criminal offense, prevent a possible criminal offense, or request the investigation of a criminal offense. Am. 4301.631, 4301.69, and 4301.691 and to enact section 4301.79.

HB 202

LICENSE PLATES (Sheehy, M.) To create the "Vietnam Veteran" license plate for United States Marine Corps veterans, to create the "Combat Medical Badge" license plates for United States Army veterans, and to authorize the issuance of "Combat Action Medal" license plates. Am. 4503.533 and to enact sections 4503.536 and 4503.537.

HB 203

STARTUP OHIO (Stinziano, M.) To establish the Startup Ohio initiative in which universities and partnering business may collaborate in tax-free areas near campuses in this state to create jobs, attract entrepreneurs, and spur academic enrichment and to direct the Director of Budget and Management to transfer \$100 million to the Ohio Venture Capital Program Fund. Am. 150.03, 322.02, 5739.02, 5739.03, 5747.01, and 5751.01 and to enact sections 195.01 to 195.14 and 5709.071

HB 204

POLICE TRAINING (Derickson, T., Manning, N.) To prohibit the Ohio Peace Officer Training Commission from recommending and the Attorney General from adopting a rule limiting the number of hours of basic training required for peace officers and to generally require all persons newly appointed to a peace officer position to have received a high school diploma or certificate of high school equivalence. Am. 109.73, 109.74, and 109.77.

HB 205

SELF-INSURING EMPLOYERS (Henne, M., Retherford, W.) To modify the requirements for an employer to become a self-insuring employer for purposes of the Workers' Compensation Law, to transfer authority over the workers' compensation self-insurance program to the Superintendent of Insurance, and to allow certain employers and groups of employers to obtain workers' compensation coverage from a private workers' compensation insurer. Am. 9.315, 1561.04, 1561.31, 1701.86, 1729.55, 2705.05, 2913.48, 3121.01, 3121.0311, 3701.741, 3702.51, 3937.01, 3955.05, 3964.02, 4121.121, 4121.31, 4121.44, 4121.50, 4121.61, 4121.65, 4121.66, 4123.01, 4123.026, 4123.25, 4123.292, 4123.34, 4123.342, 4123.35, 4123.351, 4123.352, 4123.38, 4123.411, 4123.412, 4123.416, 4123.46, 4123.50, 4123.51, 4123.511, 4123.512, 4123.54, 4123.63, 4123.65, 4123.74, 4123.75, 4123.79, 4123.80, 4123.81, 4123.82, 4123.83, 4123.84, 4123.85, 4123.93, 4123.931, 4125.05, and 5119.332; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 4123.35 (3971.03), 4123.351 (3971.09), and 4123.352 (3971.12); to enact new sections 4123.35 and 4123.351 and sections 3971.01, 3971.04, 3971.05, 3971.06, 3971.07, 3971.08, 3971.10, 3971.11, and 3971.15; and to repeal section 4123.353.

HB 206

WORKERS COMPENSATION CLAIMS (Henne, M.) To require the Industrial Commission to keep statistics on individual hearing decisions of contested workers' compensation claims Am. 4121.36.

HB 207

WORKERS COMPENSATION (Henne, M., McColley, R.) To allow a state fund employer to have a workers' compensation claim that is likely to be subrogated by a third party paid from the surplus

fund account in the state insurance fund rather than charged to the employer's experience Am. 4123.291, 4123.93, and 4123.931 and to enact section 4123.932.

HB 208

IMPORTUNING (Schaffer, T.) To amend the penalties for the offense of importuning. Am. 2907.07.

HB 209

FALSE ALARMS (Grossman, C.) To include in the offenses of disorderly conduct, inducing panic, making false alarms, and obstructing official business, prohibitions against simulating a crime or creating a condition that causes or intends to cause law enforcement officials to falsely believe that a crime is being committed or causes serious public inconvenience or alarm. Am. 2917.11, 2917.31, 2917.32, and 2921.31

HB 210

GOVERNMENT ACCOUNTS (Green, D.) Regarding certain accounts of county agencies and county elected officials. Am. 325.071, 325.12, and 2981.13 and to enact sections 319.70, 319.71, 319.72, and 319.73.

HB 211

LICENSE PLATE (Patterson, J.) To create the "Street Rod" license plate. Am. 4501.21 and to enact section 4503.555

HB 212

ACHIEVEMENT TESTS (Thompson, A.) With regard to state achievement assessments, statewide academic content standards and model curricula, and teacher and administrator evaluations. Am. 3301.07, 3301.078, 3301.079, 3301.0710, 3301.0712, 3301.0714, 3301.0715, 3301.0718, 3301.0722, 3302.03, 3302.04, 3302.15, 3311.80, 3311.84, 3313.60, 3313.608, 3313.6017, 3313.6020, 3313.61, 3313.612, 3313.618, 3314.03, 3317.141, 3319.02, 3319.11, 3319.223, 3319.23, 3319.58, 3326.111, 3328.01, and 3333.0411 and to repeal sections 3301.0721, 3319.111, 3319.112, and 3319.114

HB 213

OCCUPATIONAL LICENSES (Brinkman, T.) To make occupational licenses subject to annual renewal become biennial licenses and to permit a licensee to take continuing education courses online. Am. 1321.05, 1321.08, 1321.20, 1321.52, 1321.532, 1321.536, 1322.041, 1322.052, 3773.36, 3773.42, 3773.43, 4707.071, 4707.10, 4725.16, 4725.17, 4725.171, 4725.34, 4725.51, 4727.03, 4727.19, 4728.03, 4729.11, 4729.12, 4729.15, 4729.52, 4729.54, 4735.06, 4735.09, 4735.14, 4735.141, 4735.27, 4735.29, 4736.11, 4736.12, 4740.04, 4740.05, 4740.06, 4747.05, 4747.06, 4749.03, 4749.031, 4751.06, 4751.07, 4759.06, 4759.08, 4763.05, 4763.06, 4763.07, 4763.08, 4763.09, 4779.19, and 4779.23

HB 214

PIPING MATERIALS (Thompson, A.) To restrict when a public authority may preference a particular type of piping material for certain public improvements. Am. 153.75

#### HB 215

ANIMAL FIGHTS (Sears, B., Bishoff, H.) To prohibit and establish an increased penalty for knowingly engaging in activities associated with cockfighting, bearbaiting, or pitting an animal against another. Am. 959.15 and 959.99

#### HB 216

NURSES (Pelanda, D.) To revise the law governing advanced practice registered nurses. 1.64, 1751.67, 2133.211, 2305.113, 2305.234, 2317.02, 2919.171, 2921.22, 2925.61, 3701.351, 3701.926, 3705.16, 3719.06, 3719.121, 3727.06, 3923.233, 3923.301, 3923.63, 3923.64, 4713.02, 4723.01, 4723.02, 4723.03, 4723.05, 4723.06, 4723.07, 4723.08, 4723.09, 4723.10, 4723.151, 4723.16, 4723.24, 4723.25, 4723.271, 4723.28, 4723.32, 4723.341, 4723.36, 4723.41, 4723.42, 4723.432, 4723.44, 4723.46, 4723.481, 4723.482, 4723.486, 4723.487, 4723.488, 4723.49, 4723.491, 4723.71, 4723.88, 4723.99, 4729.01, 4729.39, 4731.22, 4731.281, 4731.35, 4755.48, 4755.481, 4761.17, 5120.55, and 5164.07, to enact section 4723.011, and to repeal sections 4723.43, 4723.431, 4723.47, 4723.48, 4723.484, 4723.485, 4723.492, 4723.50, and 4731.27

#### HB 217

MENTAL HEALTH EXAMINATIONS (Ruhl, M.) To authorize certain advanced practice registered nurses to have a person involuntarily transported to a hospital for a mental health examination. Am. 5122.01 and 5122.10

#### HB 218

DRONES (Barnes, J.) To regulate the operation of drones near airports and to impose certain record-keeping requirements on retail sellers of drones. Am. 4561.50 and 4561.51

#### HB 219

AWARENESS MONTH (Barnes, J.) To designate January as "Thyroid Health Awareness Month." Am. 5.256

#### HB 220

GRANTS DEPARTMENT (Barnes, J.) To create the Department of Grants and Philanthropic Gestures. Am. 121.02 and 121.03 and to enact section 121.77

#### HB 221

TOBACCO USE (Ruhl, M., Ashford, M.) To revise the law regarding tobacco and nicotine use in public schools and at public school-sponsored functions. Am. 3313.751, 3314.03, 3326.11, and 3328.24

#### HB 222

TRANSIT WORKER ASSAULTS (Driehaus, D., Perales, R.) To increase the penalty for assault when the victim is an employee of an Ohio transit system whom the offender knows or has

reasonable cause to know is such an employee engaged in the performance of the victim's duties; to permit the court to impose a fine of up to \$5000 and a six-month or lifetime prohibition from riding an Ohio transit system for assault committed in such specified circumstances; to authorize Ohio transit systems to post a warning sign indicating that abuse or assault of staff will not be tolerated and might result in a felony conviction; and to increase the penalty for evading payment of the known fares of a public transportation system. Am. 2903.13 and 2917.41 and to enact section 306.20.

#### HB 223

ATHLETIC PROGRAMS (Stinziano, M.) To allow minors to be employed by a youth athletic program if certain conditions are satisfied.

#### HB 224

ACCOUNTABLE CARE ORGANIZATIONS (Antani, N., Duffey, M.) To require each accountable care organization (ACO) to establish a clinical laboratory testing advisory board and each clinical laboratory that provides services to participants in the ACO to designate a member of the board. En. 3701.862.

#### HB 225

ROAD NAMING (Grossman, C., Curtin, M.) To designate a portion of Interstate Route 70 in Columbus as the "Sgt. Jesse Balthaser U.S.M.C. Memorial Highway." En. 5534.20.

#### HB 226

HOUSING LIENS (Rogers, J.) To provide that a portion of a condominium or planned community assessment is prior to other liens on condominium units and planned community lots and to provide that a condominium unit owners association lien is a continuing lien. Am. 5311.18 and 5312.12

#### HB 227

COSMETOLOGY LAW (Roegner, K., Reece, A.) To make changes to the Cosmetology Licensing Law. Am. 2925.01, 4713.01, 4713.02, 4713.03, 4713.06, 4713.07, 4713.08, 4713.081, 4713.082, 4713.09, 4713.10, 4713.13, 4713.14, 4713.141, 4713.16, 4713.17, 4713.20, 4713.21, 4713.22, 4713.24, 4713.25, 4713.26, 4713.28, 4713.30, 4713.31, 4713.34, 4713.35, 4713.36, 4713.37, 4713.39, 4713.41, 4713.42, 4713.44, 4713.45, 4713.48, 4713.55, 4713.56, 4713.57, 4713.58, 4713.59, 4713.60, 4713.61, 4713.62, 4713.63, 4713.64, 4713.641, and 4713.99 and to enact sections 4713.071, 4713.66, and 4713.69

#### HB 228

DRONE USE (Cupp, R.) To prohibit the commission of any of a list of specified offenses by using a drone or by directing or supervising another person's use of a drone. Am. 2981.01 and 2981.02 and to enact section 2917.48

#### HB 229

TRUST LAW (Hambley, S., Bishoff, H.) To create the Ohio Family Trust Company Act. Am. 1121.30 and to enact sections 1112.01, 1112.02, 1112.03, 1112.06, 1112.07, 1112.08, 1112.11, 1112.12, 1112.13, 1112.14, 1112.15, 1112.17, 1112.18, 1112.19, 1112.20, 1112.21, 1112.24, 1112.27, 1112.28, 1112.29, 1112.32, and 1112.33

#### HB 230

CHEMICAL DEPENDENCY (Sprague, R.) Regarding the practices of chemical dependency counseling and prevention services. Am. 2305.234, 4757.41, 4758.01, 4758.02, 4758.10, 4758.13, 4758.20, 4758.21, 4758.22, 4758.23, 4758.30, 4758.31, 4758.36, 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 4758.45, 4758.46, 4758.60, and 4758.61

#### HB 231

PROPERTY VALUATIONS (Grossman, C., McClain, J.) To require counties, municipal corporations, townships, and school boards that file complaints against the valuation of property they do not own to pass a resolution approving the complaint and specifying the compensation paid to any person retained to represent the county, Municipal Corporation, township, or school board in the matter of the complaint. Am. 5715.19

#### HB 232

USE TAX COLLECTIONS (Grossman, C., Scherer, G.) To prescribe new criteria for determining whether sellers are presumed to have substantial nexus with Ohio and therefore required to register to collect use tax, to allow sellers presumed to have substantial nexus to rebut that presumption, and to require a person, before the person enters into a sale of goods contract with the state, to register, along with the person's affiliates, to collect use tax. Am. 5741.01 and 5741.17

#### HB 233

REDEVELOPMENT DISTRICTS (Schuring, K.) To authorize municipal corporations to create downtown redevelopment districts and innovation districts for the purposes of promoting the rehabilitation of historic buildings, creating jobs, encouraging economic development in commercial and mixed-use areas, and supporting grants and loans to technology-oriented and other businesses. Am. 133.04, 133.06, 709.024, 709.19, 3317.021, 5501.311, 5709.12, 5709.82, 5709.83, 5709.831, 5709.832, 5709.85, 5709.91, 5709.911, 5709.913, and 5715.27 and to enact sections 1710.14, 1724.12, 5709.45, 5709.46, and 5709.47

### **NEW BILLS IN THE OHIO SENATE:**

#### SB 157

BICYCLE HELMETS (Jones, S.) To generally require any person under sixteen years of age to wear a helmet while on a bicycle, to require bicycle rental businesses to inform any person under sixteen years of age who rents a bicycle of this requirement and provide helmet rentals, and to provide limited civil immunity for bicycle rental businesses that comply with these requirements. Am. 4511.531

#### SB 158

VOTER REGISTRATION (Yuko, K.) To require that eligible persons in certain government and school databases be automatically registered to vote or have their registrations updated automatically unless those persons decline to do so and to create an online voter registration system. Am. 3501.05, 3503.09, 3503.10, 3503.12, 3503.13, 3503.14, 3503.15, 3503.16, 3503.19, 3503.21, 3503.28, 3503.30, 3503.33, 3505.18, 3505.181, 3505.183, 3509.03, 3509.05, 3511.02,

3511.09, 3599.11, and 3599.18 and to enact new section 3503.11 and section 3503.20, and to repeal sections 3503.11, 3503.29, and 3505.22

SB 159

LICENSE PLATE (Hughes, J.) To create the "Baseball for All" license plate and to require the contributions received from the issuance of such license plates to be used to build, maintain, and improve youth baseball fields within the municipal corporation of Grove City. Am. 4501.21 and to enact section 4503.87.

SB 160

HOTEL INTERMEDIARIES (Hughes, J., Patton, T.) To require hotel intermediaries to collect and remit applicable sales and use tax on the full amount paid for hotel lodging, to require hotel intermediaries to supply customers with itemized invoices, to specify that a hotel intermediary is presumed to have "substantial nexus" with Ohio if the intermediary arranges lodging at Ohio hotels, and to specify that hotels are not liable for the failure of a hotel intermediary to properly collect or remit applicable taxes. Am. 351.021, 353.06, 5739.01, 5739.09, 5739.12, 5739.13, 5741.01, 5741.12, and 5741.13 and to enact section 5739.081

SB 161

SEARCH WARRANTS (Oelslager, S.) To authorize probate judges to issue search warrants. Am. 2931.01

SB 162

DEATH SENTENCES (Seitz, B., Williams, S.) To provide that a person convicted of aggravated murder who shows that the person had a serious mental illness at the time of committing the offense cannot be sentenced to death for the offense and to provide a mechanism for re-sentencing to a life sentence a person previously sentenced to death who proves that the person had a serious mental illness at the time of committing the offense. Am. 929.02, 2929.022, 2929.024, 2929.03, 2929.04, 2929.06, 2953.21, and 2953.23 and to enact section 2929.025

SB 163

COMMON CORE (Jordan, K.) With respect to the Common Core State Standards academic standards, powers of the State Board of Education, and the distribution of student information. Am. 3301.07, 3301.078, and 3301.0714

SB 164

SMART METERS (Jordan, K.) To require electric distribution utilities to obtain a customer's consent prior to installing a smart meter on the customer's property. Am. 4928.661

SB 165

LIFE-SUSTAINING TREATMENT (Lehner, P.) To establish procedures for the use of medical orders for life-sustaining treatment and to make changes to the laws governing DNR identification and orders. Am. 2133.02, 2133.21, 2133.211, 2133.23, 2133.24, 2133.25, 2133.26, 3795.03, and 4730.09; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 2133.211 (2133.23), 2133.23 (2133.24), 2133.24 (2133.25), 2133.25 (2133.26), and 2133.26 (2133.27); to enact new section 2133.22 and sections 2133.28, 2133.29, 2133.30, 2133.31,

2133.32, 2133.33, 2133.34, 2133.35, 2133.36, 2133.37, 2133.38, 2133.39, 2133.40, 2133.41, 2133.42, 2133.43, 2133.44, 2133.45, 2133.46, and 2133.47; and to repeal section 2133.22

SB 166

DRILLING PLANS (Gentile, L.) To require the owner of a horizontal well to develop and implement an emergency response plan for the purpose of responding to emergencies at the surface location of the well and to specify what must be included in the plan and to whom and the manner in which it must be submitted. Am. 1509.39 and 1509.391

SB 167

RECREATIONAL VEHICLES (LaRose, F.) To establish the State Recreational Vehicle Fund Advisory Board for the purpose of providing advice to the Department of Natural Resources regarding the use of state recreational vehicle money and studying the feasibility of establishing a grant program to fund recreational vehicle projects. Am. 1541.50

SB 168

EDUCATION INFORMATION (LaRose, F.) To require the Education Management Information System to include information regarding persons at whom a student's violent behavior that resulted in discipline was directed and to require the Department of Education to submit a one-time report to the General Assembly regarding that information. Am. 3301.0714

SB 169

AWARENESS DAY (LaRose, F.) To designate the fourth Tuesday in September as "Voter Registration Awareness Day." Am. 5.2296

SB 170

IDENTIFICATION CARDS (Hughes, J.) To provide that any nondriver identification card that is issued to a person who is 80 years of age or older be issued without payment of any fee of any kind and have no expiration date.

SB 171

COURT PROCEEDINGS (Seitz, B.) To enact the Uniform Interstate Depositions and Discovery Act. Am. 2319.09 and to repeal section 2319.09

SB 172

BULLION TAXES (Jordan, K.) To exempt from sales and use taxes the sale or use of investment metal bullion and coins. Am. 5739.02.

SB 173

SPECIAL ELECTIONS (Jordan, K.) To eliminate the ability to conduct special elections in February and August. Am. 323.17, 3501.01, 5705.194, 5739.021.



May 22, 2015

## **OHIO SENATE BEGINS PROCESS TO DETERMINE BUDGET PRIORITIES**

Next week the Senate Finance Committee will be receiving reports produced by the various Finance subcommittee Chairman, including Ways and Means Committee, whom have been spending the last four weeks going through budget issues included in sub. HB64, the current state budget proposal. Following the review of committee reports, the full Finance Committee will reconvene the week of June 8th to receive public testimony from individuals who have an interest in what the state includes as priorities to the two year operating plan. In addition to the conversations that should already be taking place, this will be the opportunity for our municipal officials to present their concerns and suggestions on how to improve upon the list of state funding priorities.

Once again, the league is calling on our members to arrange time in their upcoming schedules to join us at the Ohio Statehouse as we lobby members of the Ohio Senate to restore financial support to Ohio cities and villages, by restoring funding cuts to the Local Government Fund.

The top issues or concerns the league has for the currently proposed budget includes our support and appreciation for the appropriation made by the Ohio House of \$20 million to create the Local Government Safety Grant Program and our desire to see that appropriation increased; our continued request for additional state financial support to the LGF to refortify this critical funding source, through either the existing distribution formula or by additional grant opportunities, protect against additional local revenue loss through the proposed elimination of the TPP reimbursement schedule and to discourage unwarranted attacks on current LGF distribution amounts against municipalities who choose to exercise the rights provided to them through the Ohio Constitution, in addition to other items.

