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| **GOVERNMENTAL POLICY GROUP, INC.**  17 SOUTH HIGH STREET – SUITE 245  COLUMBUS, OHIO 43215-3413  PHONE: 614-461-9335  FAX: 614-461-9336  **Coalition of Ohio Regional Districts**  Legislative Activities Report  **October 27, 2017** |

Both chambers of the Ohio General Assembly have returned from summer recess and resumed their regular session schedule. Ohio’s legislators are scheduled to be in session until the middle of December before breaking for the winter holidays, setting the stage for an extremely active month and a half at the Statehouse. While the state operating budget, HB 49, was passed and signed into law in June, the debate over Governor Kasich’s 47 line-item vetoes continues to rage around Capitol Square. The House voted to override 11 of the governor’s vetoes and the Senate agreed to six of them. The House tabled the remaining vetoes, meaning legislators are able to reconsider them at any point this session. Leaders in both chambers have indicated that they plan to consider additional veto overrides before the end of the 132nd General Assembly.

In legislative news, CORD has been actively involved in the development of multiple bills that have gained traction through the first half of the 132nd General Assembly. For months we have been working with State Auditor Dave Yost’s office and other stakeholders in developing a bill aimed at establishing uniform protocols for the use of credit cards and debit cards by political subdivisions. HB 312, introduced by Reps. Kirk Schuring and Dave Greenspan, was introduced after the Auditor’s Office found that many public entities fail to take the basic steps necessary to ensure that government credit and debit cards are not misused. The bill requires all political subdivisions to adopt a policy on credit card use. The bill also requires quarterly review of credit card use and would prohibit the use of debit cards entirely.

CORD has also submitted testimony in support of HB 276, a bill introduced by Reps. Jeff Rezabek and Dave Greenspan, which aims to protect utility workers from being threatened while performing their duties as a utility worker. HB 276 expands the offense of aggravated menacing to prohibit threatening a utility worker with intent to obstruct the operation of a utility. Currently, aggravated menacing is a misdemeanor of the first degree, HB 276 would increase this penalty to a felony of the fourth degree. We have worked with both sponsors on an amendment that would insure that storm water utilities are covered and to provide further clarity to the bill.

We have also been monitoring a pair of legislative efforts to regulate the practice of submetering. SB 157 (Senator Kevin Bacon) and HB 249 (Rep. Mike Duffey) were both drafted in response to consumer complaints of utility reselling, or submetering, in central Ohio; however, the two bills take different approaches at cracking down on submetering companies. HB 249 would give the PUCO expressed authority to regulate utility reselling. The PUCO would have one year to adopt rules governing residential utility reselling. Senator Bacon’s proposal would establish specific regulations on submeter companies and increases consumer protections. Over the summer, the PUCO set a zero-threshold rule in which the commission can regulate submeterers on a case-by-case basis if they are charging more than what a regulated utility would charge. Nevertheless, utilities and consumer advocates claim that the PUCO’s decision does not provide enough protections for consumers.

The age-long debate over household sewage treatment systems continues into the 132nd General Assembly as Senator John Eklund has introduced legislation (SB 31) exempting certain local governments from the administrative rules developed by the Ohio Department of Health (ODH) in 2015 regulating the installation and maintenance of household sewage treatment systems. In 2010, ODH convened a rule advisory committee representing 43 organizations to review Ohio’s outdated regulations over household sewage treatment systems. The committee met for two years and ODH spent two more years meeting with stakeholders and the public to develop administrative rules to strike a balance between system costs and ensuring public safety from sewage. Senator Eklund’s bill would allow legislative authorities to pass a resolution to choose to be governed by the rules in effect prior to 2015, if the legislative authority can demonstrate that at least 90% of its household sewage treatment systems meet the standards prior to the 2015 rules and that the board of health has an established program to inspect and test systems. Senator Eklund has attempted similar legislation in the past; however, was unsuccessful in passing it. SB 31 has received two hearings before the Senate Energy and Natural Resources Committee.

