Update on House Bill 163

Earlier this year, Rep. Tom Brinkman (R-Cincinnati) introduced House Bill 163, which proposes to create a process for withholding local government funds and state water and sewer assistance from municipal corporations that charge higher rates to residents of extraterritorial areas than what is charged to municipal residents for water services. In the prior General Assembly, Governor Kasich vetoed a similar provision that was included in the operating budget that singled out the City of Columbus for penalties for similar actions related to providing water service to other political subdivisions.

House Bill 163 has been referred to the House Public Utilities Committee, chaired by Rep. Jaime Callender (R-Concord), and has received five hearings thus far. The committee has heard testimony from three proponents, including the Ohio Township Association, and 12 opponents, including the Ohio Municipal League, Ohio Mayors Alliance, and the Association of Ohio Metropolitan Wastewater Agencies.

At the most recent hearing on September 26th, the committee accepted three amendments that were offered by Rep. Bill Seitz (R-Cincinnati). The first amendment, identifying the civil action created in the bill as a request for declaratory judgement, was accepted unanimously. The other two amendments were accepted along party lines. This included an amendment requiring public utility contracts signed before any effective date of the bill to continue for the stated life of the agreement. The other contested amendment according to Seitz prevents a “proliferation of lawsuits over relatively trivial surcharges” by creating a “safe harbor” provision to limit add-on charges to customer jurisdictions up to 125 percent, which reflects the practices of most supplier cities in Ohio. The House Public Utilities Committee is not scheduled to meet this week.

MORPC’s Regional Policy Roundtable meeting convened a special meeting on October 1, 2019. Steve Tugend and Andy Shifflette of Kegler Brown Hill + Ritter informed members on House Bill 163 and its potential impact to economic development in Central Ohio. MORPC staff will continue to monitor the bill and inform members of any updates to the legislation.
HB 6

Attorney General Dave Yost said his office is reviewing reports of intimidation against people gathering signatures for a potential HB6 [Callender-Wilkin] referendum and encouraged anyone who has experienced such an incident to report it to his office. Yost told reporters in a press conference in Twinsburg that most of what his office has heard has been anecdotal through news reports or on social media and that’s why he wants signature gatherers who experience harassment and intimidation to report them to his office by calling 1-800-282-0515.

Because the former campaign manager for then-Attorney General Mike DeWine and another veteran of Ohio Republican Party (ORP) leadership find themselves on opposing sides of controversial HB6 [Callender-Wilkin] energy subsidies, three Ohio Supreme Court justices whose campaigns were managed by the two men have withdrawn from the case on the legality of the anti-HB6 petition. Justices Judith French, Patrick Fischer and Patrick DeWine, whom political consultant and former ORP deputy finance director Trevor Vessels advised in previous Supreme Court races, recused themselves from the FirstEnergy lawsuit to halt Ohioans Against Corporate Bailouts’ ballot referendum.

Supporters of energy subsidy law HB6 [Callender-Wilkin] have taken to the streets to “Stop foreign ownership of our electric grid” and to petition the General Assembly to join their efforts. Ohioans for Energy Security, backers of a major ad buy linking Ohioans Against Corporate Bailouts’ anti-HB6 referendum campaign to a Chinese takeover of the state energy grid, is now circulating its own unofficial petition. The group’s spokesman, Carlo Loparo, says the petition isn’t an actual attempt to compel the Legislature to hear a citizen-initiated statute, but rather an “informal” effort to measure Ohioans’ support for HB6.

Census

Members of the Ohio Census 2020 Complete Count Commission provide “vital components” to the effort to ensure as many Ohioans are counted as possible, commission chair Lydia Mihalik said at the group’s first meeting. Gov. Mike DeWine also told reporters the members represent a cross-section of Ohio and will be “ambassadors” in the effort. DeWine said the census numbers will affect Ohio’s number of representatives in Congress and federal funding for the state and local governments.

Data from the U.S. Census Bureau’s recently released American Community Survey [ACS] provides a broad look at life in Ohio, covering areas such as demographics, economics, housing, health care, education and transportation. ACS data indicate that Ohio typically mirrors nationwide trends, with slight deviations and a few significant exceptions. The data were based on five-year averages from 2013 through 2017. For example, the living situations and romantic relationships of Ohioans broadly align with the rest of the nation. Ohio households are comprised of 46.4 percent married-couple families, 17.4 percent “other families,” 30.0 percent people living alone, and 6.2 percent other nonfamily households.

