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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  **April 2021** |

The ongoing fight between Ohio’s lawmakers and Governor DeWine over executive authority during the pandemic escalated recently when the legislature successfully overrode a veto by Governor DeWine of legislation that would allow lawmakers to review and overturn state health orders. Both the House and Senate surpassed the 3/5 majority needed to override the governor’s veto of SB 22, which occurred the day before. The move marks the first veto override of Governor DeWine’s term and is the latest development in the back-and-forth between the governor and lawmakers. The override started in the Senate, where Senator Matt Dolan (R-Chagrin Falls) and Sen. Stephanie Kunze (R-Hilliard) joined all Democrats in opposition. The House then voted 62-35 to override the veto, with Rep. Andrea White (R-Kettering) as the only Republican voting against the measure. SB 22 will now take effect in 90 days, assuming there is no lawsuit. Leaders in both chambers feel confident that their actions are constitutional and that giving the legislature input and oversight into the health orders will withstand a challenge by critics. Governor DeWine attempted to negotiate a compromise; however, those efforts were rejected by lawmakers. President Huffman said the proposal came too late in the process and that those talks were hampered by the governor’s initial position that he would veto any measure that would restrict his ability to handle the pandemic.

The House continues its work on the nearly $75 billion FY22-23 operating budget. The House Finance Committee and subsequent sub-committees have been hearing from agencies on their proposed budget requests for the upcoming biennium as well as stakeholders asking for changes to the massive spending package. The lower chamber has signaled it would like to complete its deliberations by mid-April before sending the bill to the Senate for its review. The budget must be signed no later than June 30th.

The governor’s budget proposal includes continued funding for the H2Ohio Initiative, which was launched in late 2019 to reduce harmful algal blooms, improve wastewater infrastructure and address lead contamination. Total funding for the H2Ohio program in Fiscal Years 2022 through 2023 is approximately $240 million, which would be distributed among the Ohio Department of Natural Resources (ODNR), the Ohio Department of Agriculture (ODA), the Ohio EPA and the Ohio Lake Erie Commission.

Ohio EPA has requested $46 million in new H2Ohio funding for both upcoming fiscal years, up from less than $10 million a year in the current biennium. Director Laurie Stevenson told the House Finance Committee the recommended boost to H2Ohio funding is poised to "move the needle" on water quality in Ohio. OEPA's efforts so far have focused on addressing wastewater infrastructure, replacing failing home sewage treatment systems and removing lead service lines and fixtures in daycares. "While this is a significant increase from the current biennium, we know the needs of Ohio's communities for wastewater and drinking water projects are substantial, and we are confident that we can put all of our H2Ohio dollars to work for the benefits of Ohioans," Director Stevenson said.

ODNR Director Mary Mertz said her agency's requested H2Ohio share – $25 million in both years – would support efforts to maintain and create wetlands with the goal of nutrient reduction (both phosphorous and nitrogen), carbon sequestration, expanded acres of wildlife habitat, ODNR-led conservation education, and numerous excellent recreational opportunities. More than 40 wetlands representing about 80,000 acres have already been restored under the agency's inaugural H2Ohio work. Some of the H2Ohio wetlands will provide outdoor recreation opportunities for hunting, trapping, fishing, bird watching, walking, or paddling. Additionally, of the wetlands that will be managed by local park districts, many involve specific plans and investments in accessibility and recreational aspects.

ODA's share of H2Ohio support would be $50 million a year, which will drive expansion of its program to financially assist farmers in adopting best management practices. Currently 2,000 farmers – representing 1.1 million acres – are enrolled in 14 Maumee River Watershed counties and the department is seeking to expand that offering to 24 counties. In February, ODA began sending payments to the producers who are implementing the seven Best Management Practices (BMPs).

Lake Erie Commission Executive Director Joy Mulinex outlined her own agency's funding request, which is for $874,000 (+4.9%) in FY 2022 with the same funding level the second year of the biennium. The spending plan would provide the commission $125,000 each year in H2Ohio funds to be used to develop an H2Ohio Response Model to evaluate the impact of those water quality efforts. The commission had not received any H2Ohio dollars during the current budget, but has played a role in coordinating that work between the three main agencies.

