



Legislative Bulletin

September 22, 2017

This week kept the Ohio Municipal League busy, with many bills of municipal interest receiving hearings in various committees. This week, a wide variety of issues impactful to municipalities were being addressed legislatively which included proposals to change to Ohio's sovereign immunity law, increase penalties for distracted drivers, relax notification procedures related to Ohio's concealed carry statutes, and many more. League staff also participated in several meetings with legislators discussing potential upcoming legislation, including an interested party meeting which was convened by House leadership to begin the conversation on addressing issues related to the deployment of small cell wireless technology within a municipality's right of way and the objections raised by municipalities related to the language passed by the legislature last year via SB 331, for a statewide deployment plan.

Additionally, this week on Wednesday the league hosted our third quarterly Legislative Municipal Study Group Breakfast. We are grateful to all who rose early in the morning to meet with us and discuss the important issue of infrastructure funding throughout the state and to examine actions taken by other states. It was a productive discussion and we are looking forward too many more to come.

Legislative activity will likely slow a little over the coming weeks, as the Legislature is not scheduled to resume session until the week of October 10.

OML HOSTS THIRD QUARTERLY MUNICIPAL STUDY GROUP BREAKFAST FOR LEGISLATORS

Early Wednesday morning, legislators from both chambers along with municipal advocates gathered together in the downtown Sheraton hotel to discuss a critical topic facing our state: infrastructure funding. Attendees heard from Sean Sloan, Director of Transportation and Infrastructure Policy at the Council of State Governments. Mr. Sloan presented an in-depth overview of how states around the country are addressing their own infrastructure needs and where Ohio is in the national conversation of addressing infrastructure needs. The power point presentation can be accessed [HERE](#). Through his presentation, Mr. Sloan shared with the group that, among other things:

- Since 2012, 31 states have enacted a funding increase specifically for infrastructure.
- This year, 10 states approved new fees for electric and/or hybrid vehicles; 8 states raised their gas tax while other states have approved one-time transportation funding.
- 17% of public roads in Ohio are rated as being in "poor" condition while 6.9% of the bridges are structurally deficient.

Following his presentation, Mr. Sloan took questions regarding which practices did or did not work in states within the region.

The breakfast Wednesday is just a small part of the efforts the league and other groups are making to generate action by our state policy makers to take a leadership role in addressing the critical infrastructure needs throughout the state. Roads, bridges, dams, water and sewer infrastructure across Ohio face delayed repairs and funding challenges that impact both the safety and the quality of life of Ohioans. Especially on a municipal level, crumbling infrastructure impacts not only the citizens that live and work in our cities and villages, but also impacts the many businesses that call an Ohio municipality home. The Ohio Municipal League maintains

that an investment in municipal infrastructure is an investment in Ohio's economy. We look forward to continuing the discussion with local leaders around the state and with members of the Ohio State Legislature.

HOUSE LEADERSHIP CALLS INTERESTED PARTY MEETING FOR SMALL CELL WIRELESS LEGISLATION

This past week, House leaders Rep. McColley (R - Napoleon) and Rep. Smith (R - Bidwell) called for a meeting of municipal leaders and representatives from the wireless industry to have a discussion regarding potential forthcoming legislation concerning small cell wireless technology within a municipality's right of way. House leaders have heard from municipalities' and the objections expressed with the provisions included in SB 331, which was passed last year, and have initiated the discussion as a means to address the concerns expressed in new legislation. It was expressed during the meeting that one of the desired outcomes of future legislation could create a solution amenable to both parties and which would make the current action within the courts unnecessary.

Representatives from multiple municipal organizations were present, including the Ohio Municipal League, the Central Ohio Mayors and Managers Association, the Dayton Area Mayors and Managers Association, the Hamilton County Municipal League, the Northeast Mayors and Managers Association, and the Mayor's Alliance. Regions that were not represented at the meeting will be included in conversations going forward. Also present were representatives from American Municipal Power, individual municipal advocates and lawyers, and representative from AT&T. Municipalities voiced their eagerness to work with wireless companies in order to get their constituents the latest wireless technology as quickly and efficiently as possible, but strongly reiterated the need for local control within their jurisdictions. AT&T has agreed to sit down with several representatives from municipal groups to work through the needs municipalities will outline in order to work towards legislation with which both parties can live. Prior to the meeting, League staff and representatives from municipal groups have begun to outline the provisions the new bill must contain in order to preserve local control while local governments work with wireless companies to roll out the latest wireless technology. Forthcoming meetings should take place within the next couple of weeks. We will keep our members apprised as this process continues.

BILL THAT WOULD ELIMINATE SOVEREIGN IMMUNITY GETS SECOND HEARING

HB 267, which we covered in last week's legislative bulletin, received proponent testimony in the House Civil Justice Committee. The bill, sponsored by Rep. Ingram (D - Cincinnati) would essentially eliminate immunity for political subdivisions in the case of a motor vehicle accident except for the instance where someone wrecks as a result of being pursued by local law enforcement officers.