Elections 2020

Mehek Cooke, a small business attorney, announced that she will be running for the Republican nomination for the 21st House District. The seat is currently held by Rep. Beth Liston [D-Dublin], who is expected to seek re-election.

Energy

Ohio ranks ninth in the nation for the most “energy efficiency” (EE) jobs, according to a report from E4The Future and Environmental Entrepreneurs (E2), with 81,676 total jobs in 2018. That number increased from 79,653 in 2017 and 78,764 in 2016. The report defines EE jobs as “delivery of goods and services that lower energy use by improving technologies, appliances, buildings and energy systems” and said the field was the fastest-growing energy industry for the second year in a row, accounting for around half of the sector’s entire job growth in 2018. EE jobs grew by 3.4 percent nationally in 2018, more than double the overall rate, and the projected growth for 2019 is 7.8 percent.
Gov. Mike DeWine said he has directed the Ohio Environmental Protection Agency (Ohio EPA) and Ohio Department of Health (ODH) to analyze the prevalence of per- and polyfluoroalkyl substances (PFAS) in Ohio’s drinking water. PFAS are manmade chemicals that are used in products such as carpeting, upholstery, cookware, food packaging and firefighting foam. PFAS contamination from manufacturing operations and firefighting activities can migrate through soil, posing potential contamination threats to surface and ground waters. Although the health impacts of PFAS are not fully known, some studies show that two specific chemicals within the PFAS family, PFOA and PFOS, could negatively affect health. There are currently no drinking water standards for PFAS compounds, but the USEPA established a health advisory level of 70 parts per trillion for PFOA and PFOS in drinking water.

As the December filing deadline for the 2020 ballot approaches, there are currently 19 members of the General Assembly who won’t be able to seek re-election because of term limits. That number will drop by the end of the 133rd General Assembly as Rep. Ryan Smith (R-Bidwell) resigned in early October and Rep. Louis Blessing III (R-Cincinnati) was just selected to fill a vacant Senate seat. Other lawmakers might seek other appointments before the end of their terms next December, 2020. In the House, there are 14 members ineligible to seek re-election due to term limits. Of those 14, 10 are Republicans: Smith, Blessing, John Becker (R-Cincinnati), Jim Butler (R-Dayton), Anthony DeVitis (R-Uniontown), Doug Green (R-Mt. Orab), Ron Hood (R-Ashville), Rick Perales (R-Beavercreek), Mark Romanchuk (R-Mansfield) and Gary Scherer (R-Circleville). In the Senate, five members — all Republicans — are term-limited. They are Sens. Dave Burke (R-Marysville), William Coley (R-West Chester), John Eklund (R-Chardon), Peggy Lehner (R-Kettering) and Senate President Larry Obhof (R-Medina).

Appointments made include the following:

» **Michael H. Keenan of Dublin** (Franklin County), reappointed to the Ohio Air Quality Development Authority for a term beginning July 1, 2019 and ending June 30, 2027.

» **Ryan A. Craig of Mount Sterling** (Madison County), to the Mount Sterling Financial Planning & Supervision Commission for a term beginning Sept. 9, 2019 and continuing at the pleasure of the governor.

DeWine also declined to offer specific comments when asked whether foreign governments, particularly the Chinese government, are trying to take over Ohio’s power grid as suggested in recent ads critical of the effort to repeal HB6 (Callender-Wilkin).

A divided Ohio Supreme Court once again has struck down municipal residency requirements in Cleveland v. State and upheld 131-HB180’s (Maag) ban on employment quotas in government contracts based on the Ohio Constitution’s declaration in Article II, Section 34 that “[l]aws may be passed ... providing for the comfort, health, safety and general welfare of all employees.” Leading the three-member dissent, Chief Justice Maureen O’Connor said Cleveland’s scuttled mandate on government contractors “does not exclude or regulate workers” the way more general public employee residency requirements did in Lima v. Ohio (2009) — an appeal to Article II, Section 34 which O’Connor had supported and former Chief Justice Tom Moyer had opposed.
Local Government
Trails are an economic boon to communities and serve both recreational and transportation purposes, local officials testified in the House Civil Justice Committee, arguing that eminent domain powers granted to local government groups are an effective but rarely-used tool to acquire land for the public good. Opponents provided testimony on HB288 (Manning), which would prohibit the use of eminent domain to appropriate land for trails. The bill, and its included emergency clause, stem from a case in Mill Creek Metro Park in Northeast Ohio, where residents have opposed turning over land for a trail. There are pending legal cases over the matter.

