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# STATEHOUSE REPORT

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January 24, 2014

## House overwhelmingly passes SJR 6 – sends decision on reauthorization of Public Works Program to Ohio voters

On Wednesday, January 22<sup>nd</sup>, members of the Ohio House of Representatives joined their Senate counterparts in approving Senate Joint Resolution 6 ([SJR 6](#)). This legislation would reauthorize the State Capital Improvement Program for another ten years, while increasing the total funding by \$25 million for the first 5 years, and \$50 million for the final 5 years. This would account for an increase of \$525 million throughout the life of the program, totaling \$1.875 billion in assistance to local governments throughout the State of Ohio.



An attempt was made by House Democrats to propose an amendment that would increase the funding to \$200 million for the first 5 years, and \$250 million for the final 5 years of the 10-year authorization period. Representative Nickie Antonio described this legislation as an opportunity to expand aid to communities in light of cuts made in the past to local government funds. Rep. Antonio also commented on the ever growing need for infrastructure improvements throughout Ohio. This amendment was tabled, along with an amendment to reduce the required amount of local contributions.

Not surprisingly, [SJR 6](#) passed in overwhelming fashion. All but two members (Reps. John Becker and Ron Hood) voted in favor of the resolution. As a result, Ohio voters will be asked on the May ballot to renew the program for another 10 years. This issue has had a long history of success with voters throughout Ohio. While many around the statehouse expect a similar result in May, a statewide campaign is likely to take place to help bolster public support of this program in local communities across Ohio.

If you would like further information about this legislation, please contact CCAO Managing Director of Research Brad Cole at [bcole@ccao.org](mailto:bcole@ccao.org).

## Hearings continue on House severance tax proposal

Members of the House of Representative's Ways and Means Committee worked long into the night to hear numerous parties interested in the outcome of the proposed severance tax bill, [HB 375](#). On Wednesday, January 22<sup>nd</sup>, the Ways and Means Committee held their fourth hearing on the bill that has received a significant amount of attention from both sides of the aisle.

Among the 19 representatives from organizations and communities throughout eastern Ohio were Harrison County Commissioners, Don Bethel and Dale Norris. Both Commissioners spoke to the significant need for revenue funding to be directed back to the counties impacted throughout the drilling process. Commissioner Bethel began his testimony by stating, "When a non-renewable asset is removed from an area, that area is justified in asking for compensation for the loss of those assets". This statement was one that was echoed by many witnesses throughout the evening as they delivered their own testimony before the committee.



Commissioner Bethel continued his testimony by depicting the many lasting impacts that will likely occur throughout eastern Ohio, an area already stricken with widespread poverty, if the bill remains in its current form. He stated, "A very large majority of our people own less than an acre of ground and will see little or no financial gain from this industry; but yet they will see emergency services stressed and their protection decline without giving additional financial assistance; they will see their police protection stressed and decline without additional financial help; their roads and bridges will decline faster and need more funding; and they will see their outdated water and sewer infrastructure demand immediate improvements costing millions of dollars."

Commissioner Bethel closed by asking the committee to act with fairness. "We're not asking for additional monies generated from other areas. We're asking for new money desperately needed here, that is generated here."

Please contact CCAO Policy Team Members John Leutz and Cheryl Subler at 614-221-5627 or at [jleutz@ccao.org](mailto:jleutz@ccao.org) & [csubler@ccao.org](mailto:csubler@ccao.org) if you have any questions or comments relating to [HB 375](#).

## Committee hears positives on 'DataOhio' public record bills

Meeting for the first time Tuesday, the House State & Local Government: Shared Services & Government Efficiency Subcommittee began work on a handful of bills regarding public records and accounting standards.

The committee heard [sponsor testimony](#) from Rep. Mike Duffey (R-Worthington) and Rep. Christina Hagan (R-Uniontown), as well as proponent testimony from supportive stakeholder groups, on four related 'DataOhio' initiative bills that would create open data standards and increase the accountability of Ohio's government entities.

Specifically the bills seek to: establish an online public database at data.Ohio.gov ([HB 323](#)); create a board to oversee DataOhio ([HB 321](#)); require the state auditor to adopt rules for a uniform accounting system for public offices ([HB 322](#)); and create the Local Government Information Exchange Grant Program ([HB 324](#)).

Echoing testimony given before the full House State & Local Government Committee, Rep. Duffey said the DataOhio legislation package has several benefits, including: job growth, increased transparency and efficiency, and lowered costs.

The sponsor told the subpanel that the bills come in response to the number of public information inquiries Ohioans make each day, as well as the inconsistent manner in which it's distributed.

The way the information is currently handled, Rep. Duffey said, results in a loss of time and money, while unnecessarily occupying resources that could be better utilized. DataOhio would address this disorganized approach by establishing communication and standards among public offices and agencies, as well as providing incentives for improved information sharing, he said.

"We want to provide a beacon for government in Ohio to begin coordinating on technology formats and kinds of data that they share and other useful information," Rep. Duffey said.

Rep. Hagan added that she and her joint sponsor "believe that providing greater and clearer access to data will help to improve the lives of Ohio's citizens and ease burdens for local and state governments."

Pointing to concerns raised by school districts over similar data requirements, Rep. Matt Lundy (D-Elyria) asked if the sponsors have concerns over the availability of resources to meet these proposed standards.