The bill was introduced because of an incident in Cincinnati in sole verbal proponent when a car was struck by a Cincinnati Police Department vehicle. There is no "middle ground" in this legislation and the bill effectively does away with all sovereign immunity for all political subdivision across the state.

League staff are closely monitoring this bill. In the event the bill is allowed a third hearing, we will be asking members to either come to the Statehouse to testify against the legislation or to submit written testimony opposing it. The State Legislature must be made to understand the devastating effect the total removal of sovereign immunity would have on our municipalities, as well as the unseen, unanticipated consequences that would happen if this legislation were to become law.

BILLS OF MUNICIPAL INTEREST RECEIVE COMMITTEE HEARINGS

Committee hearings in both the House and the Senate were packed with bills that could impact Ohio municipalities. Here is an overview of the bills League staff is tracking that received a hearing this week:

In the House Financial Institutions, Housing and Urban Development Committee, HB 251 received its third hearing. Sponsored by Rep. Greenspan (R - Westlake) , the bill increases the maturity period of a local government's bond from five to ten years. Proponents of the bill, including Cuyahoga County Councilman Jack Schron, said that local governments would be more likely to take advantage of local bond programs if the maturation period is expanded. At present, he said during testimony, the five-year limit is impractical for many local entities because of the fees.

The Senate Local Government, Public Safety and Veterans Affairs Committee heard several bills of municipal interest, including SB 127, which is sponsored by Sen. LaRose (R - Hudson) and sets requirements for motor vehicles approaching a waste collection vehicle while it is collecting trash. During testimony, proponents of SB 127 said they would feel safer if cars were required to move over and slow down when approaching a garbage collection vehicle. Some testifiers were permanently disabled after having been struck by a vehicle while on the job. HB 95, which is sponsored by both Rep. Hughes (R - Upper Arlington) and Rep. Seitz (R - Cincinnati), and enhances the penalty for committing a moving violation because of distracted driving , especially with regards to cell phones and similar devices. Proponents of HB 95 cited law such as one that made texting while driving a secondary offense, has effectively reduced distracted driving. HB 125 was also heard, which is sponsored by Rep. Craig (D - Columbus) and Rep. Seitz and was covered in last week's legislative bulletin. 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 while prohibiting townships from using traffic cameras on interstates. During her proponent testimony, he Clerk of the Franklin County Municipal Court Lori Tyack decried the inconsistency in record keeping, processing and fining in jurisdictions without mayor's courts. She said the legislation caps maximum fines while preserving a defendant's right to appeal.

SB 180 was heard in the Senate Judiciary Committee. The bill, sponsored by Sen. Uecker (R - Miami Township) and Sen. Hottinger (R - Newark), makes multiple changes to law regarding firearms. It assigns the prosecution the burden of disproving a self-defense or similar claim and does not require a person to retreat before using force if the person legally has the right to be in that location. It also modifies the Concealed Handgun Licensing Law, eliminating the requirement a licensee's duty to keep their hands in plain sight once a law enforcement officer begins approaching their vehicle if it is deemed impractical for the licensee to do so. It reduces the penalties for illegally carrying a concealed firearm or improperly handling firearms in a motor vehicle to a minor misdemeanor if no other offense was committed. Lastly, it eliminates the requirement for various entities to post warning signs prohibiting the possession of weapons on specified premises. This would extend to police stations, municipal jails and courthouses, sheriff's offices, highway patrol stations, local correctional institutions, and local government rest facilities among many others.

The House Criminal Justice Committee held a first hearing on HB 278, sponsored by Rep. Patton (R - Strongsville) and Rep. Kelly (D - Cincinnati), which expands the definition of vehicular assault to include injuring a law enforcement officer while negligently operating a motor vehicle. Rep. Patton said the bill was inspired by the tragic deaths of two Ohio law enforcement officers who were struck and killed on the side of a highway while on duty.

The House Economic Development, Commerce and Labor Committee heard HB 221 and HB 163. HB 221, sponsored by Rep. Hughes, requires home inspectors to be licensed and creates the Ohio Home Inspector Board to regulate both licensure and home inspector performance. During the committee hearing, a substitute bill was adopted, which among other things removed language requiring home inspectors to maintain insurance coverage and retain records for five years. It also creates the home Inspection Recovery Fund. Proponents of the bill applauded the increased educational requirements within the bill, while opponents suggested having home inspectors register with the state as opposed to licensing. HB 163, sponsored by Rep. Roegner (R - Hudson) and Rep. Riedel (R - Defiance) heard proponent testimony. The bill would allow local governments decide for themselves whether or not to impose prevailing wage within their jurisdiction. Supporters championed local

control and challenged the notion that prevailing wage statutes mean higher-quality projects or better workplace safety records.

HB 54, sponsored by Rep. Blessing (R - Colerain) and Rep. Gaverone (R - Bowling Green) had its third hearing in the Senate Finance Committee. Representatives of private banks testified against it, unhappy about the fact that banks would be competing with the State Treasurer for the opportunity to loan money to local governments. OML submitted written testimony in support of the bill, which you can read [HERE](#).