The members of the Ohio Senate who are assigned to the Finance Committee can be found at <http://www.ohiosenate.gov/senate/committee/finance>.

It is very important that members of the Senate Finance Committee be presented with testimony from representatives of municipalities who continue to experience financial difficulties as a result of such things as: the slower than expected economic recovery on the local level, depressed local revenue collections in communities across the state compared to 2008 or pre-recession revenue levels, cuts in state funding through the elimination of the Ohio Estate tax and what that loss in revenue has meant to local budgets and the cutting in half of assistance previously provided through the Local Government Fund.

Unfortunately, some members of the legislature are still under the false impression that municipal revenue figures across the board are back to or even higher than revenue collection amounts before the 2008 economic recession or the dramatic cuts in state financial assistance that took place in HB 153, the FY 2010-11 state budget, with the LGF and Estate tax.

We are asking that our members to consider coming to the Statehouse the week of June 8th, to impress upon members of the Ohio Senate that cities and villages across the state are straining financially and that the senate has the financial resources at their disposal to provide local taxpayers and communities the budgetary relief needed.

Remember, testimony should be brief, 5 to 10 minutes in duration is the preferred length so that the committee can get through as many witnesses as possible in a manageable time-frame. Chairman Oelslager asks that those providing testimony to please provide in advance a written copy of the remarks to be given to his office 24 hours before the hearing date. The league would be more than happy to assist in making sure testimony is delivered to the Chairman's office before the hearing, if municipal witnesses choose to send their copy to us first.

As soon as the official public hearing schedule, including dates and times, is released for the week of June 8th by the Senate Finance Committee, we will be sure to alert our members.

## **LEGISLATION INTRODUCED TO MAKE MORE CHANGES TO JEDDs & ENTERPRISE ZONES**

The Ohio legislature continues their examination and more proposals are being offered to modifying how communities partner together to create new economic development opportunities through the establishment of Joint Economic Development Districts or JEDDs.

A few weeks ago, Rep. Kirk Schuring (R-Canton) introduced HB 182, legislation that aims to revise the law governing the creation and operation of Joint Economic Development Districts (JEDDs) including Enterprise Zones. Rep. Schuring shared with members of the House Economic & Workforce Development Committee during his sponsor testimony that the bill, in addition to putting JEDD procedures into one Ohio Revised Code section also makes numerous "tweaks" to the original 1995 JEDD development program. Included in the proposal are "tweaks" that would allow JEDDs to be created for "redevelopment" purposes and would allow the inclusion of mixed-use facilities (i.e., buildings that include residential and commercial or industrial space).

HB 182 would also:

- Allow the imposition of a JEDD income tax on the income of individuals residing within the boundaries of the JEDD.
- Authorize the contracting parties to exclude either the net profits of businesses or the income of persons living or working within the JEDD from the income tax base, so long as the tax base is the same for all parts of the JEDD where the tax is imposed

- Establish a procedure permitting the owner of a business operating in the unincorporated territory of a JEDD to apply for exemption from the JEDD income tax on behalf of the business and its employees.
- Clarify that JEDD income tax revenue may be used for the provision of utility services.
- Require that JEDD contracts expressly include an economic development plan, procedures for appointing the board of directors of the JEDD, and a restatement of the law prohibiting municipal annexation of unincorporated JEDD territory.
- Require the contracting parties to send written notice to property and business owners that did not sign the petitions supporting an amendment to add territory to a JEDD and authorizes the contracting parties to amend an existing JEDD contract for the purpose of removing territory from the JEDD or designating excluded parcels within the JEDD.
- Authorize municipal corporations and counties to seek the approval of affected school districts rather than certification by the Development Services Agency when designating an enterprise zone.

Attached [HERE](#) is the analysis for HB 182. The bill is scheduled for a third hearing Wednesday, May 27th at 9:00 a.m. before the House Economic & Workforce Development Committee, in Hearing Room #114.

We would encourage any municipal official who may have concerns with the direction of the legislation to alter current JEDD or Enterprise Zone procedures and administrative guidelines to consider attending the hearing next week to share your views with the committee members, before the bill is considered in the near future for a vote.

### **DATAOHIO INITIATIVE BILL RESURFACES IN OHIO HOUSE**

In what the bill sponsor's call a "data modernization effort", Reps. Mike Duffey (R-Worthington) and Reps. Christine Hagan (R- Alliance) recently introduced HB 130, legislation titled the "DataOhio Initiative" which would, among other things, create the DataOhio Board which would be charged with implementing new requirements for posting public records online. In addition, the bill would require the Auditor of State to adopt rules regarding a uniform accounting system for public offices and would also establish an online catalog of public data at [data.Ohio.gov](http://data.Ohio.gov), and the Local Government Information Exchange Grant Program. The analysis for HB 130 can be found [HERE](#).

To provide the Auditor of State with the expanded authority over local government financial statistics, the legislation includes an appropriation or funding request of taxpayer dollars in the amount of \$350,000 in FY 2016, to allow the state Auditor to develop the new uniform chart of accounts, establish uniform accounting procedures, and adopt rules for their implementation by all public offices.

HB 130 is scheduled for a third hearing, opponent only, in the House State Government Committee this Wednesday, May 27 at 2:00 p.m. in Hearing Room # 121. The league has been in conversations with one of the sponsors of the bill to discuss concerns the league has with the

proposal as it currently is written and we are hopeful that common ground can be reached on this issue and duplication's of ongoing work can be avoided as much as possible.

## **PROPOSAL TO ALTER OIL/GAS UTILIZATION PERMIT PROCESS INCLUDES MUNICIPAL CONCERNS**

Legislation recently passed unanimously by the Ohio House of Representatives has been on the league's radar since it's introduction but recent concerns that have been shared with the league by some of our member's has caused us to take a longer look at the proposal and address concerns we were under the impression had been resolved.

The bill, HB8, has been introduced by Reps. Christine Hagan (R- Alliance) and Tim Ginter (R- Salem) with the purpose of revising provisions in the Oil and Gas Law governing unit operation, including requiring unit operation of land for which the Department of Transportation owns the mineral rights, and to specify that the discounted cash flow formula used to value certain producing oil and gas reserves for property tax purposes is the only method for valuing all oil and gas reserves. The bill analysis can be found [HERE](#).

The bill has received one hearing, sponsor testimony only, in the Senate Energy and Natural Resources Committee and is not scheduled for a hearing in the immediate future. Meetings have taken place to discuss the issue with the bill sponsors and other interested parties, of which the league has participated in.

The sponsors of the bill explained that the bill is intended to improve access to energy sources and will create jobs by establishing a timeline for decisions on unionization applications. The legislators shared that the proposal respects the rights of property owners and is designed to prompt government to "move at the speed of business." The sponsors went on to explain that the bill sets a schedule for hearings and subsequent decisions related to unionization decisions without changing unionization standards.

Although the bill as currently written includes an appeal process for parties to pursue if they disagree with a unionization decision issued by the Department of Natural Resources, there is not a provision that would allow municipalities who may have property to be included in a pool to have the ability to opt-out of the program and regain management oversight of their incorporated property. Municipal park management should enjoy the same treatment and oversight provisions that state parks currently are afforded.

We will be sure to keep our members aware of any committee action that may take place on this bill.

Below is the list of committee hearings that have been announced for next week. Please have a safe Memorial Day weekend and let us not forget those that have sacrificed so much.~

*May 15, 2015*

## **MUNICIPAL OFFICIALS' TESTIMONY NEEDED IN SUPPORT OF GREATER ASSISTANCE THROUGH STATE BUDGET**

The league is calling on our members to arrange time in their upcoming schedules to join us at the Ohio Statehouse as we lobby members of the Ohio Senate to restore financial support to Ohio cities and villages, by restoring funding cuts to the Local Government Fund.

As we have reported through our Legislative Bulletins in the last several weeks, the Ohio Senate continues to go through HB 64, the version of the state's two year operating budget passed by the Ohio House on April 22nd. The Senate Finance Committee, after receiving HB 64 from the House, separated issues into general categories. Members of the Senate Ways and Means Committee in addition to Senators appointed to various Finance subcommittees, have spent the last three weeks examining the many facets of what may or may not be included as part of the version of the state budget Senators decide upon.

The Senate Finance Committee is expected to reconvene the week of May 26th to receive reports from the Chairman of the Ways and Means and subcommittees who held budget hearings. After the reports are compiled, a substitute version reflecting Senate changes will then be presented to the committee members. After the committee and interested parties are given an opportunity to digest the changes proposed at that point, we anticipate that during the week of June 8th, the full Finance Committee will convene to receive testimony from groups with requests or concerns related to the two year operating plan. In addition to the conversations that should already be taking place, this will be the opportunity for our municipal officials to present their concerns and suggestions on how to improve upon the list of state funding priorities.

The league will be testifying before the Senate Finance Committee on the issues we are tracking in the budget, which we have covered in previous bulletins. The top issues or concerns the league has for the currently proposed budget includes our support and appreciation for the appropriation made by the Ohio House of \$20 million to create the Local Government Safety Grant Program and our desire to see that appropriation increased; our continued request for additional state financial support to the LGF to refortify this critical funding source, through either the existing distribution formula or by additional grant opportunities, protect against additional local revenue loss through the proposed elimination of the TPP reimbursement schedule and to discourage unwarranted

attacks on current LGF distribution amounts against municipalities who choose to exercise the rights provided to them through the Ohio Constitution, in addition to other items.

The members of the Ohio Senate who are assigned to the Finance Committee can be found at <http://www.ohiosenate.gov/senate/committee/finance>.

It is very important that in addition to league testimony, members of the Senate Finance Committee are presented with testimony from representatives of municipalities who continue to experience financial difficulties as a result of such things as: the slower than expected economic recovery on the local level, depressed local revenue collections in communities across the state compared to 2008 or pre-recession revenue levels, cuts in state funding through the elimination of the Ohio Estate tax and what that loss in revenue has meant to local budgets and the cutting in half of assistance previously provided through the Local Government Fund. Many members of the legislature are still under the false impression that municipal revenue figures across the board are back to or even higher than revenue collection amounts before the 2008 economic recession or the dramatic cuts in state financial assistance that took place in HB 153, the FY 2010-11 state budget, with the LGF and Estate tax.

We are asking that our members begin to plan on coming to the Statehouse the week of June 8th to join us in lobbying members of the Senate Finance Committee, to impress upon them that cities and villages across the state are straining financially and that the senate can provide local taxpayers and communities the breathing room needed.

Remember, testimony should be brief, generally 5 to 10 minutes in duration so that the committee can get through as many witnesses as possible in a manageable timeframe, so brevity is always appreciated by the Chairman. Chairman Oelslager asks that those providing testimony to please provide in advance a written copy of the remarks to be given to his office 24 hours before the hearing date. The league would be more than happy to assist in making sure testimony is delivered to the Chairman's office before the hearing, if municipal witnesses choose to send their copy to us first and we can make sure it gets to the Chairman's office.

As soon as the official public hearing schedule, including dates and times, is released by the Senate Finance Committee, we will be sure to immediately alert our members.

## **A MESSAGE FROM THE BUREAU OF WORKER'S COMPENSATION (BWC)**

### **Public employers and prospective billing** *Group enrollment deadline has changed to May 29*

As part of the Bureau of Workers' Compensation's (BWC) transition to prospective billing, May 29 is the new deadline to apply for BWC's group-experience-rating program for the 2016 policy year.

This alternative rating program allows employers in similar industries to group together to potentially achieve lower premium rates.

BWC's switch to prospective billing, which begins Jan. 1, 2016 for public employers, will require payment before BWC provides coverage. This industry standard method of billing offers several benefits, including a 4 percent overall base-rate reduction for public employers, opportunities for more flexible payment options, and increased ability for BWC to detect non-compliance and fraud.

Costs associated with the switch to prospective billing will be covered with a transition credit from BWC.

Outstanding premium payments will be due Sept. 1, 2016 for public employers. Additional information about prospective billing, including a timeline, frequently asked questions and key dates to remember, is available at [bwc.ohio.gov](http://bwc.ohio.gov).

Below is the committee schedule for next week. Have a safe weekend.~

*May 8, 2015*

## **SENATE WRESTLES WITH FLUSH STATE COFFERS WHILE CRAFTING BUDGET PRIORITIES**

As the fiscal year gets closer to completion, legislators continue to work on designs for the next two year state spending plan. Members of the Ohio Senate are all currently fully engaged in different aspects and policy points being considered for the state budget that must be delivered to the Governor by June 30th.

As previously reported through legislative bulletins, majority leaders in the Ohio House chose to use estimates provided by the Ohio Legislative Service Commission (LSC) as their source for state revenue baseline figures, projections and Medicaid caseload estimates. Typically, LSC figures are considered more generous or perceived as being more "optimistic" than figures provided by the Office of Budget and Management (OBM).

By using LSC estimates, Ohio House GOP leaders project \$534 million in additional revenue was added for lawmakers to access for budget priorities. Comparing original figures that comprised the administration's state operating budget proposal to what the House has passed and sent to the Ohio Senate in sub.HB64 for their consideration, there is estimated to be a \$329 million financial cushion for the Senate to maneuver within, as a projected ending balance for FY2017. Additionally, the Ohio House budget plan now before the Ohio Senate left a \$103 million balance in the Medicaid Reserve Fund that could be accessed by the Senate as they craft their budget. Ohio House leaders also left intact and resisted the opportunity to participate in the usual "rotary raids" where state revenue that remain at the year's end in various fund balances is diverted to the state General Revenue Fund.

All said, the final projections for how much additional revenue may be in play as the Ohio Senate crafts their two year budget plan could be as high as \$600 million. Administration officials this week blasted the Ohio House budget plan as being overly optimistic and will continue to defend their budget proposal.

As the Senate continues their deliberations on what should be the state budget from their perspective, we strongly encourage our municipal officials to make every effort possible to attend future Senate Finance Committee hearings in person so members of the Senate can interact and witness the level of interest city and village leaders across the state have for the critical budget process underway and the urging of continued support for their local partners.

## **APRIL SEES THE STATE COFFERS SHOWERED WITH HIGHER THAN PROJECTED COLLECTION FIGURES**

On Wednesday, the Office of Budget and Management (OBM) released state tax collection figures for the month of April and year to date totals. With two months remaining in the FY2015 calendar, OBM officials released information that:

- State revenue collections for the month of April are up 13.6% or \$276 million over OBM estimates with total collections for the month at \$2.3 billion.
- State Personal Income Tax (PIT) generated the highest amount of revenue with April totals reaching \$1.2 billion which equates to 22.9% or \$227.9 million over OBM projections.
- Year to date, the state PIT is 5% or \$342 million over OBM projections totaling \$7.2 billion through April 2015.
- State Sales Tax (auto/non auto components) collections currently are exceeding OBM projections year to date by .8% or \$65.4 million in revenue, totaling \$8.3 billion so far. For the month of April, state revenue from auto sales fell below projections by 2.1% or \$2.8 million less while non auto component collections exceeded estimates by \$35 million.
- Compared to 2014, OBM estimates state tax collection is nearly \$1.1 billion more than last year. April 2014 compared to April 2015 figures are up by 20.8% or \$396.5 million.

## **BILLS BANNING RESIDENCY REQUIREMENTS FOR COMMUNITY CONSTRUCTION PROJECTS OFFERED**

A proposal to ban local hiring quotas for public construction projects resurfaced as separate legislation last week when Sen. Joseph Uecker (R-Loveland) and Rep. Ron Maag (R-Lebanon) introduced SB 152 and HB 180, bills in the House and Senate addressing an amendment previously included and then removed from HB53, the state transportation budget bill earlier this year.

Specifically, the House and Senate proposal would prohibit a public authority from requiring a contractor to employ a certain percentage of individuals from the geographic area of the public authority for the construction or professional design of a public improvement. HB180 has been assigned to the House Commerce and Labor Committee while SB 152 has not been assigned to a Senate committee. We will keep our members aware of future activity surrounding this issue.

## **BLIGHTED PROPERTIES BILL RECEIVES SECOND HEARING**

The House Financial Institutions, Housing and Urban Development Committee held a second hearing on HB 134, legislation introduced by Reps. Cheryl Grossman (R-Grove City) and Mike Curtain (D-Columbus) which would establish summary actions to foreclose mortgages on vacant and abandoned residential properties, and expedite the foreclosure and transfer of unoccupied, blighted properties. The proposal also would make other changes relative to residential foreclosure actions.

As the bill sponsors explained, the bill aims to expedite the foreclosure process and transfer of unoccupied, blighted parcels and to make other changes relative to residential foreclosure actions. It also provides procedures and timelines for foreclosure actions and the resulting sheriff's sale.

Columbus City Attorney Rick Pfeiffer testified in support of the bill at Tuesday's hearing before the House committee. Mr. Pfeiffer said the bill had two main thrusts: preventing blight and creating a pilot project for the specialized court jurisdictions of Franklin County, Cleveland and Toledo with the aim of getting private investors back into neighborhoods without government help. Mr. Pfeiffer explained that while there have been several government programs aimed at blight, including those funded with federal money and national mortgage settlement dollars, most of those have been focused on demolishing structures. HB 134, Mr. Pfeiffer explained, takes a different approach with its encouragement of the private sector's involvement.

The bill is a reintroduction of legislation passed by the Ohio House in the previous General Assembly and we will keep our members aware of future committee action.

## **LEGISLATION TO MAKE MORE CHANGES TO JEDDs AND ENTERPRISE ZONES INTRODUCED**

Last week, Rep. Schuring (R-Canton) introduced HB 182, a comprehensive bill that continues from action taken in the last General Assembly, proposing more changes to Joint Economic Development Districts (JEDDs), Enterprise Zones, contracting procedures and other tax abatement programs. The bill has been referred to the House Economic & Workforce Development Committee where it is scheduled to receive a first hearing, sponsor testimony only, on May 13th. We will report additional information on this bill as the hearing process proceeds.

## **USEPA ISSUES DRINKING WATER GUIDELINES FOR MICROCYSTINS**

The U.S. Environmental Protection Agency (USEPA) on Wednesday issued its long-awaited health advisory standards for microcystin, the harmful algal bloom toxin responsible for the drinking water ban in Toledo last summer. As part of the standards, USEPA recommends states and localities issue drinking water health advisories at 0.3 parts per billion (ppb) for children younger than school age and 1.6 ppb for those older. USEPA also issued advisory levels for cylindrospermopsin, another algal toxin. The agency recommends 0.7 ppb is unsafe for young children, while 3.0 ppb is unsafe for older children and adults.

USEPA said it will issue the final documents containing the health advisory values, recommended monitoring and treatment approaches, and all supporting technical information before summer, which is prime season for algal blooms because of warmer temperatures. USEPA estimates that between 30 and 48 million people use drinking water from lakes and reservoirs that may be vulnerable to algal toxin contamination.

Below is the committee hearing schedule for the upcoming week.  
Have a safe weekend.~

*May 1, 2015*

## **BUDGET BILL REVIEW CONTINUES IN OHIO SENATE**

The Ohio Senate continued to dissect various aspects of the state operating budget this week, with the Senate Ways and Means Committee receiving testimony from state agencies and department heads with their wish list and explanations for funding requests. In addition to the Ways and Means Committee work, the Senate Finance Committee has splintered off into subcommittees to study in greater detail aspects of what the House is proposing in their biennial budget package contained in sub. HB 64. The reviews and considerations by Finance subcommittees and other standing Senate committees will continue through the month of May. The subcommittee work is expected to be complete by the week of May 18 when the full Finance Committee will reconvene to take additional testimony from parties that have an interest in the two-year state budget.

