



Legislative Bulletin

September 29, 2017

While the Legislature slowed down a little this week with the House in recess, League staff was still kept busy with attending Senate committee hearings and meeting with legislatures to discuss current and pending legislation. We are also entering into the final weeks before our annual conference, which you can register for [HERE](#) if you haven't already. The League has extended invitations to both municipal advocates and legislators across the state, and we are excited to give our members the opportunity to potentially touch base with their district lawmakers during the conference. In the meantime, we will continue to keep you up to speed on what's happening at the Statehouse.

SENATE HOLDS COMMITTEE HEARINGS DURING HOUSE RECESS

While the House is in recess this week and next, the Senate held committee hearings that heard several bills of municipal interest. All of the bills referenced and other legislation introduced this session can be accessed on the Ohio Legislative Service Commission (LSC) website www.legislature.ohio.gov.

Senate Local Government, Public Safety and Veterans Affairs Committee, heard three bills of municipal interest:

- 1 • SB 127, sponsored by Sen. LaRose (R - Hudson) legislation that require actions when driver approaches waste collection vehicle. The bill mandates that motor vehicles must slow down and/or move over when approaching a waste collection vehicle that is collecting trash on the side of the road. It was up for its third hearing and received no testimony, written or otherwise.
- 2 • Sub. HB 95, sponsored by Rep. Hughes (R - Upper Arlington) and Rep. Seitz (R - Cincinnati), legislation that would enhance the penalty for moving violations while distracted. The bill would increase the penalty for distracted driving if the distracted driving causes a moving violation. Three proponents testified to the bill, two of whom were victims of distracted driving or had lost loved ones to distracted driving.
- 3 • HB 125, sponsored by Rep. Seitz and Rep. Craig (D - Columbus) deals with specifying court jurisdiction over municipal traffic ordinances. Specifically, the bill states 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. While no testimony was offered, a technical amendment was adopted to clarify that while township law enforcement officers cannot use photo traffic monitoring on interstates, they are not prohibited from assisting police forces from the state or other jurisdictions.

Senate Finance Committee:

- 4 • HB 54, sponsored by Rep. Blessing (R - Colerain) and Rep. Gaverone (R - Bowling Green) is a proposal to issue state revenue bonds to finance acquisition of improvements. The bill creates a state bond bank under the Treasurer's office that would loan money to public entities for permanent improvement projects. During the third hearing, an amendment from Sen. Skindell was adopted which

clarified that the State's full faith and credit are not behind any of the bonds that would be created by this bank. The amendment also mandated that the bonds bear a statement to that effect.

Senate Ways and Means Committee:

5 • HB 69, sponsored by Rep. Cupp (R - Lima), legislation that proposes to allow townships to be reimbursed for medical service levy revenue forgone because of TIF. The bill would allow a reimbursement to townships for fire and EMS services in a TIF where the township is the sole provider of those services. The committee heard proponent testimony from Jackson Township Fire Chief Randy Little, who said the legislation was about fairness.

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LEGISLATION TO REINSTATE "THROWBACK" AMONG NEW BILLS INTRODUCED

Earlier this week, Sen. Matt Dolan (R - Chagrin Falls) introduced SB 203, legislation that would reinstate the "throwback" rule for municipalities. The removal of the rule in the state budget, HB 49, will be a substantial revenue loss for those municipalities with large warehouse districts and communities that have commercial distribution systems as part of their business constituencies. In his co-sponsor request, Sen. Dolan said the removal of the rule "creates a clear tax avoidance opportunity for multi-state corporations."

"The purpose of this legislation is to help level the economic playing field among all business and to alleviate the fiscal stress placed on the state," he said. "Through this legislation, we will ensure that all of the profits companies earn are subject to taxation in the states in which they do business.

We are grateful to Sen. Dolan for his leadership and recognition of the significant financial strain the removal of the "throwback" rule will place on municipalities and is working to reinstate this vital source of revenue.

Additionally, Sen. Hite (R - Findlay) and Sen. Schiavoni (D - Boardman) have introduced SB 199, which would create Ohio Broadband Development Grant Program under the Ohio Development Services Agency. The grant program would award up to \$5 million or 50% of the total project cost to eligible applicants, which would include private businesses, political subdivisions, nonprofit organizations and co-ops. The entity could then use the awarded funds for the construction of broadband infrastructure, but only to expand broadband service to unserved areas of the state. Political subdivisions would be required to demonstrate they had written all broadband service providers in their area and asked for the provider's plan to upgrade broadband service in the area. Grants would be awarded by the Director of the DSA based on need. Communities needing broadband service for libraries, educational institutions, public safety facilities and healthcare facilities would be prioritized.