Lawmakers approved the two-year transportation budget (HB 74) ahead of schedule and without much drama, sending the $8.3 billion package to Governor DeWine for a signature. Rarely seen with budget bills, HB 74 passed the Senate unanimously and was immediately brought up for a vote in the House, which voted 86-8 to concur with Senate amendments to the bill—thus avoiding the need to send the bill to a conference committee to reconcile differences. Transportation budgets generally must be passed by the end of March so the non-appropriations sections can become effective 90 days later, by July 1, the start of the new fiscal year.

Governor Mike DeWine named a former Franklin County judge to the Public Utilities Commission of Ohio. Former Franklin County Common Pleas Court Judge Jenifer French will chair the PUCO, bringing the commission back up to full membership following an appointment process that drew heightened attention given the ongoing criminal scandal tied to HB 6. But DeWine said although she lacks experience with utilities, he thinks having no background with the industry is a good thing right now, and that she has the needed skills. “A very smart judge," DeWine said, "someone who has a reputation of studying the facts, taking very complex set of facts, digging through that to come to a just resolution.” French replaces Sam Randazzo, who resigned last year after the FBI searched his home, looking into a $4 million payment from First Energy. Her term ends April 10, 2024, and the appointment is subject to Senate approval. Earlier this year, Governor DeWine reappointed former state appeals court judge Dennis Deters to a full term on the Commission.

Companion legislation (SB 110 and HB 167) offering $465 million in rent and utility assistance were introduced as the economic effects of the coronavirus pandemic continue to be felt. The money is part of a larger $2 billion in coronavirus relief stemming from the package enacted by Congress late last year. More than $2.5 billion in funding has already been approved to be distributed to Ohio's communities and schools as they emerge from the pandemic. The state previously distributed $55.2 million for mortgage, rent and utility assistance in October 2020. SB 110 passed the Senate unanimously and joins its House companion bill in the House Finance Committee.

Below is a list of legislation we are tracking during the 134th Ohio General Assembly:

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| **HB13** | **MODIFY THE CAMPAIGN FINANCE LAW** (GRENDELL D, FRAIZER M) To modify the campaign finance law and to declare an emergency. | |
|  | ***Current Status:*** | 3/25/2021 - House Government Oversight, (First Hearing) |
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| **HB20** | **PROHIBIT FORECLOSURES, EVICTION DURING COVID-19** (LELAND D, CROSSMAN J) To prohibit foreclosure activity and the eviction of residential and commercial tenants during the state of emergency declared regarding COVID-19, to refer such proceedings caused by the state of emergency to mediation, and to declare an emergency. | |
|  | ***Current Status:*** | 3/23/2021 - House Civil Justice, (Second Hearing) |
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| **HB43** | **PUBLIC BODIES - ELECTRONIC MEETINGS** (SOBECKI L, HOOPS J) To authorize public bodies to meet via teleconference and video conference. | |
|  | ***Current Status:*** | 2/11/2021 - House Government Oversight, (First Hearing) |
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| **HB63** | **AMEND EMINENT DOMAIN LAWS** (CUTRONA A, STOLTZFUS R) To amend the law regarding eminent domain and to declare an emergency. | |
|  | ***Current Status:*** | 3/2/2021 - House Civil Justice, (Second Hearing) |
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| **HB90** | **OVERSIGHT OF GOVERNOR'S AND HEALTH ORDERS** (WIGGAM S, EDWARDS J) To establish legislative oversight of the Governor's executive orders, certain public health orders, and emergency rules, including by establishing the Ohio Health Oversight and Advisory Committee. | |
|  | ***Current Status:*** | 2/24/2021 - **SUBSTITUTE BILL ACCEPTED**, House State and Local Government, (Third Hearing) |
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| **HB91** | **AUTHORIZE CERTAIN PUBLIC-PRIVATE INITIATIVES** (PATTON T) To authorize certain public entities to enter into public-private initiatives with a private party through a public-private agreement regarding public facilities. | |
|  | ***Current Status:*** | 3/10/2021 - House Infrastructure and Rural Development, (First Hearing) |
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| **HB103** | **REGARDS ADOPTION/DURATION EMERGENCY RULES** (MERRIN D) Regarding the adoption and duration of emergency administrative rules. | |
|  | ***Current Status:*** | 3/24/2021 - House State and Local Government, (Second Hearing) |
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| **HB110** | **OPERATING BUDGET** (OELSLAGER S) To make operating appropriations for the biennium beginning July 1, 2021, and ending June 30, 2023, to levy taxes, and to provide authorization and conditions for the operation of state programs. | |
|  | ***Current Status:*** | 3/11/2021 - House Finance, (Seventh Hearing) |
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| **HB146** | **REGARDS APPLYING PREVAILING WAGE LAW TO PUBLIC PROJECTS** (RIEDEL C, MANCHESTER S) 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:*** | 3/3/2021 - House Commerce and Labor, (First Hearing) |
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| **HB158** | **PROHIBIT USE OF CERTAIN FIREFIGHTING FOAM FOR TESTING/TRAINING** (BALDRIDGE B) To prohibit the use of class B firefighting foam containing intentionally added PFAS chemicals for testing and training purposes. | |
|  | ***Current Status:*** | 3/24/2021 - House Commerce and Labor, (First Hearing) |
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| **HB167** | **PROVIDE RENT, UTILITY ASSISTANCE** (OELSLAGER S) To provide rent and utility assistance and to make an appropriation. | |
|  | ***Current Status:*** | 3/25/2021 - **BILL AMENDED**, House Finance, (Second Hearing) |
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| **HB175** | **DEREGULATE CERTAIN EPHEMERAL WATER FEATURES** (HILLYER B) To deregulate certain ephemeral water features under various water pollution control laws. | |
|  | ***Current Status:*** | 3/23/2021 - House Agriculture and Conservation, (First Hearing) |
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| **HB177** | **ALLOW GOVERNMENTS TO USE BLOCKCHAIN** (CARFAGNA R, FRAIZER M) To allow a governmental entity to utilize distributed ledger technology, including blockchain technology. | |
|  | ***Current Status:*** | 3/24/2021 - House Technology and Innovation, (Second Hearing) |
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| **HB202** | **VOID ORDERS REQUIRING FACIAL COVERINGS** (POWELL J) To void the order of the Interim Director of Health requiring the use of facial coverings throughout the state and prohibit the Governor or other administrative department heads from requiring the use of facial coverings without approval by the General Assembly. | |
|  | ***Current Status:*** | 3/16/2021 - Referred to Committee House Government Oversight |
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| **HR19** | **URGE CONGRESS TO CREATE NATIONAL INFRASTRUCTURE BANK** (SOBECKI L, STEPHENS J) To urge the United States Congress to create a National Infrastructure Bank to finance urgently needed infrastructure projects. | |
|  | ***Current Status:*** | 2/24/2021 - House Infrastructure and Rural Development, (First Hearing) |
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| **SB9** | **REDUCE REGULATIONS** (MCCOLLEY R, ROEGNER K) To require certain agencies to reduce the number of regulatory restrictions in their administrative rules. | |
|  | ***Current Status:*** | 3/16/2021 - Referred to Committee House Government Oversight |