The league staff has been and will continue to meet with members of the Ohio Senate to discuss issues in the budget that will have an impact on Ohio cities and villages. One of the primary issues discussed in these legislative meetings is the restoration of Local Government Fund (LGF). As we have reported in previous bulletins, the Ohio House added language to sub. HB 64 that would appropriate \$20 million over the biennium to fund the Local Government Safety Capital Grant Program, providing grants up to \$100,000 to local governments to assist with financing public safety capital projects. Although the language is before the Ohio Senate for their consideration, that funding is not guaranteed to remain part of the budget bill. We believe that although the appropriation and creation of the Capital Grant Program is appreciated, Ohio cities and villages need a greater reinvestment by the Ohio legislature and more LGF funds should be returned to where the most valued services are delivered to the citizens and businesses of Ohio.

It is important that as Senators review and consider funding areas to be included in the state operating budget, that they hear from their communities that have not enjoyed the kind of economic recovery that the state of Ohio is experiencing with higher than projected tax revenue collections and revenue surplus funds or "rainy day funds" setting all time contribution levels.

## **REFRESHMENT AREA LEGISLATION BECOMES LAW**

This week, the legislative process was completed for sub. HB 47, legislation the league has been following closely which would allow cities and townships to create districts where individuals will be exempt from open container restrictions, by allowing communities to create outdoor refreshment areas. On Wednesday, the Ohio House of Representatives received and accepted changes made to

the House bill by the Ohio Senate, officially concurring to the final language and sending it to the Governor for his signature. Wasting little time, Governor Kasich signed sub.HB47 into law the next day. The legislation includes an emergency clause so the bill became effective upon the Governor's signature.

As we reported in previous legislative bulletins on this topic, the final bill allows municipalities with a population of 35,000 and greater to immediately institute the new refreshment area guidelines, while cities and villages under 35,000 in population must wait until April 30, 2017 to join other communities in offering this enhanced social and civic opportunity, if they choose.

## **GOVERNOR CREATES STATE AND LOCAL POLICE ADVISORY BOARD**

What is being called a first in state history, Governor Kasich took action earlier this week to create the Ohio Collaborative Community-Police Advisory Board. The 12 member panel, made up of an equal number of representatives from law enforcement and community leaders will be appointed by the Governor and will be a permanent body whose members will serve 3 year terms. The yet to be appointed members of the Board will be charged with setting statewide law enforcement standards for use of force, including deadly force, and hiring and training practices.

The creation of the Advisory Board was established through an Executive Order by Governor Kasich with the primary focus of implementing recommendations included in a report recently issued by the Task Force on Community and Police Relations. A link to the final report by the Task Force can be found at: [http://publicsafety.ohio.gov/otfcpr/links/ohafcpr\\_final\\_report.pdf](http://publicsafety.ohio.gov/otfcpr/links/ohafcpr_final_report.pdf). The Task Force recommendations includes implementing changes to improve how all state and local law enforcement agencies manage accountability and oversight issues; handle community education and involvement initiatives; examining the Grand Jury process; recruiting and hiring practices; standards and training. More specifically, the Governor and the Task Force report outlined this week that the Ohio Collaborative Community-Police Advisory Board will:

- Issue statewide minimum standards for use of force, officer hiring and screening practices at all state and local law enforcement agencies.
- Issue minimum standard directives to all departments no more than 90 days after the Board officially convenes.
- Develop model department policies and "best practices" recommendations which "local law enforcement departments and communities will be encouraged to adopt".
- Monitor and evaluate all state and local law enforcement agencies compliance with the new standards.
- Monitor voluntary adoption of model practices, "best practices" and "any other measure the Board believes necessary".
- Require agencies to submit annual reports to ensure standards are being met.

Law enforcement agencies who fail to comply with the new standards or meet the satisfaction of the Ohio Collaborative Community-Police Advisory Board will be in jeopardy of losing local enforcement training grants, police officers may have their firearm certifications revoked and the agency will be included in a published list of non-adapters. The first compliance report is to be issued March 31, 2017 and every year following.

In his remarks at the signing of the Executive Order instituting the Police Advisory Board, the Governor acknowledged that funding details have not been worked out yet but there can be no doubt that there will be a price tag that will accompany the implementation of the recommendations for enhanced police training and other aspects being proposed by the Task Force and executed by the Advisory Board.

Below is a list of new bills recently introduced in the Ohio General Assembly and the upcoming committee schedule Have a great weekend.~

### **New Ohio House Bills:**

HB 158

DISABILITY TERMS (Dever, J., Howse, S.) To change the variations of the term "mentally retarded" to "person with an intellectual disability." Am. 1.02, 121.22, 121.37, 135.801, 145.01, 145.012, 145.298, 145.332, 149.431, 152.04, 152.09, 154.02, 154.07, 154.20, 173.25, 173.27, 173.38, 173.381, 305.07, 307.02, 313.12, 325.07, 711.23, 1751.01, 1751.14, 2101.17, 2101.24, 2108.521, 2109.01, 2111.01, 2111.10, 2111.49, 2151.011, 2151.281, 2151.353, 2151.414, 2151.415, 2151.421, 2151.425, 2151.651, 2152.02, 2152.12, 2152.14, 2152.51, 2152.811, 2305.111, 2311.14, 2317.021, 2503.37, 2721.05, 2744.01, 2901.13, 2903.341, 2905.32, 2907.24, 2919.23, 2929.01, 2929.04, 2929.06, 2930.061, 2930.16, 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, 2945.482, 2945.491, 2949.29, 2950.01, 2951.041, 2967.22, 3107.02, 3323.01, 3701.881, 3707.20, 3721.01, 3763.06, 3791.031, 3923.24, 3923.241, 4112.01, 4303.272, 4399.05, 4723.071, 4757.41, 4971.16, 5101.46, 5101.611, 5103.02, 5119.44, 5120.051, 5120.11, 5120.17, 5120.173, 5121.04, 5122.01, 5123.01, 5123.012, 5123.02, 5123.021, 5123.03, 5123.033, 5123.04, 5123.044, 5123.0410, 5123.0413, 5123.0418, 5123.081, 5123.092, 5123.093, 5123.122, 5123.165, 5123.169, 5123.17, 5123.171, 5123.18, 5123.19, 5123.196, 5123.20, 5123.27, 5123.34, 5123.35, 5123.351, 5123.36, 5123.37, 5123.374, 5123.375, 5123.40, 5123.41, 5123.42, 5123.421, 5123.422, 5123.43, 5123.44, 5123.441, 5123.45, 5123.451, 5123.47, 5123.50, 5123.51, 5123.52, 5123.541, 5123.542, 5123.55, 5123.57, 5123.58, 5123.601, 5123.61, 5123.611, 5123.612, 5123.614, 5123.62, 5123.63, 5123.64, 5123.65, 5123.651, 5123.67, 5123.69, 5123.701, 5123.71, 5123.74, 5123.75, 5123.76, 5123.79, 5123.80, 5123.81, 5123.82, 5123.83, 5123.84, 5123.85, 5123.86, 5123.87, 5123.88, 5123.89, 5123.91, 5123.92, 5123.93, 5123.95, 5123.96, 5123.99, 5126.01, 5126.022, 5126.023, 5126.04, 5126.041, 5126.042, 5126.043, 5126.046, 5126.05, 5126.051, 5126.054, 5126.055, 5126.058, 5126.059, 5126.0510, 5126.08, 5126.082, 5126.11, 5126.15, 5126.22, 5126.25, 5126.30, 5126.31, 5126.33, 5126.333, 5126.40, 5126.46, 5126.49, 5126.52, 5126.55, 5126.58, 5139.06, 5139.08, 5139.12, 5139.27, 5139.39, 5139.54, 5164.25, 5164.342, 5164.881,

5165.01, 5166.20, 5166.22, 5168.68, 5301.22, 5305.17, 5307.19, 5310.12, 5321.01, 5705.05, 5705.091, 5705.19, 5705.222, 5709.40, 5709.73, 5709.78, 5711.07, 5747.03, 5815.28, and 5815.35

#### HB 159

LICENSE PLATES (Johnson, T., Patmon, B.) To require that motor vehicles carry only one license plate to be displayed on the rear of the vehicle, and to amend the version of section 4503.21 of the Revised Code that is scheduled to take effect January 1, 2017, to continue the provisions of this act on and after that effective date. Am 4503.181, 4503.19, 4503.21, 4503.23, and 4549.10 and to enact section 4503.193

#### HB 160

HIGHER ED TEXTBOOKS (DeVitis, T.) With regard to the selection, availability, and purchase of textbooks that are required for a course offered by any state institution of higher education. Am. 3345.37

#### HB 161

PRECIOUS METALS (Henne, M., Craig, H.) To make changes to the licensing and records requirements, exemptions, penalties, and other provisions of the Precious Metal Dealers Law and to limit the amount precious metal dealers may charge the true owner of stolen property when restoring that property to the true owner. Am. 4728.01, 4728.02, 4728.03, 4728.04, 4728.05, 4728.06, 4728.07, 4728.08, 4728.09, 4728.10, 4728.11, 4728.12, 4728.13, 4728.14, and 4728.99 and to enact sections 4728.061, 4728.16, 4728.17, and 4728.18

#### HB 162

SEVERANCE TAX (Cera, J.) To change the basis, rates, and revenue distribution of the severance tax on oil and gas, to create a grant program to encourage compressed natural gas as a motor vehicle fuel, to authorize an income tax credit for landowners holding an oil or gas royalty interest, and to exclude some oil and gas sale receipts from the commercial activity tax base. Am. 1509.02, 1509.071, 1509.11, 1509.34, 1509.50, 1513.08, 1513.182, 1514.11, 5747.98, 5749.01, 5749.02, 5749.06, 5749.11, and 5751.01 and to enact sections 164.29, 190.01, 190.02, 190.03, 190.04, 190.05, 321.50, 321.51, 505.96, 1509.075, 3737.15, 3745.50, 5501.37, 5747.56, 5747.63, and 5749.18

#### HB 163

DAY DESIGNATION (Patmon, B.) To designate May 24 as First Responders' Appreciation Day. Am. 5.256

#### HB 164

RECORD SEALING (Pelanda, D., Rogers, J.) To allow a person who is convicted of an offense that may not be sealed to apply to have the conviction sealed if, before the person makes that application, the offense is changed so that it may be sealed. Am. 2953.36

#### HB 165

HUNTING (Green, D.) To allow an individual on active military duty, while on leave or furlough, to hunt deer or wild turkey without procuring a deer or wild turkey permit. Am. 1533.12

#### HB 166

TAX LAWS (Green, D.) To extend the deadline for filing an application for the homestead exemption or 2 1/2% property tax rollback to the end of the tax year, to require that auditors certify Local Government Fund allocations to subdivisions by regular or electronic, rather than certified mail, and to repeal laws requiring county auditors to issue permits for traveling shows, issue licenses for new merchandise public auctions, certify the annual state tax interest rate to local courts, and provide certain certifications related to the repealed personal property tax. Am. 323.153, 1343.03, and 5747.51 and to repeal sections 319.19, 1318.01, 1318.02, 1318.03, 1318.04, 1318.05, 1318.06, 1318.07, 1318.08, 1318.99, 1901.313, 1907.202, 2303.25, 3765.01, 3765.02, 3765.03, 3765.04, 5709.23, and 5719.042

#### HB 167

LEGISLATIVE SERVICE COMMISSION (Sweeney, M.) Regarding the term of a General Assembly member as a member of the Legislative Service Commission. Am. 103.11

#### HB 168

ELECTRONIC CIGARETTES (Huffman, S.) To ban the sale of products intended for use in electronic cigarettes that are not in child-resistant packaging. Am. 5502.01 and to enact section 1349.83

#### HB 169

PHYSICAL THERAPY (Brown, T., Reineke, B.) To modify the laws governing the practice of physical therapy. Am. 4755.40.

#### HB 170

FLU VACCINES (Hagan, C.) To prohibit an employer from taking an adverse employment action against a person who has not been or will not be vaccinated against influenza. En. 4113.73.

#### HB 171

HEROIN TRAFFICKING (Blessing, L., Dever, J.) To decrease the minimum amount of heroin involved in a violation of trafficking in heroin or possession of heroin that makes the violation a felony of the first degree and that is necessary to classify an offender as a major drug offender. Am. 2925.03, 2925.11, and 2929.01.

#### HB 172

CRIMINAL RECORDS (Barnes, J.) To enact the Fair and Accurate Reporting of Criminal Records Law, to require certain business entities that publish criminal record information to ensure that the information is complete and accurate, to provide a procedure by which a subject of published criminal record information may have incomplete or inaccurate information corrected or removed from the publication, and to provide remedies for the failure of a business entity to remove or correct incomplete or inaccurate information. En. 1349.71, 1349.72, 1349.73, 1349.74, and 1349.75.

#### HB 173

VETERAN IDENTIFICATION (Anielski, M., Terhar, L.) To authorize county recorders to issue Ohio veterans identification cards. En. 317.241 and 5902.05.

HB 174

ENTREPRENEURIAL SKILLS (Barnes, J.) With regard to entrepreneurial skills education requirements for professional graduate degree programs at state institutions of higher education. En. 3345.35.

HB 175

GLOBAL MARKET OPPORTUNITIES (Barnes, J.) To establish the "Access to Global Market Opportunities for Ohio Manufactured Products Program" to be composed of the "Ohio Global Leadership Initiative" and the "Global Initiative on International Relations" to create new, untapped global markets for Ohio businesses and thereby promote job creation. En. 122.863.

HB 176

GASEOUS FUEL VEHICLES (Hall, D., O'Brien, S.) To create the Gaseous Fuel Vehicle Conversion Program, to allow a credit against the income or commercial activity tax for the purchase or conversion of an alternative fuel vehicle, to reduce the amount of sales tax due on the purchase or lease of a qualifying electric vehicle by up to \$500, to apply the motor fuel tax to the distribution or sale of compressed natural gas, to authorize a temporary, partial motor fuel tax exemption for sales of compressed natural gas used as motor fuel, and to make an appropriation. Am. 5735.01, 5735.012, 5739.025, 5747.98, and 5751.98 and to enact sections 122.079, 5735.015, 5735.016, 5747.78, and 5751.55.

HB 177

ANIMAL CRUELTY (Celebrezze, N.) To require violators of specified statutes in the Animal Cruelty Law to register with the Attorney General, to require the Attorney General to establish a registry of those violators, and to prohibit an animal shelter from placing for adoption a companion animal in the shelter's care with such a violator. Am. 959.99 and to enact sections 959.30, 959.31, 959.32, 959.33, and 959.34.

HB 178

WINE SALES (Manning, N.) To establish the F-10 liquor permit to authorize certain A-2 permit holders to sell Ohio wines at farmers markets. Am. 3717.22 and 4301.62 and to enact section 4303.2010

HB 179

VOTER REGISTRATION (Stinziano, M., Sykes, E.) To require that eligible persons in the database of the Bureau of Motor Vehicles be automatically registered to vote or have their registrations updated automatically, as applicable, unless those persons decline to be registered or to update their registrations. Am. 3501.05, 3503.09, 3503.12, 3503.13, 3503.14, 3503.15, 3503.16, 3503.19, 3503.21, 3503.28, 3503.30, 3503.33, 3505.18, 3505.181, 3505.183, 3509.03, 3509.05, 3511.02, 3511.09, 3599.11, 3599.18, 4501.023, 4503.03, 4503.10, 4506.04, 4506.07, 4507.05, 4507.06, 4507.09, 4507.36, and 4507.51; to enact new section 3503.11; to repeal sections 3503.11 and 3503.29 of the Revised Code; and to amend the versions of sections 4507.05 and 4507.06

HB 180

CONTRACTOR LABOR (Maag, R.) To prohibit a public authority from requiring a contractor to employ a certain percentage of individuals from the geographic area of the public authority for the construction or professional design of a public improvement. Am. 9.49 and to repeal sections 153.013 and 5525.26

HB 181

VOTER REGISTRATION (Clyde, K.) To require that eligible persons in certain government and school databases be automatically registered to vote or have their registrations updated automatically unless those persons decline to do so and to create an online voter registration. Am. 3501.05, 3503.09, 3503.10, 3503.12, 3503.13, 3503.14, 3503.15, 3503.16, 3503.19, 3503.21, 3503.28, 3503.30, 3503.33, 3505.18, 3505.181, 3505.183, 3509.03, 3509.05, 3511.02, 3511.09, 3599.11, and 3599.18 and to enact new section 3503.11 and section 3503.20, and to repeal sections 3503.11, 3503.29, and 3505.22

HB 182

DEVELOPMENT ZONES (Schuring, K.) To revise the law governing the creation and operation of joint economic development districts (JEDDs) and enterprise zones. Am. 715.72, 715.79, 715.80, 715.81, 715.82, 715.83, 5709.61, 5709.62, 5709.63, 5709.632, 5709.82, 5733.06, 5733.41, 5747.02, and 5747.41 and to repeal sections 715.73, 715.74, 715.75, 715.76, 715.761, 715.77, 715.771, and 715.78

**New Ohio Senate Bills:**

SB 149

WORKERS' COMPENSATION (Schiavoni, J.) To make an individual who has lost the use of a body part due to a brain injury or spinal cord injury eligible for partial disability and permanent total disability compensation under the Workers' Compensation Law. Am. 4123.57 and 4123.58

SB 150

MOTOR FUEL (Hite, C.) To create a qualified immunity for the dispensing of incompatible motor fuel, to limit the Product Liability Law with respect to motor fuel and motor fuel additives, and to prohibit an insurer from denying a claim on the basis that an underground storage tank is not compatible with a motor fuel if the State Fire marshal has determined otherwise.

SB 151

DOGS LAW (Beagle, B.) To revise provisions of the Dogs Law governing nuisance, dangerous, and vicious dogs, to revise enforcement of that Law, and to establish a notification process regarding complaints of certain violations of that Law. Am. 109.73, 955.11, 955.12, 955.22, 955.222, 955.44, 955.54, and 955.99 and to enact sections 955.13, 955.223, 955.224, 955.225, 955.226, and 955.60.

SB 152

**CONTRACTOR LABOR (Uecker, J.)** To prohibit a public authority from requiring a contractor to employ a certain percentage of individuals from the geographic area of the public authority for the construction or professional design of a public improvement. Am. .49 and to repeal sections 153.013 and 5525.26

**SB 153**

**WINE SALES (Manning, G.)** To establish the F-10 liquor permit to authorize certain A-2 permit holders to sell Ohio wines at farmers markets. Am. 3717.22 and 4301.62 and to enact section 4303.2010

**SB 154**

**DEATH PENALTY (Brown, E.)** To abolish the death penalty and to declare an emergency. Am. 9.07, 120.03, 120.06, 120.14, 120.16, 120.18, 120.24, 120.26, 120.28, 120.33, 120.34, 1901.183, 2152.13, 2152.67, 2301.20, 2307.60, 2701.07, 2901.02, 2909.24, 2929.02, 2929.13, 2929.14, 2929.20, 2929.61, 2930.03, 2930.06, 2930.16, 2930.19, 2937.222, 2941.021, 2941.14, 2941.148, 2941.401, 2941.43, 2941.51, 2945.06, 2945.13, 2945.21, 2945.25, 2945.33, 2945.38, 2949.02, 2949.03, 2953.02, 2953.07, 2953.08, 2953.09, 2953.10, 2953.21, 2953.23, 2953.71, 2953.72, 2953.73, 2953.81, 2967.03, 2967.05, 2967.12, 2967.13, 2967.19, 2967.193, 2967.26, 2967.28, 2971.03, 2971.07, 5120.113, 5120.53, 5120.61, 5139.04, 5149.101, and 5919.16 and to repeal sections 109.97, 120.35, 2725.19, 2929.021, 2929.022, 2929.023, 2929.024, 2929.03, 2929.04, 2929.05, 2929.06, 2945.20, 2947.08, 2949.21, 2949.22, 2949.24, 2949.25, 2949.26, 2949.27, 2949.28, 2949.29, 2949.31, and 2967.08

**SB 155**

**INTERCHANGE NAMING (Gardner, R.)** To designate memorial interchanges and a memorial pedestrian bridge in Erie County. Am. 5534.01, 5534.02, 5534.05, and 5534.06

**SB 156**

**UTILITY PAYMENT PROGRAM (Jones, S.)** To modify the funding process for the percentage of income payment plan program.

*April 24, 2015*

## **BUDGET PROPOSAL CLEARS OHIO HOUSE WITH ADDITIONAL ALTERATIONS**

The Ohio House of Representatives took final action this week on their two year state biennial budget proposal, with the adoption of an omnibus amendment Monday by the Finance committee before voting the bill out of committee and on to the House floor. A Legislative Service Commission (LSC) synopsis for the issues included in omnibus amendment can be found [HERE](#). Following Monday's committee action, the full House approved the spending and policy measure on Wednesday by a vote of 63-35, sending it to the Ohio Senate where that body has already begun unpacking administrative and tax related budget issues and requests.