CORD is once again finding itself defending against legislation aimed at changing how public entities select piping materials. Two bills, HB 121 and SB 95, have been introduced and have received hearings in their respective chambers. Advocates suggest the legislation increases competition and saves the state money. Opponents have raised concerns about the bills, saying that they have the potential to delay projects and could lead to bid protests and litigation over pipe selection. Of the two bills, HB 121 has garnered the most attention. In its three hearings before the House State and Local Government Committee dozens of witnesses have testified on the bill. The bill’s proponents have offered numerous amendments, none of which satisfy opponents’ concerns. Both bills have received hearings this fall, which indicate the strong advocacy efforts being implemented by proponents of the legislation.

The Ohio EPA is in the process of developing administrative rules regarding requirements for certified operators working in public water systems and wastewater treatment facilities. Included in the rule package is a provision that limits the amount of laboratory, pretreatment and engineering experience counted toward the necessary experience required to obtain certification. The proposed revision threatens to prevent highly qualified individuals from entering the operator profession, which will make it more burdensome for utilities in Ohio to find operators. CORD submitted comments on two separate occasions (May 2017 and September 2017) voicing its opposition to these changes. The EPA most recently held a webinar where they reviewed additional revisions as a result of the comments that were submitted. During that webinar the EPA indicated that it will be filing the rules with JCARR in the near future.

In other news, State Senator Cliff Hite (R-Findlay) recently resigned from the Ohio Senate, leaving an opening in the 1st Senate District. Senate President Larry Obhof announced the resignation took effect immediately and is currently in the process of finding a replacement to fill the seat. The Senate district consists of three House seats currently being held by Reps. Robert Sprague, Rob McColley and Craig Riedel – all Republicans who could be considered potential replacements. Mr. Hite, 63, chaired the Senate Agriculture Committee and was in the process of spearheading legislation dealing with wind farm setback rules. He was also the lead sponsor on SB 2, the EPA reform legislation aimed at improving Lake Erie’s water quality.

Ohio’s statewide office races are starting to take shape as two Republican primary contenders recently dropped out of the running. Rep. Dorothy Pelanda announced she will be exiting the secretary of state’s race, clearing the way for Senator Frank LaRose to secure the party’s nomination. Franklin County Auditor Clarence Mingo ended his campaign for state treasurer, and instead backed Rep. Robert Sprague for the Republican nomination.

On the federal level, Congressman Pat Tiberi, who has represented portions of central Ohio in Congress since 2000, announced he will not be seeking reelection and will instead take a position at the Ohio Business Roundtable. Tiberi, 54, was elected to the House in 2000, replacing John Kasich, who had once hired him as an aide in Kasich’s congressional office in Columbus. Tiberi, who grew up in Columbus, also served four terms in the Ohio House in the 1990s.

We have been tracking the following legislation during the 132nd General Assembly:

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| **HB3** | **DATAOHIO BOARD CREATION** (DUFFEY M, HAGAN C) 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 appropriations. | |
|  | ***Current Status:*** | 9/20/2017 - House Finance, (First Hearing) |
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| **HB26** | **TRANSPORTATION-PUBLIC SAFETY BUDGET** (MCCOLLEY R) To make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of those programs. | |
|  | ***Current Status:*** | 3/31/2017 - **SIGNED BY GOVERNOR**; Some provisions line-item vetoed, eff. 6/30/2017 |
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| **HB29** | **MUNICIPAL WATER RESERVOIR BUFFERS** (LELAND D, BOGGS K) To eliminate law authorizing the maintenance of buffers around municipal water reservoirs by contiguous property owners. | |
|  | ***Current Status:*** | 4/25/2017 - House Energy and Natural Resources, (First Hearing) |
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| **HB31** | **CONTRACTING ADVISORY COUNCIL-ABOLITION** (CUPP B) To abolish the Government Contracting Advisory Council. | |
|  | ***Current Status:*** | 10/11/2017 - **PASSED BY SENATE**; Vote 32-0 |
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| **HB40** | **GOVERNMENT EXPENDITURE DATABASE** (DEVER J, GREENSPAN D) To require the Treasurer of State to establish the Ohio State Government Expenditure Database. | |
|  | ***Current Status:*** | 2/28/2017 - House State and Local Government, (Third Hearing) |
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| **HB49** | **OPERATING BUDGET** (SMITH R) Creates FY 2018-2019 main operating budget. | |
|  | ***Current Status:*** | 8/22/2017 - Consideration of Governor's Veto |
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| **HB51** | **DEPARTMENT REVIEW SCHEDULE** (FABER K) To require standing committees of the General Assembly to establish a schedule for the periodic review and sunset of state departments that are currently in the Governor's cabinet, and to require that Auditor of State performance audits be scheduled to coincide with the periodic review. | |
|  | ***Current Status:*** | 5/16/2017 - **REPORTED OUT AS AMENDED**, House State and Local Government, (Fourth Hearing) |
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| **HB54** | **STATE REVENUE OBLIGATIONS** (BLESSING III L, GAVARONE T) To authorize the Treasurer of State to issue revenue obligations of the state for the purpose of making loans to qualifying public entities for their acquisition of permanent improvements through the Treasurer of State's purchase of public obligations of those qualifying entities. | |
|  | ***Current Status:*** | 9/26/2017 - **BILL AMENDED**, Senate Finance, (Fourth Hearing) |
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| **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. | |
|  | ***Current Status:*** | 10/11/2017 - **BILL AMENDED**, Senate Ways and Means, (Fifth Hearing) |
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| **HB103** | **FISCAL EMERGENCY PROVISIONS** (REINEKE W) To modify the composition and powers of the financial planning and supervision commission of a political subdivision that is in a state of fiscal emergency and to clarify the duties of that political subdivision. | |
|  | ***Current Status:*** | 7/17/2017 - **SIGNED BY GOVERNOR**; Eff. 90 days |
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| **HB114** | **RENEWABLE ENERGY STANDARDS** (BLESSING III L) To revise the provisions governing renewable energy, energy efficiency, and peak demand reduction and to alter funding allocations under the Home Energy Assistance Program. | |
|  | ***Current Status:*** | 10/18/2017 - Senate Energy and Natural Resources, (Third Hearing) |
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| **HB121** | **PIPE MATERIAL SPECIFICATIONS** (EDWARDS J) To require a public authority to consider all piping materials that meet the engineering specifications for a state-funded water or waste water project. | |
|  | ***Current Status:*** | 10/24/2017 - House State and Local Government, (Fourth Hearing) |
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| **HB122** | **ESTABLISH ECONOMIC STUDY COMMITTEE** (HAMBLEY S, ROGERS J) To establish a Regional Economic Development Alliance Study Committee to study the benefits and challenges involved in creating regional economic development alliances. | |
|  | ***Current Status:*** | 9/27/2017 - Referred to Committee Senate Government Oversight and Reform |
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| **HB163** | **PREVAILING WAGE PUBLIC IMPROVEMENT PROJECTS** (ROEGNER K, RIEDEL C) To allow political subdivisions, special districts, and state institutions of higher education to elect to apply the Prevailing Wage Law to public improvement projects. | |
|  | ***Current Status:*** | 9/19/2017 - House Economic Development, Commerce and Labor, (Second Hearing) |
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| **HB180** | **EQUAL PAY ACT** (CLYDE K, HOWSE S) 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. | |