League staff will be tracking this bill as it moves through the legislative process and we will be updating our members accordingly.

BWC ANNOUNCES CUT RATE FOR PUBLIC EMPLOYERS BY AN AVERAGE OF 6.1%

On Thursday, the board of the Bureau of Worker's Compensation announced that starting January 1, 2018, public employers will pay on average 6.1% less in premiums.

This announcement affects 3,700 political subdivisions and public entities, including school districts, counties, and, of course, municipalities. The cut applies to those entities covered by the State Insurance Fund. BWC Administrator and CEO Sarah Morrison said in a statement the cuts are intended to show BWC's support for

seeing public employers succeed. "We know the less they spend on premiums," she said, "the more they can invest in their communities and into safer work environments for their employees."

OML is glad to see the BWC taking steps to invest in local governments by cutting premiums for public employers. It is vital that municipalities have the capital to invest in public safety, infrastructure and other services while being able to provide quality coverage for the people they employ to provide those services. We hope to see the continued trend of investments in municipalities like this one in the future.

JUDGE RULES ON SINGLE-SUBJECT SB 331/SMALL CELL WIRELESS INFRASTRUCTURE CASE IN FAVOR OF CINCINNATI

Judge Ethna Cooper of the Hamilton County Court of Common Pleas has granted the city of Cincinnati's Motion for Summary Judgement in their challenge to SB 331. As many will recall, SB 331 was passed in the 131st General Assembly and initially dealt with animal welfare. An amendment was added that would allow wireless telecommunication providers the ability to deploy small cell wireless infrastructure in a municipality's right of way without affording a municipalities ability to control many aspects of the deployment of the new technology in their communities. League members will also remember that we reported last week that an interested party meeting was convened last week by Ohio House Speaker Cliff Rosenberger and lead by Reps. Rob McColley (R-Napoleon) and Ryan Smith (R - Bidwell) to discuss legislative changes to address concerns and objections municipalities have with the enacted statewide deployment language in SB 331.

Judge Cooper ruled that the small cell provisions in the bill were improperly added and were therefore in violation of the Ohio Constitution's single-subject rule. In her opinion, the Judge writes "the Court can find 'no practical, rational or legitimate reason' for combining these provisions into one act."

The League is pleased the Judge recognized the unconstitutionality of the provision and hopes the summary judgement can help inform other cities' ongoing litigation.

ACEC RELEASES WHITE PAPER ON OHIO TRANSPORTATION FUNDING

Last week, the American Council of Engineering Companies (ACEC), a council representing more than 5,000 engineering firms throughout the country, released a white paper titled "Funding Ohio's Transportation System".

According to the white paper, which you can read [HERE](#), Ohio has the third largest number of urbanized areas in the country. An Access Ohio study is cited which projects a \$14 billion financial gap between funding and transportation infrastructure needs from now through 2040. The paper breaks down current transportation needs and proposes several solutions lawmakers can take to ensure those needs are met. As Ohio's economic vitality increases, so does the strain on our roads and bridges. If Ohio's economy is going to continue to grow, we are going to need to increase investment in our transportation infrastructure so Ohio can remain a viable option for businesses and the workforce.

The League has been advocating to legislators to identify new means of investing in infrastructure, as well as engaging interested parties that have an interest in seeing Ohio increase its financial commitment to the infrastructure needs of our communities. This analysis, along with others, help direct Ohio's legislative leadership to better understand these challenges.

COMMITTEE SCHEDULE FOR THE WEEK OF OCTOBER 1, 2017

Tuesday, October 3, 2017

SENATE JUDICIARY

Tue., Oct. 3, 2017, 10:15 AM, North Hearing Room
Sen. Bacon: 614-466-8064

SB195** DOGS LAW REVISIONS (BEAGLE B, LEHNER P) 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.

First Hearing, Sponsor Testimony

Report(s): My Tracked Bills, OML Legislative Report

Wednesday, October 4, 2017

SENATE WAYS AND MEANS

Wed., Oct. 4, 2017, 9:00 AM, South Hearing Room
Sen. Eklund: 614-644-7718

HB69** LEVY REVENUE REIMBURSEMENT (CUPP B) To require reimbursement of certain township fire and emergency medical service levy revenue forgone because of the creation of a municipal tax increment financing district.

Fourth Hearing, All Testimony

Report(s): My Tracked Bills, OML Legislative Report

**PLEASE CHECK OUR WEBSITE MONDAY FOR ANY COMMITTEE SCHEDULE
UPDATES**