The omnibus amendment adopted Monday added and deleted numerous policy issues that had been part of the legislation the previous week. Included in the omnibus language were two areas of particular interest for Ohio cities and villages. Those changes include:

- Creating the Local Government Safety Capital Grant Program to provide grants up to \$100,000 to help local governments pay for public safety capital costs. The language provides \$20 million over the biennium for this purpose.
- Permitting the Auditor to elevate a situation from financial watch to emergency to financial emergency even if they have received a financial recovery plan. The language also lowers the timeframe for a local government to create a financial plan from 120 days to 90 days.

Unfortunately, language added by the Ohio House to the sub. HB64 last week which would require Ohio cities and villages that operate and receive revenue from red light cameras to report annually revenue amounts collected through the violations to the state Auditor so that those communities LGF distribution amounts can be reduced equal to the revenue generated and municipalities that fail to comply with the reporting requirements will forfeit all Local Government Fund (LGF) distribution revenue was not deleted and remains part of the state operating budget bill.

The approved House budget plan which would: provide a 6.3% across-the-board income tax cut which includes a permanent 75% small business tax deduction on the first \$250,000 of income; lower the top rate to below 5% and provide more than \$1.2 billion in tax relief over the biennium is now before the Ohio Senate. Although calculations are not available yet, one of the greatest concerns the league has with the changes in state tax policy is how those changes will affect the amount of revenue the state collects for the General Revenue Fund which in turn affects revenue available to fund the Local Government Fund which is 1.66% of state GRF revenues. As state GRF revenues decrease so does the LGF distribution levels which equals fewer resources for cities and villages to access and to provide the level of services residents and businesses deserve and expect without the continued need for higher local taxes.

Ohio Senate President Keith Faber (R-Celina) announced that the Senate will essentially be starting from scratch with the budget, considering changes made by the Ohio House to what Governor Kasich presented as his two year state spending blueprint while factoring revenue estimates generated by the Office of Budget and Management (OBM) compared to less conservative projections of current state revenue and future tax revenue estimates offered

by the Ohio Legislative Service Commission (LSC). It is expected that the Senate Finance Committee will break down the various components of budget issues and will distribute study assignments to Finance subcommittees and other standing Senate committees. The list of agencies and subject matters that will be discussed in the various Senate committees can be found [HERE](#). Senate leadership has announced that the Senate Finance Committee will reassemble the bill from the various committees tasked to study aspects of the legislation the week of May 18, holding full Senate Finance Committee hearings on what members of the Senate feel should be part of the state's budget goals.

As with all state budget bills, once the Ohio Senate repackages and approves their budget suggestions into sub. HB64, the bill will be sent back to the Ohio House for their member's consideration of changes made by their Senate colleagues. If precedent offers any insight on how the House will react to the bill returned to them by the Ohio Senate, a majority of members of the Ohio House will object to certain areas of the Senate plan and will call for a bi-cameral Conference Committee to be convened so that differences can be resolved between the two budget plans, in time to have the bill to the Governor by June 30<sup>th</sup>.

## **OHIO ANOTHER STEP CLOSER TO ENACTING "REFRESHMENT AREAS"**

On Wednesday, the Ohio Senate returned sub. HB47 to the Ohio House for their consideration of changes made to the legislation introduced by Rep. Blessing (R-Cincinnati) and Driehaus (D-Cincinnati) which would allow certain cities and townships to create districts where individuals will be exempt from open container restrictions, allowing communities that meet a population threshold to create outdoor refreshment areas.

Before the members of the Ohio Senate approved sub.HB47, the Senate State and Local Government committee amended the bill to incorporate changes made previously to the Senate companion bill introduced by Senators Seitz (R-Cincinnati) and Thomas (D-Cincinnati), sub. SB 95. Those changes include:

- Require jurisdictions under 35,000 in population to wait two years from the effective date of the act to establish a single refreshment zone as long as the designated zone is no greater than 150 contiguous acres and has at least four permit holders.
- Addresses the use of commercial quadricycles
- Reduce from three to two the number of outdoor refreshment areas a city or township with a population over 50,000 may establish while governmental units with a population between 35,000 and 50,000 may qualify for one zone.

Unlike the budget bill, we do not anticipate a Conference Committee to be called to address disagreements between the version of HB47 that was sent over to the Ohio Senate for their consideration and what was returned as the substitute bill after the changes were made by the Senate. The legislation also contains an emergency clause which will cause the bill to go into effect upon the Governor's signature, so there is no delay in enactment that could interfere with summertime community events.

Below is the committee schedule for next week. Have a safe weekend.~

*April 17, 2015*

## **HOUSE CHANGES MAJOR COMPONENTS OF ADMINISTRATION'S BUDGET PROPOSAL**

Not all members of the Ohio House of Representatives took time off during the last two weeks as part of the legislature's Spring break recess. Upon returning to the Statehouse this week, majority leaders of the Ohio House unveiled an alternative state budget proposal, addressing differences they have in state policy challenges, from what was presented earlier by the administration.

As is the case with most state budget proposals, tax policy is generally the main focus of the two year spending plan. The biennial budget presented by the administration in early February to the legislature included a number of tax proposals that were met with significant skepticism from lawmakers. To that end, the plan released this week by Ohio House Speaker Rosenberger and Finance Committee leaders deleted language that would have increased Ohio sales, commercial activity (CAT), tobacco, oil & gas severance taxes previously proposed to offset the \$1.2 billion in proposed tax cuts included in HB 64. Instead, the House is considering creating the "2020 Tax Policy Study Commission" to study the continued shifting of tax policy away from income based taxes and more reliance on revenue generated through consumption based taxes.

The House plan will provide the originally proposed 6.3% personal income tax rate reduction across the board lowering the top tax rate to below 5% and provides over \$1.2 billion in taxpayer savings over the next two years. The House plan also makes permanent a 75% small business tax cut for the first \$250,000 of income. It remains to be seen if the anticipated deposit of \$375 million to the state rainy-day fund for fiscal emergencies, bringing it to \$1.85 billion, will occur but a surplus is projected. The proposed cuts and tax savings measures will be financed largely through projected growth in state tax revenue.

Although calculations are not available yet, one of the greatest concerns the league has with the changes in state tax policy is how those changes will affect the amount of revenue the state collects for the General Revenue Fund which in turn affects revenue available to fund the Local Government Fund. As state GRF revenues decrease so does the LGF distribution levels which equals fewer resources for cities and villages to access and to provide the level of services residents and businesses deserve and expect without the continued need for higher local taxes.

Included in the substitute budget language offered Tuesday is language making additional changes to the municipal income tax. Those changes include:

Requires civil actions by taxpayers related to municipal income taxes be brought against the municipal corporation imposing the tax rather than the municipal corporation's tax administrator. Am. 718.37 (This issue was originally introduced as HB 84 by Rep. Sprague (R-Findlay))

Allows municipalities that use OAGI as the base of their income tax to change their base to mirror state income tax changes and to request an Ohio 1040 form as well as a federal 1040.

Makes consistent with federal, state and current municipal law the due date for entities with a fiscal year end other than a calendar year end.

Requires tax administrators to accept taxpayer request for a six month extension in filing deadline regardless of prior request for federal extension.

Reinstates 718.07 requiring municipalities to publish a summary of the taxpayer's rights and responsibilities online.

In addition to issues related to the municipal income tax being included in a two year state operating budget bill, House majority leaders also added language which would further change state law regarding the use of red light cameras by municipalities. As our members will remember, late last year the Ohio legislature passed SB 342 (effective March 23, 2015) requiring among other things that communities can only operate and enforce red light cameras if a police officer is stationed at the camera location and issues the citation at the time of the violation.

The language added to HB 64 would require Ohio cities and villages that operate and receive revenue from red light cameras to report annually revenue amounts collected by the violations to the state Auditor so that those communities LGF distribution amounts can be reduced equal to the revenue generated. The budget language goes on to stipulate that municipalities that fail to comply with the reporting requirements will forfeit all Local Government Fund distribution revenue. It is our understanding that this proposal is still "under review" and we are very hopeful that better policies are pursued.

It is important to note that all of the language being considered to be included in HB 64, the 2015-2016 state operating budget is all very fluid and more hearings and additional amendments by House Finance Committee members will continue to alter what will be the final package agreed upon by a majority of House members and then sent to the Ohio Senate for their alterations.

Although next week the Ohio House will continue the hearing process for the alternative version of HB 64 unveiled Tuesday, the Senate has announced their budget hearing schedule through the end of May. Senate majority leaders have announced that hearings will begin next week in the Senate Finance Committee with the tax reform issues to be discussed April 22.

## **REFRESHMENT AREA BILLS RECEIVE ACTION IN OHIO SENATE**

Work continued this week on legislation that would allow municipalities with a population over 35,000 to create districts where individuals will be exempt from open container restrictions.

On Tuesday, the Senate State and Local Government Committee held a first hearing on HB 47, Reps. Blessing and Driehaus' bill that cleared the Ohio House before the legislature's Spring Break recess permitting the new refreshment areas to be established. Following the House sponsor's presentation of their legislation, the committee held a fifth hearing for SB 95, Sens. Seitz and Jones' legislation that also would permit the new easing of Ohio's open container law in specific circumstances. After what was described as lengthy discussions with stakeholders and House members, Sen. Seitz introduced a substitute bill making changes to the proposal. A copy of the Legislative Service Commission comparative synopsis for SB 95, can be found [HERE](#).

One of the most significant changes the league is interested in relates to the language in the bill that would establish a population cut off at 35,000 for communities to be eligible to participate in the program, which the league had opposed. The new version of the bill adopted by the committee would require jurisdictions under 35,000 in population to wait two years from the effective date of the act to establish a single refreshment zone as long as the designated zone is no greater than 150 contiguous acres and has at least four permit holders. The language replaces previous language that would have formed a legislative committee to study allowing cities and villages under 35,000 in population to participate.

The substitute language also addresses the use of commercial quadricycles, reduces from three to two the number of outdoor refreshment areas a city or township with a population over 50,000 may establish while governmental units with a population between 35,000 and 50,000 may qualify for one zone. Sub. SB 95 also conforms the two bills to the 35,000 population level.

The full Senate is expected to take up sub. SB 95 in the near future. We anticipate the Senate State and Local Government Committee will continue to hold hearings for HB 47, potentially amending the bill to include the recent changes made to sub. SB 95. It is not clear which bill will be the first to complete legislative process but both Senate and House versions contain an emergency clause to accommodate this summer's Major League Baseball All Star game in Cincinnati and the Republican National Convention in Cleveland next year.

We want to extend another word of appreciation to those municipal officials from across the state who helped us communicate to legislators the desire that all communities be given an equal opportunity to offer a new social and economic platform to generate interest in a civic or social event.

## **SERB SEEKS INPUT ON ADMINISTRATIVE ROLE REVIEW**

Dear Stakeholder:

The State Employment Relations Board (SERB) has begun the process of reviewing its administrative rules as required by Ohio Revised Code ("O.R.C.") § 119.032. SERB is contemplating the possible amendment of certain administrative rules and is seeking input from our stakeholders pursuant to O.R.C. § 4117.02(K)(8)(c). Please note that the rules under consideration for possible amendment are listed in the addendum to this letter. The drafts of the actual proposed amendments to these rules will not be available until May 6, 2015. (See Item No. 2 below) Stakeholders can provide input as follows:

1. **COMMENTS/SUGGESTIONS:** Send comments and/or suggestions concerning

The rules selected for possible amendment to SERB's General Counsel, Donald M. Collins at: donald.collins@serb.state.oh.us . Please note that in lieu of or in addition to submitting comments or suggestions via email, stakeholders may attend the informal rule review meeting discussed below.

2. **INFORMAL RULE REVIEW MEETING:** On May 6, 2015, at 1:30 p.m., SERB

Will hold an informal meeting for representatives of public employers and employees who may have an interest in the proposed rule amendments. The informal meeting will take place at SERB's offices in Columbus, Ohio. If you plan to attend this meeting, please notify SERB's Administrative Assistant, Erin Conn at: erin.conn@serb.state.oh.us .

All comments and suggestions regarding SERB's proposed rule amendments must be received no later than May 15, 2015. Please be advised that SERB will email notices of proposed amended rules and provide copies of same upon request, in accordance with O.R.C. § 4117.02(K)(8)(a) and (b). SERB will also hold a formal public hearing for any proposed rules to be filed with the General Assembly pursuant to O.R.C § 119.03.

Information regarding our rule review process will be posted on SERB's website

( [www.serb.state.oh.us](http://www.serb.state.oh.us) ).

Sincerely,

W. Craig Zimpher

Chair

## **News from the National League of Cities**

April 13, 2015

### **Report: Cities Need States to Provide More Authority to Collect Revenue**

WASHINGTON - The National League of Cities (NLC) today released its 2015 Cities and State Fiscal Structures report, which found that no state has expanded the fiscal authority of its cities since the start of the recession. The report provides a comparative assessment of local fiscal systems in each of the 50 states, including taxing authority, revenue reliance and capacity, state aid, and tax and expenditure limits. The Cities and State Fiscal Structures report was produced in partnership with NLC's state league members and was last issued in 2008.

City finances have been slow to recover from the recession in part because of continued constraints from states on cities' ability to raise revenues. The options available to local governments are determined by their states. State actions can hinder cities' fiscal autonomy by providing limited access to tax sources, placing caps on tax revenue and cutting aid, for example. However, the report also notes that state fiscal systems have the potential to create an environment that will allow municipalities to fund their share of resident needs and to thrive economically.

"The Cities and State Fiscal Structures report supports the fact that cities and towns need more fiscal autonomy to balance their budgets, create economic growth and meet their communities' needs," said Clarence E. Anthony, CEO and president of the National League of Cities.

The report examines state-local fiscal structures and uses data from the Census of Governments, as well as detailed information from the state municipal leagues. Cities and State Fiscal Structures is the first report in a research collaborative between NLC and the state municipal leagues. Additional information and research from NLC's Center for City Solutions and Applied Research can be found [here](#).

The National League of Cities (NLC) is dedicated to helping city leaders build better communities. NLC is a resource and advocate for 19,000 cities, towns and villages, representing more than 218 million Americans.

### **2015 State Historic Preservation Office Awards**

Do you know of a great rehabilitation project? A special person or group who should be recognized for a significant preservation effort? An effective program, event or campaign that increased awareness of historic preservation?

Each year, the Ohio History Connection's State Historic Preservation Office recognizes achievements in historic preservation by presenting awards in two categories: Public Education and Awareness, and Preservation Merit. People, organizations, businesses and public agencies are eligible for the awards.

Anyone may submit a nomination for the awards. Nominations must be postmarked by June 1. A selection committee comprising members of the governor-appointed Ohio Historic Site Preservation Advisory Board and State Historic Preservation Office staff will choose recipients in each category. Awards will be presented at the State Historic Preservation Office Awards luncheon in the fall.

For a nomination form call 614.298.2000 or write to: State Historic Preservation Office Awards, Ohio History Connection, 800 E. 17th Ave., Columbus, OH 43211-2474.

## **FY2015 TIGER NOFA ANNOUNCEMENT**

The U.S. Department of Transportation has notified us that the Notice of Funding Availability (NOFA) for the next round of the Transportation Investment Generating Economic Recovery (TIGER FY2015) Grant Program is now available. \$500 million is available for grants in this round of TIGER.

The NOFA can be found on the US Dept. of Transportation website: [www.dot.gov/TIGER](http://www.dot.gov/TIGER) as well as information on upcoming planned, informational webinars about applying for a TIGER grant this year.

Please note the following:

- Pre-applications are required for this round of TIGER.
- Deadline for Pre-applications: May 4, 2015, by 11:59 p.m. EDT.
- Date for Grants.gov to Begin Receiving Applications: May 5, 2015.
- Deadline for Final Applications: June 5, 2015, by 11:59 p.m. EDT

## **BILL INTRODUCTIONS AND COMMITTEE SCHEDULE**

Below is a list of new bills introduced over the last several weeks as well as the upcoming committee schedule. If there are any additions to the committee schedule, we will post them to our website at [www.omloho.org](http://www.omloho.org).

Have a great weekend~

### **New House Bills:**

#### **HB 136**

STEM PILOT (Young, R., Rogers, J.) To fund the Lake County Educational Service Center pilot project to support STEM initiatives for middle school students and to make an appropriation.

#### **HB 137**

ORGAN DONATION (Grossman, C., Phillips, D.) To require the health curriculum of each school district to include instruction on the positive effects of organ and tissue donation. Am. 3313.60.

#### **HB 138**

SCHOOL TESTS (Zeltwanger, P., Koehler, K.) To revise the requirements regarding the administration of the state achievement assessments, to require the Department of Education to request a waiver from federal testing requirements, and to declare an emergency. En. 3301.0727.

#### **HB 139**

ROAD NAMING (Hall, D.) To designate a portion of state route 39 in Ashland county as the "Fireman First Class Irving Eugene Peters Memorial Highway." En. 5534.15.

#### **HB 140**

ROAD NAMING (Sheehy, M.) To designate a portion of state route 4 beginning in Crawford County and ending in Erie County as the "Rep. Frederick H. Deering Memorial Highway." En. 5534.50.

HB 141

HISTORY CONNECTION (Hambley, S., Boyce, K.) To change the name of the Ohio Historical Society to the Ohio History Connection. Am. To amend sections 5.224, 101.54, 103.03, 105.41, 107.40, 111.08, 123.28, 127.16, 135.451, 145.01, 149.091, 149.11, 149.30, 149.301, 149.302, 149.303, 149.304, 149.305, 149.306, 149.307, 149.308, 149.31, 149.321, 149.38, 149.381, 149.52, 149.53, 149.54, 149.56, 317.08, 1347.01, 1347.12, 1506.31, 1506.32, 1506.33, 1506.34, 1506.35, 1506.36, 1520.02, 1520.03, 1541.01, 3301.10, 3311.0510, 4301.40, 4303.181, 4303.182, 4503.95, 5122.31, 5122.46, 5122.47, 5123.31, 5123.89, 5511.05, 5533.01, and 5747.113.

HB 142

ENDOMETRIOSIS AWARENESS (Hagan, C.) To designate the month of March as "Endometriosis Awareness Month." En. 5.256.

HB 143

HISTORICAL STRUCTURE (Gonzales, A.) To designate the barn as the official historical architectural structure of the state. En. 5.074.

HB 144

METH LAB REMEDIATION (Anielski, M., Sykes, E.) To provide for the remediation of real property on which an illegal methamphetamine manufacturing laboratory has been discovered. Am. 3745.13 and 4745.01 and to enact sections 3744.01, 3744.02, 3744.03, 3744.04, 3744.06, 3744.09, 3744.12, 3744.13, 3744.15, 3744.16, 3744.17, 3744.18, 3744.20, and 5302.31.

HB 145

STEM PILOT PROGRAM (McColley, R., Howse, S.) To establish the STEM Public-Private Partnership Pilot Program to provide high school students the opportunity to receive education in a targeted industry while simultaneously earning high school and college credit and to make an appropriation.

HB 146

CURSIVE INSTRUCTION (Grossman, C., Brenner, A.) To require instruction in cursive handwriting. Am. 3313.60.