|  | ***Current Status:*** | 5/1/2017 - Referred to Committee House Government Accountability and Oversight |
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| **HB221** | **PRIVATE PROPERTY SEWER AND WATER** (HOLMES G) To expressly include, as eligible projects under the State Capital Improvements Program administered by the Ohio Public Works Commission, water and sewer laterals located on private property. | |
|  | ***Current Status:*** | 5/23/2017 - Referred to Committee House Finance |
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| **HB249** | **RESIDENTIAL UTILITY RESELLING** (DUFFEY M) To permit the Public Utilities Commission to adopt rules governing residential utility reselling. | |
|  | ***Current Status:*** | 10/17/2017 - House Public Utilities, (Second Hearing) |
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| **HB254** | **POW/MIA REMEMBERANCE** (WIGGAM S) To enact the POW/MIA Remembrance Act requiring the POW/MIA flag to be displayed at certain buildings operated by the state on Armed Forces Day, Memorial Day, Flag Day, Independence Day, National POW/MIA Recognition Day, and Veterans' Day. | |
|  | ***Current Status:*** | 10/24/2017 - House Armed Services, Veterans Affairs and Homeland Security, (Third Hearing) |
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| **HB262** | **INDEPENDENT BUDGET PROCESS** (BUTLER, JR. J, ROMANCHUK M) To provide for the preparation of a state biennial budget independent of that submitted by the Governor and to authorize the Legislative Service Commission, upon the request of the Speaker of the House of Representatives or the President of the Senate, to arrange for an independent actuarial review of a proposed bill, specified analyses of economic policy initiatives and state benchmarking data, and a study of the state's long-range financial outlook. | |
|  | ***Current Status:*** | 6/20/2017 - Referred to Committee House Government Accountability and Oversight |
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| **HB267** | **LOCAL LIABILITY-VEHICLE NEGLIGENCE** (INGRAM C) To eliminate certain defenses to political subdivision liability for an employee's negligent operation of a motor vehicle and to reduce damages recoverable against a political subdivision in such actions by the contributory fault of the plaintiff or other parties. | |
|  | ***Current Status:*** | 9/20/2017 - House Civil Justice, (Second Hearing) |
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| **HB271** | **ACCESSIBILITY LAW VIOLATION NOTICE** (MCCOLLEY R, REZABEK J) To authorize an alleged aggrieved party to provide a notice of an alleged accessibility law violation in advance of filing a civil action and to establish the circumstances under which an alleged aggrieved party is entitled to attorney's fees in a civil action based on the violation. | |
|  | ***Current Status:*** | 10/24/2017 - House Civil Justice, (Third Hearing) |
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| **HB276** | **THREATENING UTILITY WORKERS** (REZABEK J, GREENSPAN D) To expand the offense of aggravated menacing to prohibit threatening a utility worker with intent to obstruct the operation of a utility. | |
|  | ***Current Status:*** | 10/10/2017 - House Criminal Justice, (Second Hearing) |
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| **HB291** | **EMPLOYEE DISHONESTY INSURANCE** (WIGGAM S) To authorize counties, townships, and municipal corporations to purchase an employee dishonesty and faithful performance of duty insurance policy, instead of a bond, for protection from loss due to the fraudulent or dishonest actions of, and the failure to perform a duty prescribed by law by, an officer, official, employee, or appointee for which a bond is required by law. | |
|  | ***Current Status:*** | 10/24/2017 - House State and Local Government, (Second Hearing) |
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| **HB303** | **SERVICE ANIMAL USE** (LIPPS S, KELLY B) To prohibit places of public accommodation from preventing the use of a service animal. | |
|  | ***Current Status:*** | 10/10/2017 - House Economic Development, Commerce and Labor, (First Hearing) |
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| **HB312** | **LOCAL GOVERNMENT CREDIT CARDS** (SCHURING K, GREENSPAN D) Regarding use of credit cards and debit cards by political subdivisions. | |
|  | ***Current Status:*** | 10/25/2017 - House Government Accountability and Oversight, (Fourth Hearing) |
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| **HB342** | **LOCAL TAX ISSUES-ELECTION DATES** (MERRIN D) To permit local tax-related proposals to appear only on general and primary election ballots and not on an August special election ballot and to modify the information conveyed in election notices and ballot language for property tax levies. | |
|  | ***Current Status:*** | 10/11/2017 - House Government Accountability and Oversight, (First Hearing) |
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| **HB371** | **TAXES ON UNSOLD PROPERTY** (MERRIN D) To exempt from property taxation the increased value of land subdivided for residential development until construction commences or the land is sold. | |