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| **SB15** | **FISCAL OFFICERS-LIABILITY** (WILSON S) To change the circumstances in which certain fiscal officers may be held liable for a loss of public funds. | |
|  | ***Current Status:*** | 3/24/2021 - Referred to Committee House State and Local Government |
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| **SB19** | **WETLAND MITIGATION-PROPERTY TAX** (SCHAFFER T) To establish a property tax exemption for certain property used for wetland mitigation projects. | |
|  | ***Current Status:*** | 3/16/2021 - House Ways and Means, (Second Hearing) |
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| **SB22** | **LEGISLATIVE OVERSIGHT-PUBLIC HEALTH ORDERS** (JOHNSON T, MCCOLLEY R) To establish legislative oversight of orders issued by the executive branch, including by establishing the Ohio Health Oversight and Advisory Committee. | |
|  | ***Current Status:*** | 3/24/2021 - Consideration of Governor's Veto; House Overrides Veto, Vote 62-35 |
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| **SB27** | **AUTOMATIC ENROLLMENT-DEFERRED COMPENSATION** (HOTTINGER J) To authorize automatic enrollment of new state government employees in the Ohio Public Employees Deferred Compensation Program. | |
|  | ***Current Status:*** | 3/24/2021 - House Insurance, (First Hearing) |
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| **SB39** | **COOPER'S LAW - CRIMES & RECORD RETENTION** (SCHAFFER T) To eliminate the 20-year statute of limitation for felonious assault and aggravated assault if the victim is a peace officer, to modify the law regarding records retention schedules developed by counties, municipal corporations, and townships, to modify the penalties for aggravated assault, tampering with evidence, falsification, and falsification in a theft offense, and to name this act Cooper's Law. | |
|  | ***Current Status:*** | 2/9/2021 - Senate Judiciary, (First Hearing) |
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| **SB56** | **INDEMNITY-DESIGN CONTRACTS** (BLESSING III L) To regulate the use of indemnity provisions in professional design contracts related to public improvements. | |
|  | ***Current Status:*** | 3/2/2021 - Senate Judiciary, (First Hearing) |
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| **SB78** | **JUNETEENTH-LEGAL HOLIDAY** (CRAIG H, BRENNER A) To establish the nineteenth of June as Juneteenth, a legal holiday for which government employees receive paid leave. | |
|  | ***Current Status:*** | 2/24/2021 - Referred to Committee Senate Government Oversight and Reform |
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| **SB83** | **BROWNFIELDS** (WILLIAMS S, RULLI M) To require the Ohio Environmental Protection Agency to conduct a study to determine where brownfield sites are located in this state and to make an appropriation. | |
|  | ***Current Status:*** | 3/23/2021 - Senate Agriculture and Natural Resources, (Second Hearing) |
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| **SB84** | **CLEAN OHIO REVITALIZATION FUND** (WILLIAMS S, RULLI M) To make changes to the law relating to the Clean Ohio Revitalization Fund. | |
|  | ***Current Status:*** | 3/23/2021 - Senate Agriculture and Natural Resources, (Second Hearing) |
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| **SB95** | **REGULATE UTILITY RESELLERS** (MAHARATH T) To require refunds to utility customers who have been improperly charged and to regulate certain resellers of utility service. | |
|  | ***Current Status:*** | 3/31/2021 - Senate Energy and Public Utilities, (First Hearing) |
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| **SB96** | **PREVENT UTILITY DISTRUPTION-COVID** (WILLIAMS S) To prevent the disruption of utility service during the state of emergency declared regarding COVID-19 and to declare an emergency. | |
|  | ***Current Status:*** | 3/31/2021 - Senate Energy and Public Utilities, (First Hearing) |
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| **SB105** | **MINORITY BUSINESS ENTERPRISES** (SYKES V, SCHURING K) To require political subdivisions to recognize state certifications of minority business enterprises. | |
|  | ***Current Status:*** | 3/24/2021 - Senate Small Business and Economic Opportunity, (Second Hearing) |
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| **SB110** | **RENT, UTILITY ASSISTANCE** (O'BRIEN S, WILSON S) To provide rent and utility assistance and to make an appropriation. | |
|  | ***Current Status:*** | 3/24/2021 - Referred to Committee House Finance |
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| **SB131** | **LICENSURE RECIPROCITY** (ROEGNER K, MCCOLLEY R) To require an occupational licensing authority to issue a license or government certification to an applicant who holds a license, government certification, or private certification or has satisfactory work experience in another state under certain circumstances and to amend the version of section 3319.22 of the Revised Code that is scheduled to take effect on April 12, 2023, to continue the changes on and after that date. | |
|  | ***Current Status:*** | 3/17/2021 - Referred to Committee Senate Workforce and Higher Education |
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| **SB143** | **ADOPT MAXIMUM CONTAMINANT LEVEL-ALUMINUM** (O'BRIEN S) To require the Director of Environmental Protection to adopt a maximum contaminant level for aluminum in drinking water. | |
|  | ***Current Status:*** | 3/24/2021 - Referred to Committee Senate Agriculture and Natural Resources |