HB 147

CONCEALED FIREARMS (Hood, R.) To allow a person who has a concealed handgun license to carry concealed all firearms other than dangerous ordnance or firearms that state or federal law prohibits the person from possessing and to provide that a person 21 years of age or older and not legally prohibited from possessing or receiving a firearm by federal law does not need a concealed handgun license in order to carry or have concealed on the person's person or ready at hand a firearm and is subject to the same laws regarding carrying a concealed firearm as a person who has a concealed handgun license. Am. 109.69, 109.731, 1547.69, 2923.11, 2923.12, 2923.121, 2923.122, 2923.123, 2923.124, 2923.125, 2923.126, 2923.128, 2923.129, 2923.1213, 2923.16, and 4749.10 and to enact section 2923.111

HB 148

SCHOOL CONSOLIDATIONS (Patterson, J., LaTourette, S.) To require the Ohio School Facilities Commission to provide classroom facilities assistance to a school district resulting from the consolidation of two or more school districts or from the voluntary transfer of the entire territory of a school district if specified conditions are satisfied. Am. 3318.75

HB 149

ATTORNEY'S FEES (Dever, J., Patterson, J.) To make permissive actual damages and attorney's fees, to limit certain civil penalties, to allow respondents to recover attorney's fees in certain instances, and to exempt certain landlords from the housing provisions of the Ohio Civil Rights Law. Am. 4112.02, 4112.05, 4112.08, and 4112.14 and to enact section 4112.024

#### HB 150

HOTEL INTERMEDIARIES (Grossman, C., Scherer, G.) To require hotel intermediaries to collect and remit applicable sales and use tax on the full amount paid for hotel lodging, to require hotel intermediaries to supply customers with itemized invoices, to specify that a hotel intermediary is presumed to have "substantial nexus" with Ohio if the intermediary arranges lodging at Ohio hotels, and to specify that hotels are not liable for the failure of a hotel intermediary to properly collect or remit applicable taxes. Am. 351.021, 353.06, 5739.01, 5739.09, 5739.12, 5739.13, 5741.01, 5741.12, and 5741.13 and to enact section 5739.081.

#### HB 151

STALKING (Anielski, M.) To expand the offenses of menacing by stalking and telecommunications harassment, to prohibit a person from knowingly causing another person to believe that the offender will cause physical harm or mental distress to a family or household member of the other person, to increase the penalty for assault when the victim is a volunteer firefighter, and to correct a cross reference in the theft statute to special purchase articles. Am. 2903.13, 2903.211, 2913.02, and 2917.21

#### HB 152

CONCEALED WEAPONS (Hood, R., Brinkman, T.) To allow a person who has a concealed handgun license to carry concealed all firearms other than dangerous ordnance or firearms that state or federal law prohibits the person from possessing and to provide that a person 21 years of age or older and not legally prohibited from possessing or receiving a firearm by federal law does not need a concealed handgun license in order to carry or have concealed on the person's person or ready at hand a firearm and is subject to the same laws regarding carrying a concealed firearm as a person who has a concealed handgun license. Am. 109.69, 109.731, 1547.69, 2923.11, 2923.12, 2923.121, 2923.122, 2923.123, 2923.124, 2923.125, 2923.126, 2923.128, 2923.129, 2923.1213, 2923.16, and 4749.10 and to enact section 2923.111

#### HB 153

PRESIDENTIAL PRIMARY DATE (Dovilla, M.) To change the date on which presidential primary elections are held. Am. 3501.01, 3513.01, and 3513.12

#### HB 154

BICYCLE OPERATIONS (Henne, M., Sheehy, M.) To provide that when a motor vehicle passes a bicycle the safe passing distance to the left is three feet, and to alter the protocol for proceeding into an intersection that has malfunctioning traffic lights. Am. 4511.132 and 4511.27

#### HB 155

SAVINGS ACCOUNTS (Dever, J., Conditt, M.) To require the Treasurer of State to create a program offering federally tax-advantaged savings accounts used to pay for a person's qualified disability expenses and to disregard the value of and income from that account in determining whether that person is eligible for state or local means-tested public assistance. Am. 2329.66 and to enact sections 113.50, 113.51, 113.52, 113.53, 113.54, 113.55, and 113.56

#### HB 156

COMMUNITY SCHOOLS (Roegner, K., Patterson, J.) To make changes to the law regarding governance, operation, and management of community schools, and to make an appropriation. Am. 3302.03, 3314.011, 3314.015, 3314.016, 3314.02, 3314.023, 3314.024, 3314.029, 3314.03, 3314.074, 3314.08, 3314.23, 3314.27, 3314.35, 3314.351, and 3321.19, to enact sections 3313.413, 3314.019, 3314.031, 3314.032, 3314.034,

3314.035, 3314.037, 3314.038, 3314.251, 3314.271, 3314.46, and 3318.53, and to repeal sections 3314.021, 3314.026, and 3314.027

#### HB 157

HEALTH INSURANCE (Butler, J., Johnson, T.) To revise the laws governing health insurance coverage, medical malpractice claims, the Medicaid program, health care provider discipline, and required and permitted health care provider disclosures; and to create the Nonstandard Multiple Employer Welfare Arrangement Program and to terminate that program after five years. Am. 1751.67, 2117.06, 2125.01, 2125.02, 2305.11, 2305.113, 2305.15, 2305.23, 2305.231, 2305.234, 2305.25, 2307.24, 2307.26, 2315.21, 2315.32, 2317.02, 2323.41, 2323.42, 2323.421, 2323.43, 2323.45, 2323.55, 2711.21, 2711.22, 2711.23, 2711.24, 2743.02, 2743.43, 2919.171, 3923.63, 3923.64, 3929.302, 3929.62, 3929.67, 3931.01, 3937.25, 3937.28, 3937.29, 3955.05, 4715.30, 4723.28, 4723.341, 4725.19, 4729.16, 4730.25, 4730.32, 4731.22, 4731.224, 4731.281, 4734.31, 4734.32, 4755.47, 4765.11, 5164.01, 5164.07, 5165.15, 5165.23, 5166.01, 5167.01, 5167.03, 5167.10, and 5167.30 and to enact sections 195.01, 195.02, 195.03, 195.04, 195.05, 195.06, 1739.30, 1739.31, 1739.32, 1739.33, 3727.61, 3937.24, 3965.01, 3965.02, 3965.03, 3965.04, 3965.05, 3965.06, 3965.07, 3965.10, 3965.11, 3965.12, 3965.15, 3965.16, 3965.17, 3965.18, 3965.19, 3965.20, 3965.21, 3965.22, 3965.23, 3965.24, 3965.25, 3965.30, 3965.31, 3965.32, 3965.33, 3965.34, 3965.35, 3965.36, 3965.37, 3965.40, 3965.41, 3965.42, 3965.43, 3965.44, 3965.45, 3965.46, 3965.47, 3965.50, 3965.51, 3965.52, 3965.54, 3965.59, 3965.60, 3965.70, 3965.71, 3965.75, 3965.76, 3965.77, 3965.78, 3965.80, 3967.01, 3967.02, 3967.03, 3967.05, 3967.06, 3967.07, 3967.10, 3967.11, 3967.12, 3967.13, 3967.14, 3967.15, 3967.20, 3967.23, 3967.24, 3967.27, 3967.32, 3967.40, 3967.42, 3967.99, 4731.74, 4743.08, 4743.09, 4746.01, 4746.02, 4746.03, 4746.04, 4746.05, 4746.06, 5162.63, 5164.78, 5164.83, 5165.24, 5165.98, 5166.50, 5166.52, 5166.521, 5166.522, 5166.523, 5166.524, 5166.525, 5166.526, 5166.527, 5166.528, 5166.529, 5166.5210, 5166.53, 5167.04, 5167.16, 5167.32, and 5167.33, and to repeal section 4731.143

#### **New Senate Bills:**

#### SB 137

UNIVERSAL HEALTH CARE (Skindell, M., Tavares, C.) To establish and operate the Ohio Health Care Plan to provide universal health care coverage to all Ohio residents. Am. 109.02 and to enact sections 3920.01 to 3920.15, 3920.21 to 3920.28, 3920.31, 3920.32, and 3920.33.

#### SB 138

DRIVING PENALTIES (Hughes, J., Cafaro, C.) To increase the penalties related to operating a motor vehicle on the wrong side of an interstate freeway. Am. 4506.16 and 4511.35 and to enact section 4510.19.

#### SB 139

DEATH PENALTY (Seitz, B., Williams, S.) To require the clerk of a common pleas court to retain a copy of the original trial file when a death penalty is imposed, to specify that there is no page limit on petitions for postconviction relief in death penalty cases or in appeals of denials of such relief, to provide for depositions and subpoenas during discovery in postconviction relief proceedings, and to require a judge hearing a postconviction relief proceeding to state specifically in the findings of fact and conclusions of law why each claim was either denied or granted. Am. 2929.03, 2953.21, and 2953.23.

#### SB 140

CASINO CREDITS (Coley, B.) To require the Ohio Casino Control Commission and the State Lottery Commission to adopt rules to limit the amount of promotional gaming credits at casinos and video lottery terminal facilities and to permit the credits only under circumstances specified in the rules. Am. 3770.21, 3772.01, 3772.03, and 3772.23

#### SB 141

PHARMACIST AGREEMENTS (Burke, D., Manning, G.) To revise the laws governing pharmacist consult agreements and the laws governing the circumstances under which a pharmacist may dispense or sell a drug without a prescription. Am. 4729.01, 4729.281, and 4729.39

SB 142

FIREARMS (Jordan, K.) To prohibit any agency and its employees and agents from seizing or authorizing the seizure of any firearm from any person lawfully in possession or control of the firearm except when a law enforcement officer reasonably believes the immediate seizure of the firearm is necessary for the safety of the officer or another person or to preserve the firearm as evidence, to prohibit the establishment of a firearm registry, and to prohibit law enforcement officers from enforcing a firearms registration requirement or firearm ban. En. 5502.23 and 5502.231

SB 143

FELONY TRIALS (Eklund, J.) To provide a prosecutor an additional fourteen days to commence a trial after a person charged with a felony has been discharged because the person has not been brought to trial within the required amount of time. Am. 2945.71 and 2945.73

SB 144

STEM PILOT (Eklund, J.) To fund the Lake County Educational Service Center pilot project to support STEM initiatives for middle school students and to make an appropriation.

SB 145

MENACING OFFENSES (Eklund, J.) To expand the offenses of menacing by stalking and telecommunications harassment, to prohibit a person from knowingly causing another person to believe that the offender will cause physical harm or mental distress to a family or household member of the other person, to increase the penalty for assault when the victim is a volunteer firefighter, and to correct a cross reference in the theft statute to special purchase articles. Am. 2903.13, 2903.211, 2913.02, and 2917.21

SB 146

DISTRACTED DRIVING (Hughes, J., Seitz, B.) To establish an enhanced penalty for committing a moving violation while distracted. Am. 4511.03, 4511.051, 4511.12, 4511.121, 4511.132, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.44, 4511.441, 4511.451, 4511.46, 4511.47, 4511.54, 4511.55, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, and 4511.73 and to enact section 4511.991

SB 147

SAVINGS ACCOUNTS (Eklund, J., Jones, S.) To require the Treasurer of State to create a program offering federally tax-advantaged savings accounts used to pay for a person's qualified disability expenses and to disregard the value of and income from that account in determining whether that person is eligible for state or local means-tested public assistance. Am. 2329.66 and to enact sections 113.50, 113.51, 113.52, 113.53, 113.54, 113.55, and 113.56

SB 148

COMMUNITY SCHOOLS (Lehner, P., Sawyer, T.) To make changes to the law regarding governance, operation, and management of community schools, and to make an appropriation. Am. 3302.03, 3314.011, 3314.015, 3314.016, 3314.02, 3314.023, 3314.024, 3314.029, 3314.03, 3314.074, 3314.08, 3314.23, 3314.27, 3314.35, 3314.351, and 3321.19, to enact sections 3313.413, 3314.019, 3314.031, 3314.032, 3314.034, 3314.035, 3314.037, 3314.038, 3314.251, 3314.271, 3314.46, and 3318.53, and to repeal sections 3314.021, 3314.026, and 3314.027

*March 27, 2015*

## **OHIO HOUSE PASSES REFRESHMENT AREA BILL WITH HIGHER POPULATION THRESHOLD**

The Ohio House and Senate continued the hearing process for both chamber's legislative proposals to allow certain cities and townships to create districts where individuals will be exempt from open container restrictions, allowing communities that meet a population threshold to create outdoor refreshment areas. Sub. HB 47, the House version of the "refreshment area" legislation introduced by Reps. Blessing (R-Cincinnati) and Driehaus (D-Cincinnati) received a fifth hearing on Tuesday, where the committee amended the bill by, among other things, increasing the arbitrary population threshold for a municipality or township to participate in the new opportunity from the original population level of 25,000 bumping it up to 35,000. This new level is the same requirement contained in SB 95, the Ohio Senate's proposal to establish refreshment areas.

Despite requests made that the bill be amended to allow all Ohio municipalities, regardless of population, to have access to this new civic opportunity for businesses and individuals in their communities to come together, the bill was approved by the House Government Accountability and Oversight Committee and sent to the House floor. On Thursday, sub.HB47 was presented to the members of the Ohio House where the bill was approved 81-11. The bill now moves on to the Ohio Senate where it will join the refreshment area debate in that Chamber.

On Tuesday, the Senate State & Local Government Committee held a third hearing on SB 95, for all interested parties. Senate committee members were presented with testimony both in person and written from municipal officials around the state who support the bill but believe the population restriction is not necessary and should be omitted from the proposal. OML Executive Director Sue Cave also provided testimony to committee members which can be found [HERE](#). We want to thank those municipal officials who have expressed their opinions regarding this legislative proposal and for sharing their time to make the legislation better.

The Ohio General Assembly will be leaving Columbus to recess for Spring Break beginning March 30<sup>th</sup>, returning to the Statehouse the week of April 13<sup>th</sup>. When the legislature returns from their recess we anticipate hearings to resume in the Senate and that quick work will be made on getting the legislation through the process, in time for Major League baseball season. We continue to encourage officials from communities that are below the two projected cut off limit to contact their member of the Ohio Senate and share with them the benefits such a new opportunity would have for your municipality to further provide economic development and stimulate greater interest in local functions.

## **TRANSPORTATION BUDGET BILL CLEARS FINAL LEGISLATIVE HURDLE**

Ohio's \$7.06 billion two-year, transportation budget bill cleared the final legislative hurdles this week with members of the Ohio House and Senate convening and then quickly concluding the Conference Committee called for HB53, to resolve remaining differences between the two legislative chambers as it relates to transportation and public safety policy matters.

The Conference Committee report approved by the Ohio Senate on Wednesday and then by the Ohio House members on Thursday removed some issues contested by the leaders of the House and Senate while preserving others. In addition to other changes made in HB 53, the final bill preserved language removing provisions that would have imposed a prohibition on local hiring quotas for public construction projects and deleted language that would have increased the speed limit of rural highways to 75 mph. Final analysis and comparison documents can be found at [www.lsc.ohio.gov](http://www.lsc.ohio.gov).

We appreciate the inclusion by the Ohio Senate a provision requiring the director of ODOT to identify at least \$10 million to add to the \$120 million Bridge Partnership Program that helps local governments upgrade these critical infrastructure resources. The bill has been sent to Governor Kasich for his review and signature.

## **HEARINGS CONTINUE FOR LEGISLATION INCLUDING PTSD TO BWC COVERAGE**

The Ohio Senate Finance Committee held a third hearing on SB5, legislation introduced by Sen. Tom Patton (R-Strongsville) making the mental affliction of post-traumatic disorder (PTSD) an eligible condition covered through workers' compensation benefits for peace officers and other first responders, regardless of the presence of a physical injury, provided the underlying event occurred while on duty. The committee heard from all parties including testimony from the Ohio BWC Administrator and CEO to clarify remarks made at previous hearings and to reiterate the concerns that the state insurance system has for components of the proposal.

## **LEGISLATION AIMS TO REMOVE MUNICIPAL TAX ADMINISTRATOR LIABILITY "REFORM" LANGUAGE**

The Ohio House Ways and Means Committee received sponsor testimony on HB 84, legislation introduced by Rep. Sprague (R-Findlay) and Sweeney (D-Cleveland) that would only allow civil action to be taken against a municipal corporation, instead of individual tax administrators, when a taxpayer is disgruntled with the administration of the municipal income tax and pursues legal action to address perceived grievances. The bill is in response to language included in sub. HB5, the municipal income tax reform bill enacted by the previous General Assembly. We will be sure

to keep our members updated on the status of this bill or any other municipal tax related issues that may be generated and how the legislature choices to address those issues.

## LOCAL GOVERNMENT GRANT SEMINAR EVENT ANNOUNCED

Congressman Steve Stivers (R-Westerville) announced he will be holding a grant writing seminar for Ohio Local Governments Friday, April 3 from 9:30a.m.-12:00 p.m. at the Fairfield County Agriculture Center, 831 College Ave., Lancaster, Ohio. Rep. Stivers will host representatives from the Ohio Rural Community Assistance Program (RCAP), U.S. Department of Agriculture, and Ohio Development Services Agency (DSA) to discuss financial assistance programs for public water and sewer services, community facilities, utility and energy programs, Community Development Block Grants (CDBG), the Local Government Innovation Fund and other financial resource opportunities for Ohio cities and villages.

Please RSVP your attendance to [Adam.Rapien@Mail.House.Gov](mailto:Adam.Rapien@Mail.House.Gov) or by calling (614)771-4968.

## LEGISLATURE RECESSES NEXT TWO WEEKS

As mentioned previously, members of the Ohio legislature will be returning to their districts for the next two weeks to take a two week Spring Break recess, so there will be no committee hearings or voting sessions. The House and Senate will be back at the Statehouse the week of April 13 to resume work. Because of the upcoming break in legislative action, the League will not put out a bulletin during the recess unless there is legislative activity to report.

Below is a list of legislation that has recently been introduced.

Have a great weekend.~

New Ohio House Bills:

**HB 122** ■ **PUCO MEMBERSHIP** ([Leland, D.](#)) To require that each major political party be represented on the Public Utilities Commission, to specify that not more than three commissioners may belong to or be affiliated with the same major political party, and to require that Public Utilities Commission Nominating Council lists of nominees include individuals who, if selected, ensure that each major political party is represented on the Commission. Am. 4901.02 and 4901.021.

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**HB 123** ■ **CRIMINAL CASES** ([Johnson, T.](#), [Cupp, R.](#)) To change the time for notification of an alibi defense in a criminal case, to allow the court in a felony case to impose community control sanctions without a presentence investigation report upon agreement of the defendant and the prosecutor, and to request the Supreme Court to modify Criminal Rule 32.2 to allow the court in a felony case to impose community control sanctions without a presentence investigation report upon agreement of the defendant and the prosecutor. Am. 2945.58 and 2951.03.