|  | ***Current Status:*** | 10/24/2017 - House Ways and Means, (First Hearing) |
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| **HB380** | **WORKERS COMP-ILLEGAL ALIENS** (SEITZ B, HOUSEHOLDER L) To prohibit illegal and unauthorized aliens from receiving compensation and certain benefits under Ohio's Workers' Compensation Law. | |
|  | ***Current Status:*** | 10/17/2017 - Referred to Committee House Insurance |
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| **SB2** | **ENVIRONMENTAL PROTECTIONS LAWS** (HITE C) To revise specified laws relating to environmental protection. | |
|  | ***Current Status:*** | 7/7/2017 - **SIGNED BY GOVERNOR**; eff. 90 days |
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| **SB3** | **WORKFORCE DEVELOPMENT** (BEAGLE B, BALDERSON T) To revise the laws governing the state's workforce development system, programs that may be offered by primary and secondary schools, certificates of qualification for employment, and the Opportunities for Ohioans with Disabilities Agency, and to designate the first week of May as In-Demand Jobs Week. | |
|  | ***Current Status:*** | 10/11/2017 - **REPORTED OUT AS AMENDED**, House Higher Education and Workforce Development, (Fifth Hearing) |
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| **SB31** | **HEALTH RULE WITHDRAW PROCESS** (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 by the Department of Health after January 1, 2014, that governs the design of household sewage treatment systems. | |
|  | ***Current Status:*** | 10/18/2017 - **BILL AMENDED**, Senate Energy and Natural Resources, (Second Hearing) |
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| **SB51** | **LAKE ERIE IMPROVEMENT DISTRICT** (SKINDELL M, EKLUND J) To authorize the creation of a special improvement district to facilitate Lake Erie shoreline improvement. | |
|  | ***Current Status:*** | 9/27/2017 - Senate Energy and Natural Resources, (Fourth Hearing) |
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| **SB72** | **PREVAILING WAGE LAW** (HUFFMAN M) To allow political subdivisions, special districts, and state institutions of higher education to elect to apply the Prevailing Wage Law to public improvement projects. | |
|  | ***Current Status:*** | 3/7/2017 - Referred to Committee Senate Finance |
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| **SB79** | **STATE DEPARTMENTAL REVIEW SCHEDULE** (JORDAN K) To require standing committees of the General Assembly to establish a schedule for the periodic review and sunset of state departments that are currently in the Governor's cabinet, and to require that Auditor of State performance audits be scheduled to coincide with the periodic review. | |
|  | ***Current Status:*** | 9/12/2017 - Referred to Committee House Government Accountability and Oversight |
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| **SB88** | **SUBDIVISION COMMISSIONS-FISCAL EMERGENCY** (TERHAR L) To modify the composition and powers of the financial planning and supervision commission of a political subdivision that is in a state of fiscal emergency and to clarify the duties of that political subdivision. | |
|  | ***Current Status:*** | 5/9/2017 - Referred to Committee House Government Accountability and Oversight |
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| **SB95** | **STATE PROJECTS-PIPING MATERIALS** (TERHAR L) To require a public authority to consider all piping materials that meet the engineering specifications for a state-funded water or waste water project. | |
|  | ***Current Status:*** | 10/25/2017 - Senate Energy and Natural Resources, (Second Hearing) |
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| **SB157** | **PUBLIC UTILITY RESELLING REGULATION** (BACON K) To regulate the reselling of public utility service. | |
|  | ***Current Status:*** | 6/28/2017 - **BILL AMENDED**, Senate Public Utilities, (Fourth Hearing) |
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| **SB168** | **MEDICAID EXPANSION** (JORDAN K) To prohibit the Medicaid program from covering the expansion eligibility group and to require aggregate General Revenue Fund appropriations for state agencies to be reduced by specified amounts for the biennium beginning July 1, 2017, and ending on June 30, 2019. | |
|  | ***Current Status:*** | 6/28/2017 - Referred to Committee Senate Finance |
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| **SB174** | **WAGE PROTECTIONS-FAIR ACT** (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. | |
|  | ***Current Status:*** | 9/7/2017 - Referred to Committee Senate Transportation, Commerce and Workforce |
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| **SJR4** | **CAPITAL IMPROVEMENTS FUNDING** (SCHIAVONI J) Proposing to enact Section 2t of Article VIII of the Constitution of the State of Ohio to permit the issuance of general obligation bonds to fund sewer and water capital improvements. | |
|  | ***Current Status:*** | 9/6/2017 - Senate Finance, (First Hearing) |