The House Federalism and Interstate Relations Committee voted out a bill requiring concealed handgun licensees notify law enforcement officers that they are carrying a concealed handgun during traffic stops once the law enforcement officer has asked for their driver's license or state ID card. HB 142 clears up confusion within current law, which requires "prompt" notification from concealed-carry licensees. The bill, sponsored by Rep. Wiggam (R - Wooster) was originally intended to eliminate the requirement that concealed handgun licensees notify law enforcement officers that they are concealed-carry licensees during traffic stops.

The Senate Ways and Means Committee held hearings on SB 113 and HB 69. SB 113, sponsored by Sen. Colely (R - Liberty Township), levies an additional vehicle registration tax while allowing consumers to buy gas where the price has been reduced by 28 cents - the equivalent of the state's motor fuel tax. It also exempts gas sold at that reduced price from the state motor fuel tax. There was no proponent testimony given or submitted as written. HB 69, sponsored by Rep. Cupp (R - Lima), would require municipalities in a TIF with a township to reimburse the township for fire and EMS services if those services are provided by the township. Proponents cited the fact that townships cannot levy income or sale tax or receive casino revenue as a reason for the necessity of the reimbursement.

Three bills of municipal interest were heard in the House Finance Committee: HB 3, HB 168 and HB 281. HB 3, sponsored by Rep. Duffey (R - Worthington) and Rep. Hagan (R - Alliance) would incentivize government entities to standardize their records keeping. Proponents said the bill would save local governments money while helping them learn from each other about which strategies are the most cost-effective. Among the proponents was OML Executive Director Kent Scarrett, who applauded the transparency bill would create and expressed his hope the appropriation would stay in the bill in order to incentivize municipalities to take part in the program. HB 168, sponsored by Rep. Stein (D - Norwalk), was amended and voted out of committee. Among the bills provisions are specifications that cemetery owners must reasonably maintain cemeteries and the establishment of both a Cemetery Grant program and a recovery fund to protect victims of preneed funeral fraud. HB 281, sponsored by Rep. Carfagna (R - Westerville), would establish a residential broadband expansion program with the Development Services Agency to award matching grants to local governments for last mile broadband expansion. Rep. Carfagna cited the fact that there are approximately one million Ohioans without internet, particularly in rural areas, as the reason for his introducing the bill. OML is supportive of this proposal, as the digital divide in Ohio continues to prevent the growth of economic development opportunities throughout the state.

In the House State and Local Government Committee, sponsor testimony was heard for HB 291, which is being sponsored by Rep. Wiggam. Known as the "Protect Local Treasuries Act", the bill would allow local governments to buy insurance against dishonest elected officials and public employees in lieu of bonding. Rep. Wiggam cited the need for his legislation due to the old system being "antiquated."

HB 312 received sponsor testimony in the House Government Accountability and Oversight Committee. The bill, sponsored by Rep. Schuring (R - Canton) and Rep. Greenspan establishes uniform protocols for the use of credit cards in local governments. Rep. Greenspan noted that the legislation is not intended to add an administrative burden to local governments, as 90% of political subdivisions already have existing policies.

The Senate Energy and Natural Resources Committee amended SB 51, sponsored by Sen. Skindell (D - Lakewood) and Sen. Eklund (R - Munson Township), which creates a special improvement district to facilitate

Lake Erie shoreline improvement. One amendment ensured any property held in trust by the state would not be taxed as a result of the district's creation, and another amendment ensures property owners and homeowner and condominium associations impacted by the district are on board with the legislation and ensured the district defers to those associations' bylaws.

Finally, the House Community and Family Advancement Committee heard opponent testimony on HB 187, which is sponsored by Rep. Dever (R - Madeira). The bill regulates the use, collection and retention of certain information obtained from a job applicant during the hiring process. Written opposition from business groups stated there was no precedent within the status quo that made the bill necessary and placed a significant burden on Ohio's employers.

MUNICIPAL LEGISLATION INTRODUCED THIS WEEK

Two new bills of municipal interest were introduced this week. The first is a bill by Rep. Perales (R - Beacercreek). HB 351 would exempt the military pay of members of the commissioned corps of the National Oceanic and Atmospheric Administration (NOAA) and the Public Health Service (USPHS) from municipal income tax. According to Rep. Perales's office, the bill would apply to less than 100 Ohioans who fall into either commissioned corps.

The second bill is SB 187, sponsored by Sen. Eklund and Sen. Wilson (R - Maineville). The bill would allow municipalities to charge delinquent taxpayers the costs of collecting municipal income tax, regardless of whether those costs were incurred before or after a judgement is entered against the taxpayer.

We will be tracking both bills as they move through the legislative process and will be keeping our members apprised of their progress.

DON'T FORGET TO REGISTER FOR OML'S ANNUAL CONFERENCE!

OML'S 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!