- [HB 124](#)** ■ **STD PRESCRIPTIONS** ([Johnson, T.](#), [Huffman, S.](#)) Regarding the authority to prescribe without examination a drug for a sexual partner of a patient diagnosed with chlamydia, gonorrhea, or trichomoniasis. Am. 4723.489, 4729.282, 4730.432, and 4731.93.
- [HB 125](#)** ■ **VETERANS FEE WAIVER** ([Brenner, A.](#), [Retherford, W.](#)) To establish the Veterans Fee Waiver Program. Am. 111.16, 111.17, 1703.31, 1729.12, 1746.06, 1782.63, 2305.10, and 4743.04 and to enact sections 5903.21, 5903.22, 5903.23, 5903.24, and 5903.25.
- [HB 126](#)** ■ **NUISANCE LAW** ([Kunze, S.](#), [Leland, D.](#)) To expand nuisance law to include any real property on which an offense of violence has occurred or is occurring Am. 3767.01.
- [HB 127](#)** ■ **PHARMACY BENEFIT MANAGERS** ([Brown, T.](#), [Cera, J.](#)) To regulate pharmacy benefit managers. En. 3901.43, 3901.431, and 3901.432.
- [HB 128](#)** ■ **TAX CREDITS** ([Sears, B.](#), [Amstutz, R.](#)) To authorize an income tax credit for donations to the permanent endowment fund of an eligible community foundation and to require the Director of Budget and Management to reimburse the Local Government Fund and the Public Library Fund for revenue lost because of the credit. Am. 131.51 and 5747.98 and to enact section 5747.78
- [HB 129](#)** ■ **SMILE PROGRAM** ([Barnes, J.](#)) To establish the Hope for a Smile Program. Am. 5747.01 and to enact section 3701.139
- [HB 130](#)** ■ **DATA OHIO BOARD** ([Hagan, C.](#), [Duffey, M.](#)) To create the DataOhio Board, to specify requirements for posting public records online, to require the Auditor of State to adopt rules regarding a uniform accounting system for public offices, to establish an online catalog of public data at data.Ohio.gov, to establish the Local Government Information Exchange Grant Program, and to make an appropriation. Am. 149.43 and to enact sections 117.432, 149.60, 149.62, and 149.65
- [HB 131](#)** ■ **ANIMAL DISEASES** ([Pelanda, D.](#)) To include diseases of concern within the scope of the Animal Diseases Law, and to make changes to the laws governing weights and measures, livestock dealers, and auctioneers, the membership of the Farmland Preservation Advisory Board, and the pesticide licensing renewal process. Am. 901.23, 921.12, 941.01, 941.03, 941.04, 941.06, 941.07, 941.09, 941.10, 941.11, 941.14, 943.02, 943.14, 1327.46, 1327.48, 1327.50, 1327.501, 1327.61, 1327.99, and 4707.02 and to enact section 1327.502
- [HB 132](#)** ■ **CONTRACEPTION COVERAGE** ([Lepore-Hagan, M.](#), [Bishoff, H.](#)) Regarding coverage for prescription contraceptive drugs and devices, the provision of certain hospital and pregnancy prevention services for victims of sexual assault, and comprehensive sexual health and sexually transmitted infection education in schools. Am. 121.22, 2907.29, 3313.60, 3313.6011, 3314.03, 3326.11, 3328.24, 4729.16, 4729.18, and 4729.35 and to enact sections 1751.68, 3701.049, 3727.61, 3727.611, 3727.612, 3923.84, 4729.44, and 4729.45
- [HB 133](#)** ■ **TAX CREDITS** ([Schaffer, T.](#), [Ashford, M.](#)) To authorize an income tax credit for individuals that earn a nonprofit management degree or certain professional designations and to allow a sales tax exemption for out-of-state nonprofit corporations that relocate jobs to Ohio. Am. 5739.02 and 5747.98 and to enact sections 5739.40 and 5747.78

**HB 134** ■ **BLIGHTED PROPERTY FORECLOSURES** ([Grossman, C.](#), [Curtin, M.](#)) To establish summary actions to foreclose mortgages on vacant and abandoned residential properties, to expedite the foreclosure and transfer of unoccupied, blighted parcels, to make other changes relative to residential foreclosure actions, and to terminate certain provisions of this act on December 31, 2019, by repealing sections 3767.51, 3767.52, 3767.53, 3767.54, 3767.55, and 3767.56 of the Revised Code on that date. Am. 323.47, 1901.18, 1901.185, 2303.26, 2329.01, 2329.02, 2329.20, 2329.21, 2329.23, 2329.26, 2329.30, 2329.31, 2329.33, 2329.52, and 2909.07 and to enact sections 2308.01 to 2308.04, 2329.211, 2329.311, and 3767.51 to 3767.56.

**HB 135** ■ **ABORTION** ([Hall, D.](#), [LaTourette, S.](#)) To prohibit a person from performing, inducing, or attempting to perform or induce an abortion on a pregnant woman who is seeking the abortion because of a test result indicating Down Syndrome in an unborn child or a prenatal diagnosis of Down Syndrome in an unborn child. En. 2919.20 and 2919.201.

**HB 136** ■ **STEM PILOT** ([Young, R.](#), [Rogers, J.](#)) To fund the Lake County Educational Service Center pilot project to support STEM initiatives for middle school students and to make an appropriation.

New Ohio Senate Bills:

**SB 127** ■ **ABORTION** ([Lehner, P.](#), [Hottinger, J.](#)) To prohibit the performance of an abortion on a pregnant woman when the probable post-fertilization age of the unborn child is twenty weeks or greater. Am. 2305.11 and 4731.22 and to enact sections 2307.54, 2919.20, 2919.201, 2919.202, 2919.203, 2919.204, and 2919.205.

**SB 128** ■ **DAY DESIGNATION** ([Cafaro, C.](#), [Schiavoni, J.](#)) To designate the thirtieth day of May as "Barter Syndrome Awareness Day." En. 5.255.

**SB 129** ■ **PRIOR AUTHORIZATIONS** ([Gardner, R.](#), [Cafaro, C.](#)) To amend the law related to the prior authorization requirements of insurers. Am. 1739.05 and to enact sections 1751.72, 3901.90, 3923.041, 5160.33, and 5160.34.

**SB 130** ■ **MONTH DESIGNATION** ([Gentile, L.](#)) To designate October as "Disability History and Awareness Month." En. 5.2298.

**SB 131** ■ **ROAD NAMING** ([Jones, S.](#)) To designate a portion of State Route 123 within Warren County as the "Neil Armstrong Memorial Way." En. 5534.70.

**SB 132** ■ **HEALTH BENEFIT EXCHANGE** ([Skindell, M.](#), [Tavares, C.](#)) To establish the Ohio Health Benefit Exchange Program consisting of an exchange for individual coverage and a Small Business Health Options Program. Am. 124.14, 3905.01, 3905.473, and 3924.01, to enact sections 3965.01 to 3965.14, and to repeal sections 3905.471, 905.472, and 3905.474.

**SB 133** ■ **AWARENESS MONTH** ([Beagle, B.](#)) To designate June as "Scleroderma Awareness Month." En. .2298

**SB 134** ■ **ATTORNEY FEES** ([Seitz, B.](#)) To make permissive actual damages and attorney's fees, to limit certain civil penalties, to allow respondents to recover attorney's fees in certain instances, and to

exempt certain landlords from the housing provisions of the Ohio Civil Rights law. Am. 4112.02, 4112.05, 4112.08, and 4112.14 and to enact section 4112.024

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**SB 135** ■ **PRESCRIPTION DRUGS** (**Cafaro, C.**, **Jones, S.**) To limit the out-of-pocket cost to an individual covered by a health plan for drugs used to treat rare diseases. Am. 1739.05 and to enact sections 1751.691 and 3923.851

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**SB 136** ■ **SCHOOL SECLUSION** (**Tavares, C.**) To prohibit the use of seclusion on students in public schools. Am. 3319.46

*March 20, 2015*

## **THANK YOU TO ALL WHO ATTENDED OML LEGISLATIVE RECEPTION**

The League would like to extend a big THANK YOU to all of our municipal officials from across the state and to the members of the Ohio House of Representatives and Ohio Senate who shared part of their evening with us at our Legislative Reception at the Ohio Statehouse. It was a great evening of legislators and local officials catching up with one another and reaffirming shared visions for a strong Ohio.

## **REFRESHMENT AREA LEGISLATION HEARINGS CONTINUE; POPULATION RESTRICTIONS PERSIST**

The Ohio legislature continues to examine the issue of allowing certain cities and townships to create districts where individuals will be exempt from open container restrictions, allowing communities that meet a population threshold to create outdoor refreshment areas in order to attract consumers to special events such as outdoor concerts or other community based happenings. On Tuesday, the House Government Accountability and Oversight Committee held a fourth hearing on sub.HB47, legislation introduced by Reps. Blessing (R-Cincinnati) and Driehaus (D-Cincinnati) permitting the establishment of refreshment areas among other provisions (see previous bulletins at [www.omloho.org](http://www.omloho.org)) for municipalities and townships above 25,000 populations. OML Executive Director Susan Cave provided testimony to committee members that can be found [HERE](#). In addition to OML's testimony, several municipal officials also came to the Statehouse and presented testimony in support of the bill but with the request that the arbitrary population threshold in the bill be removed so their communities can also participate in the new civic opportunity. The League would like to thank those who attended the hearing for your help in educating members of the General Assembly.

Also on Tuesday, the Senate State & Local Government Committee held a second hearing on SB 95 introduced by Sens. Seitz (R-Cincinnati) and Thomas (D-Cincinnati) which mirrors the provisions included in sub. HB 47 except the Senate version has a higher population threshold at 35,000.

We anticipate both the House and Senate will continue to study the proposals with more hearings next week. It is important for communities that are below the two projected cut off limits to contact their member of the Ohio House of Representatives and Ohio Senate to share with them the benefits such a new opportunity would have for your municipality and region to further provide economic development and stimulate greater interest in local functions.

## **OHIO SENATE ADVANCES TRANSPORTATION BILL; HOUSE ADVANCES BUDGET TO CONFERENCE COMMITTEE FOR MORE WORK**

The Ohio Senate unanimously passed HB 53, the \$7.06 billion two-year, transportation bill, after further altering the bill through provisions of an omnibus amendment, a copy of which can be found [HERE](#). Among other changes made in the final legislative product produced by the Ohio Senate, language included removing provisions which would have prohibited local governments from imposing residency requirements on public construction projects and a provision to raise the speed limit on rural highways to 75 mph, among many others.

Although the Senate unanimously supported the legislation crafted by their members, the Ohio House refused to concur on the changes made to their bill and have called for a Conference Committee to meet to resolve the differences between the two Chambers.

### **CHANGES PROPOSED TO PUBLIC SECTOR HIRING PRACTICES**

The House Commerce and Labor Committee held a third hearing this week on HB 56, legislation introduced earlier this year that would affect the portion of the public employer hiring process that requires a criminal background check until after the applicant has passed a civil service exam and has been interviewed. The full text of the legislation introduced by Reps. Schuring (R-Canton) and Slesnick (D-Canton) to limit the use of criminal records in the hiring and employment practices of public employers can be found at [www.lsc.ohio.gov](http://www.lsc.ohio.gov).

The League is following this proposal closely and we encourage our members to review the language being considered in consultation with your municipal Law Director, Village Solicitor or other legal counsel to determine what future liabilities the legislation, if enacted, could expose your community to. After reviewing the language contained in HB 56, we are asking our members who may oppose this change in state statute to contact the League and share with us your concerns so that we may communicate those to members of the Ohio legislature. We also strongly encourage our members to share with their state representative and senator their position on this important piece of legislation.

### **BUDGET BILL INCLUDES REMOVAL OF SALES TAX EXEMPTION FOR LOCAL GOVERNMENTS**

In going through the nearly 3,000 pages that comprises the current version of HB64, the \$72.3 billion two-year state operating budget proposal, the league has identified a change in exemptions currently applied to Ohio's Sales Tax which, if approved as part of the final budget plan would remove current exemptions extended to purchases made for local services by having the sales tax applied.

Below is a snapshot of the actual language found on page 2045 of HB 64 which makes the change in exemptions by striking current ORC language:

(22) ~~Sales of services provided by the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities, or by governmental entities of the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities,~~

A brief list of services Ohio cities and villages currently provide that which we believe could be effected by the removal of the Sales Tax exemption could include but may not be limited to:

- memberships for municipally provided recreational activities including swimming pools, parks, and golf courses

- commercial and residential building and inspection fees and other permit related documents
- auxiliary or special duty safety service personnel engagements
- municipally owned parking fees including parking meters

The League, along with representatives of Ohio's other local government associations have brought this issue to the attention of legislative leaders in both the Ohio House and Senate to ask that clarification be given on what the intent is of this change in sales tax exemption and to inform legislators that these changes would not only effect the bottom line of Ohio cities and villages by mandating more costly administrative changes in billing practices and procedures but would also be another hidden tax placed upon unsuspecting Ohio residents, visitors and businesses. We have urged the administration and leaders of the Ohio General Assembly to reconsider this elimination of exemptions and would urge municipal officials to share any concerns they may have with this budget proposal with their representatives and senator.

Below is the list of committee hearings for the upcoming week. If there are any changes to the hearing schedule after Friday, we will post those on our website.

Enjoy the first weekend of Spring~

*March 13, 2015*

## **UNIFORM MUNICIPAL TAX ORDINANCE REVISIONS**

As many of our members are well aware, with the passage of sub.HB5, the municipal tax reform bill by the Ohio General Assembly last year, there have been many issues created as a result of the changes in state statute effecting the administration of the local tax. One of the largest and most pressing issue facing the roughly 600 Ohio cities and villages with an income tax is the necessity to create a new local tax ordinance that incorporates the myriad of changes to local taxing procedures. Unfortunately, many sections of the language included in the final version of sub.HB5 are ambiguous and subject to varying interpretations which has the potential of resulting in municipal corporations being subject to an increase in legal challenges through lawsuits.

Because of the importance that new municipal ordinances accurately reflect, to the best ability possible, the changes made in the Ohio Revised Code that now attempt to govern the administration of the municipal income tax, the league will be undertaking the task of developing sample ordinance language for our members. To accomplish this, the OML Board of Trustees has instructed league staff to begin the process of contracting with an outside legal firm who has vast experience with Ohio municipal issues and tax related matters, to begin to deconstruct the enacted legislation to identify the areas that will need amended in current tax ordinances. In addition to the outside legal team who has been retained for this project, members of the OML Income Tax committee and other municipal officials have been and others will be asked to serve in an advisor role to make sure that our local tax officials are fully involved in putting together a sample code section which can be used by other taxing communities so that a greater degree of uniformity in municipal tax operations can be achieved.

We anticipate that sample language will be available this summer, with a target time to have the information available for the OML Tax Conference, which will be held July 8-10 at the Marriot NW in Dublin. After the conference, we will be working with regional municipal tax groups and their members to present the sample language that has been developed.

The league wanted to share this update on our activities as it relates to the exercise we must undertake to help guide communities as they face the daunting task of rewriting local tax ordinances to be compliant with new laws and to shield local administrations from frivolous lawsuits, which will only further deplete general accounts and further aggravate the ability of cities and villages to raise revenue on the local level.

## **SUBSTITUTE REFRESHMENT AREAS LEGISLATION PRESENTED IN HOUSE/SPONSOR HEARING IN SENATE**

The House Government Accountability and Oversight committee continued their review of HB 47, legislation introduced by Rep. Blessing (R-Cincinnati) which would permit certain cities and townships to create outdoor refreshment areas, previously called “entertainment districts” in legislation introduced in the previous legislative session and would exempt persons within such an area from the open container law. On Tuesday, the committee accepted a substitute version of HB47 which would:

- Prohibit anyone to possess an open container within the outdoor refreshment area while the person is on or in a motor vehicle
- Create a Study Committee to consider removing the population threshold
- Add an emergency clause
- Create a D-9 permit for art galleries which would allow art galleries to apply for a liquor permit the traditional way
- Allow passengers on commercial quadricycles to have open containers of beer and wine.
- Prohibit the person(s) steering and braking from having alcohol
- Allow parks to apply for the F permit so that they can serve just beer if they choose to.

Also on Tuesday, members of the Senate State & Local Government committee received sponsor testimony from Sens. Bill Seitz (R-Cincinnati) and Cecil Thomas (D-Cincinnati) on their proposal which closely mirrors the language contained in HB 47, except for the difference in population thresholds. HB 47 has a population cut off for communities who could take advantage of the new “refreshment areas” proposal at 25,000 while the Senate version has the population cut off at 35,000 residents.

Although there have been discussions to remove the arbitrarily population requirements currently included in both bills, the population limitations remain. We encourage municipal officials with population levels below the designated thresholds included in the proposed bills and who may want this type of opportunity for their community to contact your state representative and senator to ask them to support having the population limits removed and to support the bills. It would also be very helpful to our efforts and for members of the legislature who support removing the population limits to have local officials come testify before the House Government Accountability and Oversight committee about smaller communities interest in participating in the program and the ability of municipalities under the current population constraints to provide a safe and controlled atmosphere for public events. The House Government Accountability and Oversight committee will meet again Tuesday, March 17 in hearing room #114 at 1:30p.m. If anyone is interested in testifying, league staff would be happy to answer any questions about the process.

## **OML LEGISLATIVE RECEPTION RECEIVING STRONG LEGISLATOR ATTENDANCE RESPONSE**

We want to remind our members to register for the upcoming OML Legislative Reception that will be held at the Ohio Statehouse Atrium, Wednesday, March 18 from 6-7pm. We are very pleased by the large amount of members of the Ohio House and Senate who have confirmed their attendance for the event.

We highly encourage our municipal officials who have not yet responded with their attendance confirmation for this important event to do so as soon as possible. Evening events like our reception are more informal for legislators and their local leaders to become better acquainted and to strengthen the lines of communication which are more vital than ever at the Ohio Statehouse as major policy issues affecting local government are debated.

## **NEW LEGISLATION AND COMMITTEE NOTICES**

Below is a list of legislation that has recently been introduced in the Ohio General Assembly followed by the committee schedule for the upcoming week. For the list of bills that the league is particularly interested in and issues that will have a direct impact on municipal government in Ohio, please go to our website under the heading *State Legislative News* and then access the updated list through the *Current Legislative Report* icon.

### **NEW OHIO HOUSE BILLS:**

HB 107

SPEED LIMITS (Stinziano, M., Retherford, W.) To permit a person or neighborhood association or organization to request the Director of Transportation to reduce the speed limit on the street or highway of the person's residence or a street or highway located within the area of representation of the association or organization if the street or highway has a speed limit of not more than 35 miles per hour, and to permit a person or neighborhood association or organization to request the Director or a local authority to erect a stop sign at an intersection where currently no stop sign is present. Am. 4511.11 and 4511.21

HB 108

HEARING BROADCASTS (Retherford, W., Ramos, D.) To require the Ohio Government Telecommunications service to broadcast all standing committee meetings of the Ohio House of Representatives as they occur. Am. 3353.07.

HB 109

HEALTH BENEFIT EXCHANGE (Stinziano, M., Antonio, N.) To create the Ohio Health Benefit Exchange. Am. 124.14, 3905.01, 3905.473, and 3924.01 and to enact sections 3965.01 to 3965.14.

HB 110

FAILURE TO STOP (Hill, B.) To increase the penalty for failure to stop after a traffic accident that results in the death of a person or serious physical harm to a person and to name this act Brandon's Law. Am. 4549.02 and 4549.021.

HB 111

FOOD DONATIONS (Grossman, C., Anielski, M.) To allow a food service operation to receive a rebate from the Director of Health for food donated to nonprofit organizations that distribute food to those in need and to make an appropriation. En. 3717.60.

HB 112

LICENSE REQUIREMENTS (Barnes, J.) To prohibit the Registrar of Motor Vehicles from refusing to issue a motor vehicle dealer, motor vehicle leasing dealer, or motor vehicle auction owner license based upon a finding that the applicant was convicted of, or pleaded guilty to, a felony or misdemeanor 10 years or more prior to the application for the license if the offense was not a consumer fraud or motor vehicle sales related offense, and to designate the act the "Rehabilitated Ohioan Opportunity Act." Am. 4517.12.

HB 113

CPR TRAINING (Grossman, C., Manning, N.) To require instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator as a requirement for high school graduation. Am. 3313.60, 3313.603, 3314.03, 3326.11, and 3328.24 and to enact section 3313.6021.

HB 114

SCHOOL BARRICADES (Roegner, K., Bishoff, H.) To require the Board of Building Standards to adopt rules for the use of a barricade device on a school door in an emergency situation and to prohibit the State Fire Code from prohibiting the use of the device in such a situation. Am. 3737.84 and to enact section 3781.106.

HB 115

MOTORCYCLE ROAD GUARDS (Green, D., Landis, A.) To create the motorcycle road guard certificate and training program to allow certified individuals to function as traffic controllers. En. 4511.454, 4511.455, and 4511.456.