People
The Ohio Air Quality Development Authority (OAQDA) announced that James Simon has been elected chair of the agency. Simon succeeds Michael Keenan, who had served as chair since Jan. 1, 2013. Keenan was recently reappointed by Gov. Mike DeWine and will now serve as vice chair of the agency, OAQDA said.

Transportation/Infrastructure
The U.S. Department of Transportation awarded an Ohio team $7.5 million for research to develop and deploy automated vehicles for rural roads and highways. DriveOhio, the Ohio Department of Transportation’s (ODOT) autonomous and connected vehicle initiative; Transportation Research Center (TRC); Ohio State University; Ohio University; and the University of Cincinnati are partners in the project and will contribute an additional $10.3 million, bringing the project total to nearly $18 million.

A recent study by the AAA Foundation for Traffic Safety found that car crash fatalities involving drivers who ran red lights are at a 10-year high, according to national data on traffic fatalities. Nationwide, 939 people were killed in red light running crashes in 2017, a 28 percent increase since 2012.

The House Transportation and Public Safety Committee began hearings on legislation that would create default regulations for low-speed electric scooters around the state, although the sponsor told the committee the bill would not supersede regulations adopted by local governments. Rep. Jim Hoops (R-Napoleon) said HB295 (Hoops) was in the House-passed version of HB62 (Oelslager), the transportation budget, but did not make the final version. He said the language had been carefully negotiated by low-speed electric scooter companies and organizations supporting local governments.

The House Finance Committee’s Transportation Subcommittee was told that the Ohio Department of Transportation (ODOT) has identified at least $11 million in savings and efficiencies as part of a pledge the agency’s director made to the General Assembly during discussions on the transportation budget, HB62 (Oelslager). At that time, ODOT Director Jack Marchbanks said his agency would work to find $100 million in savings over the next four years. The transportation subcommittee, continuing its hearings as part of what Chairman Dave Greenspan (R-Westlake) said is the House’s oversight into transportation issues, heard from ODOT Deputy Director William O’Gorman who said that 750 ideas have been generated from all levels of ODOT, and the agency has identified and approved roughly $11 million in savings so far.

Utilities
One Source Energy, a natural gas distributor ordered to shut down on September 13 by state regulators, won a short reprieve this week to accommodate its sale to another company. Northeast Ohio Natural Gas Corp., based in the Fairfield County village of Pleasantville, filed a request Wednesday for a one-week delay in the shutdown order to enable it to acquire One Source’s assets in Trumbull County and avoid interrupting service to customers.

The Public Utilities Commission of Ohio (PUCO) approved a pair of policy proposals Wednesday supporting low-income Ohioans’ access to electric and natural gas service, adopting a Winter Reconnect Order and revised rates on all Ohio ratepayers in support of the Universal Service Fund (USF).
Top News

The Public Utilities Commission of Ohio (PUCO) moved forward on determining a final billing charge to ratepayers in support of the Ohio Valley Electric Corporation (OVEC), one of three energy subsidies in HB6 (Callender-Wilkin), but delayed a decision on staff findings that the 13-state wholesale market is flush with energy without American Electric Power’s (AEP) proposed solar and wind projects. All Ohio electric customers will pay the OVEC subsidy under HB6, including FirstEnergy ratepayers who have no ownership stake in the aging coal plants. PUCO has now opened a public comment period on rate design for the non-bypassable bill rider.

The Ohio Air Quality Development Authority’s (OAQDA) is set to begin seven-year payments of $1.05 billion for nuclear and $140 million for solar by next March — long before the ballot campaign to overturn HB6 could go before voters.

Workers’ Compensation
The Ohio Bureau of Workers’ Compensation (BWC) Board of Director’s approved rate reductions for 3,900 public employers based on an average 10 percent cut of $17.8 million adopted by members last month - aside from January’s 12 percent drop, the biggest government rate reduction since 2010. Starting in 2020, public hospitals, public works relief employers (PWRE) and public libraries will enjoy the largest cuts of 26.2 percent, 20.9 percent and 17.9 percent, respectively. Counties (6.5 percent), special public institutions (5.9 percent) and transit authorities (5.2 percent) will take the low end of the scale. Volunteer emergency medical services (EMS) will see no rate reduction; all other government employers, including municipalities, townships and schools, will fall somewhere in the middle.
### Legislative Updates

**Goal 1: Promote regionalism at the local, state, and federal levels of government fostering economic growth, prosperity, efficient use of resources, and a high quality of life for Central Ohio residents.**

