



Legislative Bulletin

September 15, 2017

The Ohio General Assembly is officially back from summer recess this week. Multiple committees held hearings throughout the week and the House held session on Wednesday. The OML continues to attend committee hearings, track legislation and meet with legislators on both current and proposed legislation. In addition to the legislative activity picking-up, the OML Annual Conference is practically here! The final touches are being made to the program and we are really excited about the speakers and important issues covered on the agenda. Again, this year we have invited members of the General Assembly to join us at any of the sessions or at the luncheon Thursday to hear nationally syndicated columnist, pundit, author and radio commentator Cal Thomas share his insights on the state of politics in America, providing common sense perspectives to uncommon circumstances. Registration material is available on our new website, which you can access [HERE](#). Please click and register to take advantage of our early bird registration discount. Unfortunately, at this time, attendees are unable to pay for the conference through the website, as we are working through some technical timelines to get that service up but we are closer to having that option available. We will announce to our members once that feature comes on-line, in the very near future. We are looking forward to seeing everyone November 1-3rd at the downtown Columbus Renaissance hotel for the conference!

COMMITTEES HEAR BILLS OF MUNICIPAL INTEREST

Multiple committees in both the House and Senate held hearings this week that included bills of municipal interest. The Senate Local Government, Public Safety and Veterans Affairs committee held a first hearing on HB 125, sponsored by Rep. Craig (D - Columbus) and Rep. Seitz (R - Cincinnati). The bill specifies that small municipalities without mayor's courts may not charge fines and fees for traffic violations that exceed the amounts charged by the state, municipal or county schedule. Rep. Craig stated during testimony that the bill addressed the issue of fairness by ensuring some drivers were not subjected to speed traps that resulted in exceedingly large fines. Both Representatives cited they had heard of some municipalities charging up to \$1,500 in traffic penalties. The bill was amended to specify that township police do not have the jurisdiction to use traffic cameras on interstates, which Rep. Seitz said was a "loophole" in current law.

The Senate Judiciary Committee heard proponent testimony on Sub. HB 38, sponsored by Rep. Greenspan (R - Westlake) which makes killing a first responder or member of the military a first-degree felony if the murder was done solely on the basis that the individual was either a first responder or a member of the military. "No first responder should have to worry or wonder whether the call they are responding to is legitimate or is an attempt to lure them to a location," said U.S. Marshal Peter Elliott, of the Northern District of Ohio, who offered proponent testimony on the bill.

HB 54, sponsored by Rep. Blessing (R - Colrain) and Rep. Gaverone (R - Bowling Green), heard proponent testimony in the Senate Finance Committee. The bill creates a state bond bank under the authority of the Ohio Treasurer's office for permanent improvement projects for qualifying local governments. The sole testifier was a representative from the Treasurer of State's office. Rep. Skindell (D - Lakewood) asked that the bill language be clarified to specify the state's "full faith and credit" would not be behind the proposed state bond bank. The Treasurer's office agreed to look into the proposed change. Sen. Coley (R - Liberty Township) wanted to know why the bill proposed to have the Treasurer's office compete with private banks, who also offer bonds to local authorities for permanent improvement projects. The Treasurer's office responded that the proposed state bond bank would remove the cost barriers some municipalities face in procuring those bonds.

The House Public Utilities Committee heard sponsor testimony for Rep. Duffey's (R - Worthington) bill, HB 249, which grants the Public Utilities Commission of Ohio the authority to set regulations over utility reselling.

The bill's language says it does not limit the authority of a municipality to "prohibit or limit residential utility reselling."

HB 263, sponsored by Rep. Lanese (R - Grove City) allows dogs on outdoor dining area at the discretion of the restaurant. Heard in the House Economic Development, Commerce and Labor Committee for sponsor testimony. This bill preempts the authority of municipalities to set health regulations by instead allowing the individual restaurant to decide whether or not dogs are allowed on restaurant patios.

The companion legislation for HB 264 is SB 182 Rep. Coley (R - Liberty Township). It received sponsor testimony this week in Senate Health, Human Services and Medicaid. When fielding questions after his testimony, Sen. Coley said he would not support adding language to the bill that would require restaurant owners to remove pets from a patio if a patron complained of a dog allergy, nor would he support requiring the restaurant to post signs stating their policies.

HB 226, presented by Rep. Seitz and Rep. Sweeney (D - Cleveland) establishes a fireworks study group and legalizes the sale, possession and use of fireworks within Ohio. It was passed 11-1 out of the House Government Accountability and Oversight Committee. This bill as initially drafted included provisions that preempted local ordinance over the use of fireworks; however, that language was removed before the bill passed out of the House.