HB 116

PRESCRIPTION REFILLS (Brown, T., Ginter, T.) To provide for partial drug prescription refills for the purpose of synchronizing multiple prescriptions for one patient. Am. 1739.05, 5164.01, 5164.753, 5164.757, 5167.01, and 5167.12 and to enact sections 1751.68, 3923.602, 4729.20, and 5164.7511.

HB 117

ABORTION (Roegner, K., Cupp, R.) To prohibit the performance of an abortion on a pregnant woman when the probable post-fertilization age of the unborn child is twenty weeks or greater. Am. 2305.11 and 4731.22 and to enact sections 2307.54, 2919.20, 2919.201, 2919.202, 2919.203, 2919.204, and 2919.205.

HB 118

TUITION FEES (DeVitis, T., Patmon, B.) With respect to tuition overload fees at state institutions of higher education. En. 3345.46

HB 119

IMITATION FIREARMS (Patmon, B.) To generally ban the manufacture, sale, and public display of imitation firearms and the disguising of a firearm to make it resemble an imitation firearm. En. 2923.51, 2923.52, 2923.53, 2923.54, and 2923.55

HB 120

HIGHER EDUCATION GRANTS (Schuring, K.) To create the Ohio Higher Education Innovation Grant Program and to make an appropriation. En. 3333.70

HB 121

AWARENESS WEEK (Stinziano, M., Ruhl, M.) To designate the last week of July as "Service Dog Awareness Week." En. 5.2298

### **NEW OHIO SENATE BILLS:**

SB 115

INSURANCE CERTIFICATES (Bacon, K., Beagle, B.) To regulate certificates of insurance prepared or issued as evidence of property or casualty insurance coverage. Am. 3938.01, 3938.02, 3938.03, 3938.04, 3938.05, 3938.06, 3938.07, 3938.08, and 3938.09

SB 116

DAY DESIGNATION (Tavares, C., Thomas, C.) To designate October 16 as George Washington Williams day. Am. 5.2298

SB 117

MONTH DESIGNATION (Yuko, K., Hughes, J.) To designate October as "Rett Syndrome Awareness Month." Am. 2298

SB 118

HOUSEHOLD SEWAGE SYSTEMS (Eklund, J.) To authorize a board of county commissioners or municipal legislative authority to elect to withdraw the county or municipal corporation from the application of any rule adopted after January 1, 2014, by the Department of Health governing the design of household sewage treatment systems. Am. 3718.026

SB 119

LICENSE PLATE (Hite, C., Obhof, L.) To create the "Lincoln Highway" license plate. En. 4501.21 and 4503.86

SB 120

OIL & GAS LAW (Schiavoni, J.) To revise enforcement of the Oil and Gas Law, including increasing criminal penalties and requiring revocation of permits for violations of that Law relating to improper disposal of brine. Am. 1509.33 and 1509.99 and to enact section 1509.051

SB 121

IMMUNIZATIONS (Hite, C.) To require pupils to be immunized against meningococcal disease at an age recommended by the Department of Health. Am. 3313.671

SB 122

HOMESTEAD EXEMPTION (Gentile, L.) To extend eligibility for the homestead exemption to elderly or disabled homeowners who did not receive the exemption for 2013 and have \$30,000 or more in Ohio adjusted gross income. Am. 323.151, 323.152, 323.153, 4503.064, 4503.065, and 4503.066

SB 123

TRAFFIC VIOLATIONS (Hughes, J.) To allow emergency personnel in public safety vehicles to report traffic law violations under certain circumstances. Am. 4511.45 and to enact section 4511.454

SB 124

AWARENESS DAY/MONTH (Thomas, C.) To designate May as "Asthma Awareness Month" and to designate May 5 as "Childhood Asthma Awareness Day." En. 5.2298

SB 125

SCHOOL BARRICADES (LaRose, F., Hottinger, J.) To require the Board of Building Standards to adopt rules for the use of a barricade device on a school door in an emergency situation and to prohibit the State Fire Code from prohibiting the use of the device in such a situation. Am. 3737.84 and to enact section 3781.106

SB 126

OPEN ENROLLMENT (Sawyer, T.) To terminate interdistrict open enrollment on that date with the possibility of renewal following the General Assembly's examination of the study's findings. Am. 3313.984 of the Revised Code to require a study of interdistrict open enrollment not later than July 1, 2017, and to amend sections 3310.01, 3310.06, 3313.64, 3313.6411, 3313.97, 3313.974, 3313.982, 3314.07, 3315.18, 3317.03, 3318.011, 3323.143, 3326.51, and 3327.05 and to repeal sections 3313.98, 3313.981, 3313.983, and 3313.984

*March 2, 2015*

## WILMINGTON HOSTS STATE OFFICIALS

The Ohio General Assembly took the legislature to the people last week, as the Governor and members of the legislature moved the center of state government activity to Wilmington, Ohio for the delivery by Governor Kasich's of the State of the State address. The league would like to congratulate the city of Wilmington for being selected to host this unique day of state government and political activity in the state and for proudly displaying all the opportunities and successes stories Wilmington has to offer.

Because legislators and legislative staff were traveling last week, there was less legislative activity that took place at the Statehouse. For that reason, the league held off sending out our legislative bulletin last week, but we feel it important to share with our members the committee schedule for this week, which is located below. On Friday, we will send out a more comprehensive legislative bulletin including the list of new bill introductions.

## COMMITTEE SCHEDULE FOR THE WEEK OF March 2, 2015

Tuesday, March 3

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House Insurance (Committee Record), (Chr. Hackett, B., 466-1470), Rm. 121, 9:00 am

- HB 90** ■ TRANSPORTATION NETWORK INSURANCE (Hackett, B., Bishoff, H.) To regulate insurance requirements for transportation network companies and transportation network company drivers. --1st Hearing-Sponsor-Pending referral
- HB 51** ■ INDUSTRIAL COMMISSION BUDGET (Hackett, B.) To make appropriations for the Industrial Commission for the biennium beginning July 1, 2015 and ending June 30, 2017, and to provide authorization and conditions for the operations of Commission programs. --1st Hearing-Industrial Commission testimony
- HB 52** ■ BWC BUDGET (Hackett, B.) To make changes to the Workers' Compensation Law, to make appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2015 and ending June 30, 2017, and to provide authorization and conditions for the operation of the Bureau's programs. --1st Hearing-BWC testimony

Senate State & Local Government (Committee Record), (Chr. LaRose, F., 466-4823), North Hearing Rm., 9:45 am

- SB 57** ■ LOCAL ROADS (Eklund, J.) To authorize counties to adopt resolutions regulating motor vehicle traffic on county and township roads. --1st Hearing-Sponsor

Senate Transportation, Commerce & Labor (Committee Record), (Chr. Manning, G., 644-7613), Finance Hearing Rm., 10:15 am

**HB 53** ■ TRANSPORTATION BUDGET (Grossman, C.) To make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2015, and ending June 30, 2017, and to provide authorization and conditions for the operation of those programs. -- Informal hearing-Pending referral-Testimony from ODOT Director Wray, OPWC Director Miller and OTIC Director Cole

House Agriculture & Rural Development (Committee Record), (Chr. Hill, B., 644-6014), Rm. 116, 1:00 pm or after session

**HB 61** ■ ALGAE CONTROL (Buchy, J., Hall, D.) To generally prohibit the application of fertilizer or manure in Lake Erie's western basin on frozen ground or saturated soil and during certain weather conditions, to require publicly owned treatment works either to monitor monthly total and dissolved phosphorous or to prepare optimization studies that evaluate their ability to reduce phosphorous, and to prohibit a person, beginning July 1, 2020, from depositing dredged material in Ohio's portion of Lake Erie and its direct tributaries that resulted from harbor or navigation maintenance activities unless authorized to do so by the Director of Environmental Protection. --5th Hearing-All testimony-Possible amendments, substitute & vote

House Government Accountability & Oversight (Committee Record), (Chr. Brown, T., 466-8104), Rm. 114, 1:30 pm

**HB 47** ■ REFRESHMENT AREAS (Blessing, L., Driehaus, D.) To allow municipal corporations and townships with a population of more than 25,000 to create outdoor refreshment areas, to exempt persons within such an area from the open container law, and to declare an emergency. --2nd Hearing-Proponent-Possible substitute

**HB 37** ■ ALCOHOL POSSESSION (Duffey, M., Stinziano, M.) To allow a person to possess beer or intoxicating liquor on the premises of a market if the beer or intoxicating liquor has been purchased from a D liquor permit holder that is located in the market. --1st Hearing-Sponsor

House Ways & Means (Committee Record), (Chr. McClain, J., 644-6265), Rm. 121, 1:30 pm or after session

- Budget testimony on the severance tax proposal

Senate Finance (Committee Record), (Chr. Oelslager, S., 466-0626), Finance Hearing Rm., 2:30 pm

**HB 19** ■ TAX LAWS (Scherer, G.) To expressly incorporate changes in the Internal Revenue Code since March 22, 2013 into Ohio law and to declare an emergency. --1st Hearing-All testimony-Possible vote

House Judiciary (Committee Record), (Chr. Butler, J., 644-6008), Rm. 116, 3:30 pm 🗳️(Updated: 11:40 a.m., February 26, 2015)

**HB 71** ■ TRANSPORTATION CONTRACTS (Roegner, K.) To prohibit certain indemnity agreements in motor vehicle carrier transportation contracts. --1st Hearing-Sponsor

House Commerce & Labor (Committee Record), (Chr. Young, R., 644-6074), Rm. 122, 4:00 pm

**HB 56** ■ CRIMINAL RECORDS (Schuring, K., Slesnick, S.) To limit the use of criminal records in the hiring and employment practices of public employers. --2nd Hearing-Proponent

Wednesday, March 4

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House Agriculture & Rural Development (Committee Record), (Chr. Hill, B., 644-6014), Rm. 017, 9:00 am  
HB 61 ■ ALGAE CONTROL (Buchy, J., Hall, D.) To generally prohibit the application of fertilizer or manure in Lake Erie's western basin on frozen ground or saturated soil and during certain weather conditions, to require publicly owned treatment works either to monitor monthly total and dissolved phosphorous or to prepare optimization studies that evaluate their ability to reduce phosphorous, and to prohibit a person, beginning July 1, 2020, from depositing dredged material in Ohio's portion of Lake Erie and its direct tributaries that resulted from harbor or navigation maintenance activities unless authorized to do so by the Director of Environmental Protection. --6th Hearing-All testimony-Possible amendments, substitute & vote

Senate Transportation, Commerce & Labor (Committee Record), (Chr. Manning, G., 644-7613), North Hearing Rm., 10:15 am

HB 53 ■ TRANSPORTATION BUDGET (Grossman, C.) To make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2015, and ending June 30, 2017, and to provide authorization and conditions for the operation of those programs. -- Informal hearing-Pending referral-Proponent

*February 20, 2015*

## **BUDGET DELIBERATIONS CONTINUE / OML TESTIFIES ON MUNICIPAL TRANSPORTATION & INFRASTRUCTURE NEEDS**

Work continued this week on the various state budget proposals recently presented by Governor Kasich to members of the Ohio legislature, which includes HB53, the state transportation budget and HB 64, the two-year state operating budget. House Finance and Appropriations committee members spent the week delving into many policy changes being offered in the budget bills with explanations from state administration officials, as they relate to everything from efforts to thwart toxic algae blooms from entering drinking water sources to a new direction in school funding, with numerous other changes in state policy in between. Although there are about as many differing alternative approaches on how Ohio should best address pressing statewide policy issues as there are members of the Ohio General Assembly, House Finance committee members will continue to dissect and reassemble the budget packages in the next several weeks. We will keep our members informed of legislator's progress and alternative proposals as they become available.

The House Transportation and Infrastructure committee held a hearing this week during which, at the Chairman's request, presentations were given by invited representatives of interest parties or organizations whom will be heavily involved in the committee process as the legislative session moves forward. OML's Executive Director Sue Cave was asked to share with committee members more about what the Ohio Municipal League does, who we represent and the issues facing our members as it relates to transportation and infrastructure concerns. Sue's testimony can be found [HERE](#). Also providing testimony on behalf of their organizations were representatives from the County Commissioners Association of Ohio, Ohio Township Association and the County Engineers Association of Ohio. Testimony provided by these representatives regarding transportation and infrastructure issues concerning their members can be found on the House Transportation and Infrastructure committee's website at [www.ohiohouse.gov/committee/transportation-and-infrastructure](http://www.ohiohouse.gov/committee/transportation-and-infrastructure).

## **OML LEGISLATIVE RECEPTION APPROACHING**

We want to remind our members to register for the upcoming OML Legislative Reception that will be held at the Ohio Statehouse Atrium, Wednesday, March 18 from 6-7pm. We are very pleased by the large number of members of the Ohio House and Senate who have confirmed their attendance for the event, with many expressing their anticipation of meeting with their local municipal officials from back in their districts to discuss upcoming legislative action that may affect them and to hear concerns from their local partners.

Mark your calendar and join us for a bite to eat and good conversation with legislators on March 18<sup>th</sup>.

## **NEW BILL INTRODUCTIONS**

Below is the list of new legislation introduced this week in the Ohio House and Senate followed by the committee schedule for next week. If there are any changes to the committee schedule, we will post those on our website.

Ohio House of Representatives

- [HB 65](#) ■ **TAX EXPENDITURES (Driehaus, D.)** To provide for the periodic appraisal of the effectiveness of tax expenditures. Am. 5703.95, 5703.951, 5703.952, 5703.953, and 5703.954
- [HB 66](#) ■ **LICENSE PLATES (Barnes, J.)** To create the Veteran and Disabled Ohioan Technology Council En. 3304.55.
- [HB 67](#) ■ **MEDICAL GRANTS (Ramos, D.)** To create the Frances Lewandowski Memorial Medical Research Fund and the Medical University Research Reserve Fund to provide grants to public medical schools for research on terminal, chronic or currently incurable diseases, to require the General Assembly annually to appropriate for those grants an amount equal to not less than one-tenth of one percent of total prior year General Revenue Fund appropriations, and to make an appropriation. En. 3333.101 and 3333.102.
- [HB 68](#) ■ **BEER CONTENT (Ramos, D.)** To allow beer manufacturers to manufacture beer containing not more than 21% of alcohol by volume beginning on the effective date of this act, and, beginning one year after the effective date of this act, to allow the sale and distribution of beer containing not more than 21% of alcohol by volume in this state by increasing the legally permitted alcohol content of beer from 12% to 21% and to generally prohibit the inclusion of caffeine or other stimulants in beer containing more than 12% of alcohol by volume. Am. 4301.01 and to enact section 4301.71.
- [HB 69](#) ■ **ABORTION (Hagan, C., Hood, R.)** To generally prohibit an abortion of an unborn human individual with a detectable heartbeat and to create the Joint Legislative Committee on Adoption Promotion and Support. Am. 2317.56, 2919.171, 2919.19, 2919.191, 2919.192, 2919.193, and 4731.22; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 2919.191 (2919.192), 2919.192 (2919.194), and 2919.193 (2919.198); and to enact new sections 2919.191 and 2919.193 and sections 2919.195, 2919.196, 2919.197, 2919.199, 2919.1910, and 2919.1911.
- [HB 70](#) ■ **COMMUNITY LEARNING (Driehaus, D., Brenner, A.)** To authorize school districts and community schools to initiate a community learning center process to assist and guide school restructuring. En. 3302.16, 3302.17, and 3302.18
- [HB 71](#) ■ **TRANSPORTATION CONTRACTS (Roegner, K.)** To prohibit certain indemnity agreements in motor vehicle carrier transportation contracts. Am. 2305.52
- [HB 72](#) ■ **PORT AUTHORITIES (Conditt, M.)** To authorize port authorities to create energy special improvement districts for the purpose of developing and implementing plans for special energy improvement projects and to alter the law governing such districts that are governed by a nonprofit corporation. Am. 1710.01, 1710.02, 1710.021, 1710.03, 1710.04, 1710.05, 1710.06, 1710.061, 1710.07, 1710.11, 1710.12, 1710.13, 4582.06, and 4582.31; to amend, for the purpose of adopting a new section number as indicated in parentheses, section 1710.061 (1710.40); and to enact sections 1710.20, 1710.21, 1710.22, 1710.23, 1710.24, 1710.25, 1710.26, 1710.27, 1710.28, 1710.29, 1710.30, 1710.31, 1710.32, 1710.33, 1710.34, 1710.35, 1710.36, and 1710.37
- [HB 73](#) ■ **STATE INSTITUTIONS (Lepore-Hagan, M., Gerberry, R.)** To establish provisions regarding the possible closing, sale, or privatization of state institutional facilities. Am. 107.31
- [HB 74](#) ■ **SCHOOL ASSESSMENTS (Brenner, A.)** With regard to the administration of state primary and secondary education assessments. Am. 3301.079, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3302.02, 3302.03, 3302.13, 3313.608, and 3319.111 and to enact sections 3301.132 and 3313.903
- [HB 75](#) ■ **FIREARM STORAGE (Patmon, B.)** To prohibit any person from storing or leaving a firearm in the person's residence unless the firearm is secured in safe storage or rendered inoperable by a tamper-resistant lock or other safety device if the person knows or reasonably should know that a minor is able to gain access to the firearm and to provide criminal penalties if a minor gains unauthorized access to a firearm not so stored or rendered inoperable. Am. 2923.191
- [HB 76](#) ■ **PUBLIC RECORDS (Patmon, B.)** To include in the definition of public record records kept by a police department established by a qualified nonprofit corporation or a campus police department established by a private college or university. Am. 149.011 and 149.43
- [HB 77](#) ■ **HOME CONTRACTORS (Patmon, B.)** To require statewide registration of home improvement contractors, to modify the membership of the Ohio Construction Industry Licensing Board, and to make an appropriation. Am. 4740.01, 4740.02, 4740.03, 4740.04, 4740.05, 4740.06, 4740.061, 4740.07, 4740.08, 4740.09, 4740.10, 4740.101, 4740.12, 4740.13, 4740.131, 4740.15, 4740.16, and 4740.99 and to enact sections 4740.18, 4740.19, 4740.20, and 4740.21

## Ohio Senate

- SB 54** ■ **LIQUID NICOTINE** ([Jones, S.](#)) To ban the sale of products intended for use in electronic cigarettes that are not in child-resistant packaging. Am. 5502.01 and 1349.83
- SB 55** ■ **PHYSICIAN ASSISTANTS** ([Burke, D.](#)) To revise the law governing the practice of physician assistants. Am. 1.64, 2133.211, 2151.3515, 2305.113, 2925.61, 3701.048, 3701.92, 3727.06, 4503.44, 4723.01, 4723.18, 4723.181, 4729.01, 4730.01, 4730.02, 4730.03, 4730.04, 4730.06, 4730.08, 4730.091, 4730.10, 4730.101, 4730.11, 4730.12, 4730.13, 4730.14, 4730.19, 4730.21, 4730.22, 4730.25, 4730.251, 4730.27, 4730.28, 4730.31, 4730.32, 4730.33, 4730.38, 4730.39, 4730.41, 4730.42, 4730.43, 4730.431, 4730.49, 4730.51, 4730.53, 4731.07, 4761.01, 4761.17, 4765.01, 4765.51, and 5123.47
- SB 56** ■ **CIVIL ACTIONS** ([Eklund, J.](#)) Relative to the set-off of collateral recoveries against damages awarded in certain civil actions against state universities or colleges. Am. 2743.02 and 3345.40
- SB 57** ■ **LOCAL ROADS** ([Eklund, J.](#)) To authorize counties to adopt resolutions regulating motor vehicle traffic on county and township roads. Am. 305.50
- SB 58** ■ **SEWAGE SYSTEMS** ([Peterson, B.](#)) To authorize a property owner whose property is served by a household sewage treatment system to elect not to connect to a private sewerage system, a county sewer, or a regional sewerage system under specified conditions. Am. 317.08, 6112.01, 6112.03, and 6117.51 and to enact sections 6112.06, 6117.52, and 6119.60
- SB 59** ■ **COMMUNITY SCHOOL FUNDS** ([Skindell, M.](#)) With respect to the use of state-appropriated funds by operators of community schools. Am. 3314.074 and to enact section 3314.025
- SB 60** ■ **ROAD NAMING** ([Hughes, J.](#)) To designate a portion of Interstate Route 670 as the "Dana G. 'Buck' Rinehart Highway." Am. 5533.261
- SB 61** ■ **DEATH CERTIFICATES** ([Hughes, J.](#)) To restrict to whom a certified copy of a death certificate containing the decedent's social security number may be issued. Am. 3705.23
- SB 62** ■ **STATE INSTITUTIONS** ([Schiavoni, J.](#), [Cafaro, C.](#)) To establish provisions regarding the possible closing, sale, or privatization of state institutional facilities. Am. 107.31
- SB 63** ■ **ONLINE VOTER REGISTRATION** ([LaRose, F.](#)) To create an online voter registration system. Am. 3503.14 and to enact section 3503.20

February 13, 2015

## UNPACKING OF STATE BUDGET PROPOSAL TAKES CENTER STAGE IN OHIO HOUSE

The deconstruction of the state budget took center stage this week in the Ohio House, with hearings throughout the week in the House Finance and Appropriations committee on the contents of HB 64, the bill number assigned for the two year, state biennial budget. Committee members primarily have been focused on the myriad of tax proposals included in the bill which we addressed in last week's legislative bulletin, with presentations from State Tax Commissioner Joe Testa and other state agency officials. The proposed state budget as well as all other bills introduced in this and previous General Assemblies can be accessed through the Legislative Service Commission website at [www.lsc.ohio.gov](http://www.lsc.ohio.gov).