<table>
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<th>Bill</th>
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<tr>
<td><strong>HB54</strong></td>
<td>LGF TAX REVENUE INCREASE (CERA J, ROGERS J) To increase the proportion of state tax revenue allocated to the Local Government Fund from 1.66% to 3.53% beginning July 1, 2019.</td>
<td>2/12/2019 - Referred to Committee House Ways and Means</td>
<td><a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-54">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-54</a></td>
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<td><strong>HB72</strong></td>
<td>CAPITAL IMPROVEMENTS FUND (ROGERS J, CERA J) To create the Supplemental State Capital Improvements Pilot Program funded by a temporary transfer from the Budget Stabilization Fund and to make an appropriation.</td>
<td>2/20/2019 - Referred to Committee House Finance</td>
<td><a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-72">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-72</a></td>
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<td><strong>HB84</strong></td>
<td>CAPITAL IMPROVEMENTS-SEWER LATERALS (HOLMES G) To expressly include, as eligible projects under the State Capital Improvements Program, water and sewer laterals located on private property.</td>
<td>3/27/2019 - House State and Local Government, (First Hearing)</td>
<td><a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-84">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-84</a></td>
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<td><strong>HB124</strong></td>
<td>RESIDENTIAL SMALL LIVESTOCK (BRINKMAN T) To allow an owner of residential property to keep small livestock on the property and to prohibit zoning authorities from regulating certain noncommercial agricultural activities on residential property.</td>
<td>3/12/2019 - Referred to Committee House Agriculture and Rural Development</td>
<td><a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-124">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-124</a></td>
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<td><strong>HB133</strong></td>
<td>MILITARY-TEMPORARY LICENSURE (PERALES R, WEINSTEIN C) To require state occupational licensing agencies, under certain circumstances, to issue temporary licenses or certificates to members of the military and spouses who are licensed in another jurisdiction and have moved to Ohio for military duty.</td>
<td>10/2/2019 - Senate Transportation, Commerce and Workforce, (First Hearing)</td>
<td><a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-133">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-133</a></td>
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<td><strong>HB149</strong></td>
<td>PROPERTY TAX EXEMPT-RESIDENTIAL SUBDIVISION (MERRIN D) To enact the “Affordable Homebuilding and Housing Act” to temporarily exempt from property tax the increased value of land subdivided for residential development.</td>
<td>4/10/2019 - House Economic and Workforce Development, (Second Hearing)</td>
<td><a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-149">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-149</a></td>
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<td><strong>HB152</strong></td>
<td>TAX LEVY-SUBDIVISION CREATOR (BRINKMAN T) To require certain subdivisions to obtain the approval of the body that created the subdivision before levying a tax.</td>
<td>4/10/2019 - House State and Local Government, (First Hearing)</td>
<td><a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-152">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-152</a></td>
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<tr>
<td><strong>HB163</strong></td>
<td>WATER AND SEWER PRACTICES (BRINKMAN T) To create a process for withholding local government funds and state water and sewer assistance from municipal corporations that engage in certain water and sewer practices with respect to extraterritorial service.</td>
<td>9/26/2019 - BILL AMENDED, House Public Utilities, (Fourth Hearing)</td>
<td><a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-163">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-163</a></td>
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HB242  CONTAINER USE RESTRICTIONS (LANG G, JONES D) To authorize the use of an auxiliary container for any purpose, to prohibit the imposition of a tax or fee on those containers, and to apply existing anti-littering law to those containers.

HB252  LAND REUTILIZATION [GREENSPAN D] To create the Land Reutilization Demolition Program and to make an appropriation.
Current Status: 6/30/2019 - Re-Referred to Committee

HB287  MEDICAID WAIVER-MILITARY (RUSSO A, PERALES R) Regarding Medicaid home and community-based waiver services for relatives of active duty military.

SB7  TEMP STATE OCCUPATIONAL LICENSES-MILITARY (LEHNER P, HACKETT R) Regarding temporary state occupational licenses for members of the military and their spouses.
Current Status: 10/9/2019 - House Armed Services and Veterans Affairs, [Second Hearing]

SB8  TAX CREDITS-OHIO OPPORTUNITY ZONE [SCHURING K] To authorize tax credits for investments in an Ohio Opportunity Zone.