Two bills by Rep. Henne (R - Clayton), HB 268 and HB 269, deal with Worker's Compensation Law. HB 268 changes the aspects of the self-insuring employers section of the law, including expanding the number of companies that qualify by BWC regulations to self-insure, as well as allowing current self-insurers to transfer their exposure to a third party. "Options save money and offer a more competitive product or service," said Rep. Henne. "Right now BWC is the only game in town." HB 269 generally overhauls worker's compensation, including incentivizing the participation in safety programs, mandating the BWC create individualized "return-to-work" plans for all workers on temporary total disability, and end all wage replacement at retirement. Both received sponsor testimony in the House Insurance Committee.

HB 26, sponsored by Rep. Ingram (D - Cincinnati) eliminates certain defenses to a political subdivision's liability when an employee negligently operates a motor vehicle. According to the language, political subdivision immunity would have zero immunity in every instance there is a motor vehicle accident involving a government vehicle, except in the instance where an individual crashes his or her car during a police chase. It received sponsor testimony in House Civil Justice Committee.

OML HOLDS THIRD QUARTERLY MUNICIPAL ADVOCATE ROUNDTABLE

On Thursday, the league hosted a third meeting of municipal advocates across the state to discuss issues being addressed by the legislature and matters of municipal concern. The discussion focused mainly on several key issues, one of which was the municipal net profit centralized collection language in HB 49, the recently-passed budget bill and the conversations of municipalities coalescing together to join a lawsuit against the enactment of that proposal. The group also discussed the status of the small cell infrastructure language that was included in SB 331 last year and the conversations that have been occurring about alternate legislative language. Finally, the group discussed the evolving concerns of the opioid epidemic in Ohio and how to forge better partnerships with the state to address the challenges facing cities and villages and other legislation current and on the horizon that would impact municipalities.

The meeting was insightful and productive, and we appreciate all who were able to attend, including Gene Hollins from Frost Brown Todd LLC, who provided the group with an update on the status of the conversations occurring regarding the centralized collection challenge. The league is organizing these quarterly meetings to facilitate important discussions and to provide an opportunity for legislative advocates on Capital Square with municipal clients to receive and share the most timely information on matters impacting Ohio's municipalities in an effort to better ensure a coordinated and cohesive approach to educating members of the Ohio General Assembly of the needs and concerns of cities and villages.

CALL TO TESTIFY: HB 163, PREVAILING WAGE LEGISLATION

On Tuesday, Sept. 19 at 1:30 p.m. in Statehouse Hearing Room 113, the House Economic Development, Commerce and Labor Committee will be holding a second hearing on HB 163, legislation introduced by Reps. Kristina Roegner (R-Hudson) and Craig Riedel (R-Defiance) that would grant local governments the permissive authority to opt out of the state's prevailing wage law for publicly funded construction projects that exceed \$250,000 in value. The hearing is for proponents only.

Those who are interested in testifying in support of the legislation can contact committee chairman Rep. Ron Young's office at rep61@ohiohouse.gov or (614) 644-6074 for a witness slip and to be added to the list of those interested in testifying. The chairman asks that a written copy of testimony to be submitted to his office 24 hours before the hearing or by Monday, Sept. 18 at 1:30 p.m.

If you have any questions, please contact OML Director of Communications Ashley Brewster at 614-221-4349 or the chairman's office.

HOUSE PASSES POLICE CHIEF TRAINING, DISASTER RELIEF BILLS

On Wednesday, the Ohio House of Representatives passed two bills that impact municipalities. The first is HB 133, Rep. Ryan's (R - Newark) Disaster Relief act. It exempts out-of-state disaster businesses and qualifying out-of-state disaster relief workers from state and local taxation for up to 60 days when a presidential emergency is declared due to a natural disaster and critical infrastructure repairs are performed. The bill passed unanimously and will head to the Senate for consideration.

The second is SB 37 (Hite), which requires the Ohio Peace Officer Training Commission to develop and conduct a chief of police training course for newly-appointed chiefs of police for villages, cities and townships. It passed 88-9 and will head to the Governor for his signature.

BILLS OF MUNICIPAL INTEREST INTRODUCED THIS WEEK.

Several bills were introduced this week that would impact municipalities. Two are from Rep. Merrin (R - Monclova Township) which includes HB 343 that would require local governments that contest property values to formally pass an authorizing resolution for each individual contest and to notify each property owner. Also, HB 342 was introduced which only allows local tax-related proposals to appear on general and primary election ballots.

HB 339 was introduced by Representatives Schaffer (R - Lancaster) and Hagan (R - Alliance) which would license residential only construction contractors and changes the law regulating construction contractors.

We will be monitoring these bills closely and update our members on their movements.

NATIONAL LEAGUE OF CITIES UNVEILS NEW REPORT

The National League of Cities has released their latest report, City Fiscal Conditions 2017. The report, which you can read [HERE](#), indicates a potential slowdown in the municipal finance sector as city fiscal growth contracts for the second consecutive year. The findings are an important and insightful means to understanding conditions that relate to municipal fiscal health across the nation and the factors that impact the viability of municipalities in Ohio and across the country.