*\*CORRECTION FROM LAST BULLETIN: in the bulletin published last week, a mistake was made in the sentence regarding projected revenue to be generated by the new sales tax proposal included in the Governor's budget plan, "The rate change is estimated to generate an additional \$1.6 million in new state revenue." The correct figure to be generated is \$1.6 billion, not million. Our apologies.*

As part of the committee process for analyzing the entirety of HB 64 and what is being considered as part of the state operating budget, we anticipate Legislative Service Commission (LSC) will be producing spreadsheets providing greater detail and policy breakdowns for members of the legislature and general public. We will be sure to provide that information to our members when those resources become available.

On the other side of the Statehouse, among the list of legislative items receiving Senators attention this week, quick action is being taken on SB1, legislation introduced by Sens. Gardner and Peterson to address concerns with toxic algae blooms in Lake Erie and other bodies of water in Ohio including run-off from agricultural areas, effecting drinking water and creating other health issues, throughout the state.

## NEW BILLS INTRODUCED

There were more bill introductions this week, with several addressing issues that the league has been and will continue to follow through the new session. We have provided the complete list of legislation introduced this week in the Ohio House **HERE** and the Ohio Senate **HERE**. Below are a few bills that were introduced this week that will be of particular interest to our members. They include House bills:

- HB 42-LOCAL GOVERNMENT FUND (Gerberry, Cera) To require that, for fiscal year 2016 and each fiscal year thereafter, the Local Government Fund must receive the same proportion of state tax revenue that the Fund received in fiscal year 2005.
- HB 47-REFRESHMENT AREAS (Blessing, Driehaus) To allow municipal corporations and townships with a population of more than 25,000 to create outdoor refreshment areas, to exempt persons within such an area from the open container law, and to declare an emergency.

- HB 53-TRANSPORTATION BUDGET (Grossman) To make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2015, and ending June 30, 2017, and to provide authorization and conditions for the operation of those programs.
- HB 64-BIENNIAL BUDGET (Smith) To make operating appropriations for the biennium beginning July 1, 2015, and ending June 30, 2017, and to provide authorization and conditions for the operation of state programs.

In the Senate, we want to bring to our member's attention the introduction of:

- SB 27-FIREFIGHTER CANCER (Patton) To provide that a firefighter who is disabled as a result of specified types of cancer is presumed for purposes of the laws governing workers' compensation and the Ohio Police and Fire Pension Fund to have incurred the cancer while performing official duties as a firefighter. Am. 742.38, 4123.57, and 4123.68

### **OML LEGISLATIVE RECEPTION RECEIVING STRONG LEGISLATOR ATTENDANCE RESPONSE**

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We highly encourage our municipal officials who have not yet responded with their attendance confirmation for this important event to do so as soon as possible. Evening events like our reception are a more informal, comfortable atmosphere for legislators and their local leaders to become better acquainted and to strengthen the lines of communication which are more vital than ever at the Ohio Statehouse as major policy issues affecting local government are debated.

Mark your calendar and join us for a bite to eat and good conversation with legislators on March 18<sup>th</sup>.

Below is the list of announced committee meetings for the upcoming week. Any additions or changes to the schedule can be found on our website.

Have a safe weekend~

*February 6, 2015*

## **BUDGET PROCESS BEGINS WITH ADMINISTRATION'S UNVEILING OF TAX CHANGES; PRIORITIES IDENTIFIED**

This week, activity at the Ohio Statehouse mainly focused on the unveiling of the third state budget proposal by Governor Kasich, outlining his goals for the FY 2016-2017 biennial budget. Titled "Blueprint for a New Ohio", the state budget proposes a cut in taxes by roughly \$500 million over the biennium with \$68.5 million for All Funds in FY16, and \$70.2 million in FY17. Through testimony provided this week before the House Finance and Appropriations committee by administrative officials, legislators learned that the state General Revenue Fund (GRF) will increase by about 4.2% in FY16 and 4% in FY17 with another \$375 million directed towards the state's "rainy day fund". Although priorities were identified and tax proposals were previewed, the actual legislative language will not be available until next week, where the details and areas not discussed through committee presentations will be examined.

From a "30,000 feet perspective", the administration's tax proposal emphasizes a shift away from income-based taxation to a greater alliance upon revenue collected through consumption taxes. In particular, the Governor's proposal discussed this week would:

- Institute a 23% across the board reduction in the personal income tax, reducing state revenues by \$4.6 billion while setting the top marginal rate at 4.1% by 2017.
- Eliminate income taxes for all "pass-through entity" businesses with annual gross receipts of less than \$2 million, reducing state revenues by \$696 million over the two year period.
- Increase personal exemption thresholds for income tax filers earning less than \$40,000 from \$2,200 to \$4,000; wage earners making between \$40,000-\$80,000 would have their exemption raised from \$1,950 to \$2,850, in 2015. These exemption changes would reduce state revenues by \$372 million.

To pay for the tax cuts proposed above, estimated to cost nearly \$5.7 billion over the biennium, the administration's state budget would:

- Broaden and raise the rate of Ohio's sales tax. The rate increase proposal would be at 6.25% from the current 5.75%. The rate change is estimated to generate an additional \$1.6 million in new state revenue. The plan calls for the Sales tax base to be expanded to include additional services not currently taxed such as: Cable TV subscriptions, parking, travel, management consulting, lobbying, public relations, market research/opinion polling, and debt collection. The inclusion of these additional services for sales taxes is estimated to generate \$928 in new revenue over the biennium.
- Raise Ohio's severance tax at a fixed rate of 6.5% for oil and gas production at the wellhead, while instituting a lower rate of 4.5% for natural gas and natural gas liquids. The proposed increase in the severance tax is estimated to raise \$325 million over the biennium. The severance tax initiative also calls for 20% of the revenue remaining after the state pays regulatory costs would be dedicated to local government impact issues, in Ohio's shale drilling region.

- Increase the tax on cigarettes from \$1.25 to \$2.25 per pack and raise the tax on “other tobacco products” generating \$991 million
- Raise the Commercial Activity Tax (CAT) tax rate from .26% to .32% while cutting the annual minimum amount from \$800 to \$150 for companies with less than \$2 million in gross receipts estimated to produce \$691 million.
- Means-test income tax deductions and credits for wealthier taxpayers to eliminate the retirement income credit, Social Security deduction and lump sum senior credit for those with more than \$100,000 in annual income. These adjustments are projected to generate \$318 million.
- Reduce the sales tax vendor discount generating \$62 million
- Decrease the sales tax discount for used cars and boat trade-ins to 50% of the trade-in value generating \$216 million
- Eliminate the deduction for early beer and wine payment, bringing into state coffers another \$3 million over the biennium.

In addition to changes in state tax policy, the Governor’s proposed plan includes a wide array of other state related concerns such as education related matters like a revised school funding formula and an additional 2% cap on tuition hikes for higher education in FY16 and no tuition increases for FY17. Other provisions of the proposed budget include a prohibition on applying manure on frozen or rain-soaked ground. The plan would aim to eliminate open lake dredging and open lake disposals over a five-year period, and have water treatment systems monitor for phosphorus.

Concerning the Local Government Fund (LGF), administration officials from the Office of Budget and Management (OBM) responded to a question concerning any increases to the LGF by noting that there is General Revenue Fund and tax revenue growth, with it reaching about \$383 million in FY16 and nearly \$400 million in FY17.

As mentioned previously, the actual language of the proposed state biennial budget along with the assigned bill number will be available next week and can be accessed through the Legislative Service Commission website at [www.lsc.ohio.gov](http://www.lsc.ohio.gov). Please look for additional details in upcoming legislative bulletins for other issues related to municipal or local governments in general that are addressed in the state’s two year budget, as the process moves along.

## **OHIO SENATE INTRODUCES FIRST ROUND OF BILLS**

The Ohio Senate introduced their first group of legislation this week for the new session, shedding light on what the Senate considers to be the most pressing issues to be addressed by that chamber. The list can be found [HERE](#). Topping the list as SB1 is legislation introduced by Sens. Gardner and Peterson to address the issue of toxic algae blooms in Lake Erie and other bodies of water across the state. The other top four senate bills address issues related to changes in codifying IRS tax law, changes to testing requirements and other education related topics, higher education issues and lastly, SB 5 would make peace officers, firefighters, and emergency medical workers diagnosed with post-traumatic stress disorder arising from employment without an accompanying physical injury eligible for compensation and benefits under Ohio’s Workers’ Compensation Law. A bill of particular interest that was introduced in the first group of bills is SB 22 from Sen. Travares (D-Columbus) which would increase monthly allocations to the Local Government Fund (LGF) from 1.66% to 3.68% of the total tax revenue credited to the GRF each month.

Below is the list of announced committee meetings for the upcoming week. Any additions or changes to the schedule can be found on our website.

Have a safe weekend~



*January 30, 2015*

## **FIRST GROUP OF BILLS INTRODUCED IN OHIO HOUSE; REPUBLICAN/DEMOCRAT LEGISLATIVE PRIORITIES OUTLINED**

The new legislative session is taking shape with the recent introduction of legislation and leadership teams for both the House and Senate holding press conferences to announce their particular caucus's legislative priorities. On Wednesday, the Ohio House of Representatives got the legislative ball rolling for the 131<sup>st</sup> General Assembly through the introduction of the first 23 bills. The full list of bills introduced in the Ohio House can be found [HERE](#). Senate President Faber has stated that the first round of Senate bills will be introduced next week.

During the press conference held to unveil the new bills introduced by members of the Ohio House, Speaker Rosenberger said his caucus will focus on four policy "pillars" which include energy, education, competitiveness and health care. To help determine what the primary focus of the majority legislative caucus will be for a new legislative session, the best indicator is usually through the policy issues addressed in the first five bills presented for introduction. As such, looking at the first five bills introduced by the Ohio House, HB1 and HB2 deal with education related issues, HB3 addresses the reduction of certain fees incurred by Ohio businesses, HB4 relates to issues surrounding drug abuse and HB5 allows the Auditor of State to conduct "business case studies" regarding the efficiency of Ohio's local public offices and state agencies. HB5 also would establish a "shared equipment service agreement" program among political subdivisions.

Democratic members of the House Finance and Appropriations Committee held a press event Tuesday to briefly outline their priorities for the upcoming state budget, set to be released by Governor Kasich next week. Ranking Finance Committee minority member Rep. Driehaus said democrat members are calling for a more fair tax system, increased access to health care, and increased investment in education and local governments. Rep. Driehaus stated that specific policy proposals will not be introduced until after the budget is released.

Also on Wednesday, the majority leadership team from the Senate Republican Caucus held their press event to outline the Senate's to-do list for the new session. As part of the Senate administrative duties, President Faber also released the list of committee assignments for members of the Ohio Senate. The list can be found [HERE](#). Although bills will not be formally introduced in the Ohio Senate until next week, the President Faber reviewed policy items he expects members of the Senate to take up. Top on the Senate's list, much like the list from the Ohio House, issues related to education will receive the most focus, including concerns related to higher education and charter school management. Also discussed by the majority leadership as top priorities to be addressed are issues concerning the abuse of drugs and the consideration of new Drug Prisons; toxic algae bloom management which has also been identified by leadership in the Ohio House as a top issue; Medicaid related issues; government efficiency matters including the continued conversation surrounding the creation of a constitutional provision to establish an elected official pay raise commission and work surrounding the Ohio Sunset Review Commission which will be considering the continued existence of various boards and commissions established by the state of Ohio and general broader assessment of state government. To that end,

during the press event President Faber reflected on the parallels of state and local government by saying: ““We're going to expand that evaluation to look at all state agencies. Look, we got 23 cabinet officers in this state. Most of us believe that that's probably too many. It's time for us to look at streamlining the effectiveness and efficiency of state government just like we've asked our local government partners to do as well.”

Sen. Faber said some of the other top issues his chamber will consider include:

- Allowing first responders suffering from PTSD receive workers' compensation.
- Providing benefits for volunteer police officers killed in the line of duty.
- Increasing the statute of limitations for rape cases.
- Requiring GPS tracking devices for violent sexual predators.
- Deliberating on further revisions of the clean energy law through the Energy Mandates Study Committee.
- Increasing the college savings credit.
- Curbing the infant mortality rate.
- Aligning veterans' benefits with other social services.
- Authorizing unemployment compensation for military spouses.
- Regulating powdered caffeine.

Last week, Senate Democrats laid out their legislative priorities, sharing several general themes of concern and need for greater attention to policy issues as their republican counterparts. Senate Minority Leader Schiavoni told members of the press that Charter School reform measures and issues dealing with Medicaid top his caucus' list of issues to be taken up. Also included in the list of priority issues for Senate democrats are raising the minimum wage, making the earned income tax credit refundable, restoring LGF monies and making the Ohio College Opportunity Grants available to community college students.

### **TENTATIVE SCHEDULE FOR STATE OPERATING BUDGET RELEASED**

At the first meeting of the House Finance and Appropriations Committee this Tuesday, Chairman Smith shared with committee members the tentative schedule for the committee's and it's subcommittees' deliberations on the FY 2016-'17 budget.

Noting that the budget is due from the Governor to the Legislature Monday, Feb.2 and the formal introduction of the budget bill sometime during the week of Feb. 9<sup>th</sup>, Chairman Smith explained that there will be three budgets to be considered by the committee: the main budget, the transportation budget, and the BWC/Ohio Industrial Commission budgets. Committee members were told to expect hearings to begin in the full committee Feb. 3rd and 4th with presentations from various state agencies.

The tentative schedule shows the House voting on the operating budget April 22<sup>nd</sup> or 23<sup>rd</sup> and then the Ohio Senate will begin altering that package with their recommendations. The bill must be completed and on the Governor's desk by June 30th.

Late Thursday afternoon, Governor Kasich was at an event in Columbus where he provided members of the media with a preview of areas to be included in his upcoming budget proposal. An overview of what the Governor calls a “Blueprint for a New Ohio” can be found [HERE](#).

*January 23, 2015*

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Mark your calendar and join us for a bite to eat and good conversation with legislators on March 18<sup>th</sup>.

## **LEGISLATIVE LEADERS SELECTED; HOUSE ANNOUNCES COMMITTEE ASSIGNMENTS**

The 131<sup>st</sup> legislative session of the Ohio General Assembly continues to take shape as members of the Ohio House and Senate go about the responsibilities of the new session to pick whom will serve as leaders for the respective caucuses and what committees legislators will be serving on, once legislation begins to be introduced and the processes begins again.

The Ohio House of Representatives has seen the most significant change as far as the amount of new members to join the body and the succession of a new Speaker. After over 30 years of service to the state of Ohio and the Ohio House of Representatives, William G. Batchelder was unable to run for reelection due to term limits and thus stepped down as Speaker of the Ohio House. The returning majority Republican caucus members elected Rep. Cliff Rosenberg of Clarksville to take the Speaker's gavel and serve as leader of the Ohio House. The league would like to congratulate Rep. Rosenberger on this high honor to serve as Speaker and we look forward to our ongoing productive dialogue with the newly elected Speaker. Also as part of the caucus duties, other members of the House majority leadership were selected and they include: Speaker Pro Temp. Ron Amstutz, Majority Floor Leader Barbara Sears, Asst. Maj. Floor Leader Jim Buchy, Majority Whip Mike Dovilla and Asst. Maj. Whip Dorothy Pelanda.

The Democrat members of the Ohio House also elected their new leadership team for the upcoming session by selecting Rep. Fred Strahorn of Dayton to serve as the House Minority Leader. Serving with Leader Strahorn to

lead the House Democrat members include Reps. Nicholas Celebreeze as Assistant Minority Leader, Kevin Boyce, Minority Whip and Nickie Antonio as Assistant Minority Whip.

This week, Ohio House Speaker Rosenberger released the eagerly anticipated committee assignments for the 131<sup>st</sup> General Assembly which can be found **HERE**. Although there are members serving as new “Chairs” of House standing committees for this session, the committee structure mainly remains the same as previous session except for a few changes. The State and Local Government Committee was divided into two and now there will be a “stand alone” Local Government committee chaired by Rep. Marlene Anielski and a separate State Government Committee chaired by Rep. Maag. The House Agriculture Committee has been split into two with the naming of the new Agriculture and Rural Development committee and the Energy and Natural Resources committee. Also, the Community and Family Advancement Committee was formed which is a new House standing committee that will be chaired by Rep. Derickson.

As for the Ohio Senate, the Republican majority caucus retained the leadership team from last session with Sen. Keith Faber having been re-elected as Senate President, Chris Widener as President Pro Temp., Tom Patton as Majority Floor Leader and Larry Obhof as Majority Whip. The Senate minority caucus announced their leadership team and retained Sen. Shiavoni as Minority Leader, and elected Charleta Travares as Asst. Minority Leader, Edna Brown as Minority Whip and Lou Gentile as Asst. Minority Whip. The Senate has not released their member committee assignments yet, but when they do we will be sure to announce the information to our members, in our next bulletin.

The league congratulates all of the members of each leadership team and we look forward to working with each of them to craft the soundest public policy, as local government issues are addressed and considered.

### **FIRE PROTECTION STANDARDS UNDER REVIEW**

The National League of Cities has asked that we share with our members the attached memo which provides an update on National Fire Protection Association (NFPA) Standards 1710 and 1730. The full memo can be found **HERE**.

The National Fire Protection Association (NFPA) has published proposed revisions to its 1710 Standard governing career department staffing and response times and a new draft 1730 Standard on fire prevention inspection and code enforcement, plan review, investigation and public education operations. The documents are available for review on the NFPA website at [www.nfpa.org/1710](http://www.nfpa.org/1710) and [www.nfpa.org/1730](http://www.nfpa.org/1730) under the Next Edition tab. The documents are in the final stages of development. This summer any amending motions that have been filed and certified by NFPA will be presented at the 2014 NFPA Technical Meeting, which is held at the NFPA Annual Conference & Expo, June 22-25, in Chicago, IL. The deadline for filing a Notice of Intent to Make a Motion is March 6, 2015. The two standards are scheduled to be issued by the NFPA Standards Council in August 2015. In addition to these developments, the committee working on the fire prevention standard was recently asked to develop a new standard that helps fire departments follow the process steps for a Community Risk Reduction (CRR) Plan.