SB39  MIXED USE DEVELOPMENT PROJECTS-TAX CREDIT [SCHURING K] To authorize an insurance premiums tax credit for capital contributions to transformational mixed use development projects.
Current Status: 6/30/2019 - Referred to Committee House Economic and Workforce Development

SB114  NOISE REGULATION-TOWNSHIPS (HOTTINGER J) To expand the authority of a township to regulate noise within the unincorporated area of the township.
Current Status: 5/21/2019 - Senate Local Government, Public Safety and Veterans Affairs, [Second Hearing]

SB206  MUNICIPAL CORPORATIONS-TAX CREDIT [SCHAFFER T] To require municipal corporations with more than $100 million in annual income tax collections to provide a tax credit to nonresident taxpayers.
Current Status: 9/30/2019 - Introduced

SB212  AUTHORIZE TOWNSHIPS-EXEMPT PROPERTY TAX [SCHURING K] To authorize townships and municipal corporations to designate areas within which new homes and improvements to existing homes are wholly or partially exempted from property taxation.
Current Status: 10/7/2019 - Introduced
### Legislative Updates

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<tr>
<td><strong>SB132</strong></td>
<td>GAS TAX-LOCAL GOVERNMENT ALLOCATION [WILLIAMS S] To modify the amount of revenue derived from any increase in the motor fuel tax rate that is allocated to local governments and to change the manner in which that revenue is divided between municipal corporations, counties, and townships.</td>
<td>5/1/2019 - Referred to Committee Senate Transportation, Commerce and Workforce</td>
<td><a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-132">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-132</a></td>
</tr>
</tbody>
</table>
SB204  AIRPORT DEVELOPMENT DISTRICT (SCHURING K, SYKES V) To authorize the creation of an airport development district for the purpose of funding public infrastructure improvements and attracting airlines and additional flights to a qualifying airport.

Current Status: 9/30/2019 - Introduced

Goal 3: Pursue sustainability solutions that protect and conserve our natural resources and promote a diverse supply of clean, affordable, and reliable sources of energy for our growing region.

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<tbody>
<tr>
<td>HB7</td>
<td>H2OHI0 PROGRAM [GHANBARI H, PATTERSON J] To create the H2Ohio Trust Fund for the protection and preservation of Ohio’s water quality, to create the H2Ohio Advisory Council to disburse money from the Fund for water quality programs, and to create the H2Ohio Endowment Board to make recommendations to the Treasurer of State regarding the issuance of securities to pay for costs related to the purposes of the Fund.</td>
<td>7/17/2019 - Referred to Committee Senate Finance</td>
<td><a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-7">Link</a></td>
</tr>
<tr>
<td>HB260</td>
<td>CLEAN ENERGY JOBS [DENSON S, WEINSTEIN C] To maintain operations of certified clean air resources, establish the Ohio generation and jobs incentive program and the energy performance and waste reduction program, and make changes regarding wind turbine siting.</td>
<td>5/28/2019 - Referred to Committee House Energy and Natural Resources</td>
<td><a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-260">Link</a></td>
</tr>
<tr>
<td>HB264</td>
<td>WATER DEVELOPMENT-LOAN REFINANCING [WILKIN S, O’BRIEN M] To allow the Ohio Water Development Authority to provide for the refinancing of loans for certain public water and waste water infrastructure projects.</td>
<td>6/19/2019 - House State and Local Government, (First Hearing)</td>
<td><a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-264">Link</a></td>
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<tr>
<td>SB2</td>
<td>STATEWIDE WATERSHED PLANNING [PETERSON B, DOLAN M] To create a statewide watershed planning structure for watershed programs to be implemented by local soil and water conservation districts.</td>
<td>6/19/2019 - Referred to Committee House Energy and Natural Resources</td>
<td><a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-2">Link</a></td>
</tr>
<tr>
<td>SJR1</td>
<td>CLEAN WATER IMPROVEMENTS [GAVARONE T, O’BRIEN S] 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 clean water improvements.</td>
<td>10/1/2019 - Senate Finance, (First Hearing)</td>
<td><a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SJR-1">Link</a></td>
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**Goal 4:** Promote effective data policies and the equitable deployment of digital infrastructure that benefit Central Ohio communities.

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<tbody>
<tr>
<td><strong>HB46</strong></td>
<td>State Govt Expenditure Database (Greenspan D) To require the Treasurer of State to establish the Ohio State Government Expenditure Database.</td>
<td>10/2/2019 - PASSED BY HOUSE; Vote 92-0</td>
<td><a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-46">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-46</a></td>
</tr>
<tr>
<td><strong>HB190</strong></td>
<td>Fiber Broadband Development (Smith R) To create the Ohio Broadband Development Grant Program, to encourage the Department of Transportation to work with telecommunications providers to lay fiber optic cable, and to make an appropriation.</td>
<td>4/10/2019 - Referred to Committee House Finance</td>
<td><a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-190">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-190</a></td>
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