Rep. Duffey said the legislation was crafted to be more flexible and that he and his joint sponsor have been careful to ensure the language is as permissive as possible.

The sponsor stressed that the legislation is the result of two years' worth of conversations from stakeholders and that there's been nothing that's been rushed about this package. Rep. Hagan added that the reason for separating the issue was to ensure understanding of the proposal.

Offering proponent testimony on the bills, Susan Ackerman, of the Center for Community Solutions, stressed the importance of having good data to make decisions regarding public resources.

"Better availability of data and more substantive analysis will lead to improved effectiveness and efficiency," she said. "In order to be most effective, access to current data, as well as broad and continued participation is critical for both local and state programs."



*Rep Mike Duffey*



*Rep Christina Hagan*

Dennis Hetzel, Ohio Newspaper Association executive director, said the package of bills "could make Ohio a leader in access to government information and transparency" and poise the state to tap into the growing data collection and analytics field.

According to the witness, the DataOhio Board legislation "appears to strike a good balance between public data access and the practical limitations of some local government entities." He offered a technical change to help the measure avoid future confusion on the extent that government can use private-sector options for data.

Mr. Hetzel added that he believes the uniform accounting and public website bills, in particular, could be useful to journalists.

Former state Rep. Gene Krebs, of Camden, also offered support for the DataOhio initiative, saying it "will allow for a scientific analysis of government."

Speaking from his own personal experience as a Preble County Commissioner, Mr. Krebs shared the difficulties he had in trying to compare his sheriff's department's budget to those of similar Ohio counties. He told the panel that they have the opportunity to create a database that will allow local governments to "learn from each other."

Rep. Stephen Slesnick (D-Canton) asked if the witness believes these four bills are the "top priorities" in terms of having efficiencies, which Mr. Krebs affirmed.

"These are some of the most significant bills I've seen come through in a long time - positively," the former lawmaker said.

Rep. Lundy asked if some of the information to be made available under the proposal should include state funding cuts or "unfunded mandates." Mr. Krebs said he doesn't anticipate this being used for that type of information and should be a local first initiative.

Rep. Tim Brown (R-Bowling Green) asked what role he sees local government associations playing in the launch of this data collection. Mr. Krebs said he expects them to have a tremendous role on the dissemination and that the local governments will also guide it as it goes through.

Chairman Maag asked the witness to comment on the proposed \$10,000 in incentive funding, which Mr. Krebs said he sees as just the right amount.

## **Modernizing joint board meeting with technology options**

Allowing a joint board of county commissioners to conduct certain meetings for existing joint county ditch projects via teleconference or video conference is an option that is being considered by legislators and supported by CCAO and the Ohio Newspaper Association. [House Bill 279](#), sponsored by Representatives Damschroder (R-Fremont ) and Brown (R-Bowling Green) (former Wood County Commissioner), would authorize joint boards of county commissioners, when practical, to conduct proceedings on existing improvement projects and other routine business via video conference or teleconference.

As background, an example of an existing improvement project would include the following:

- The location, construction, reconstructions, reconditioning, widening, deepening, straightening, altering, boxing, tiling, filling, walling, arching, or any change in the course, location, or terminus of any ditch, drain, water course, or floodway;
- The deepening, widening, or straightening or any other change in the course, location, or terminus of a river, creek, or run;



- A levee or any wall, embankment, jetty, dike, dam sluice, revetment, reservoir, holding basin, control gate, breakwater, or other structure for the protection of lands from the overflow from any stream, lake, or pond, or for the protection of any outlet, or for the storage or control of water;
- The removal of obstructions such as silt bars, log jams, debris, and drift from any ditch, drain, watercourse, floodway, river, creek, or run; and
- The vacating of a ditch or drain.

The legislation also requires boards that utilize electronic conferencing to take measures to provide for public attendance at any location involved in such a proceeding. In addition, the bill requires the minutes of such meetings to identify those members of the joint board who were attending by teleconference, by video conference, or physically present.

[HB 279](#) received a second hearing in the House State & Local Government Committee this week, at which time CCAO Managing Director of Policy Cheryl Subler [testified](#) in support for the measure and supported an amendment, which was adopted, requiring a roll call vote when a vote is not unanimous.

CCAO has worked with the Ohio Newspaper Association on this overall proposal for some time, and hopes to see [HB 279](#) or its companion in the Senate, [SB 155](#) by Senator Burke (R-Marysville) enacted soon.

If you have questions on the measure, please contact CCAO Staffer Cheryl Subler at [csubler@ccao.org](mailto:csubler@ccao.org).

## **Pilot proposed to drug test cash assistance recipients**

A proposal to drug test public assistance recipients in three counties received sponsor testimony before a Senate committee this week. Senator Tim Schaffer's (R-Lancaster) [SB 182](#) is a whittled-down version of his prior, broader proposal ([SB 69](#) of the 129<sup>th</sup> GA) to drug test all recipients of cash, food, medical, housing or energy assistance.



SB 182 would create a voluntary, three-county pilot program to drug test applicants for cash assistance whose answers on a screening questionnaire, to be administered upon application for assistance, indicate there may be illegal drug use.

The questionnaire is designed to demonstrate probable cause of drug-use, which Senator Schaffer mentioned would therefore eliminate constitutional concerns around unreasonable search and seizure that have been used as the basis for litigation in other states that have passed such drug testing laws.



*Sen. Tim Schaffer*

Other provisions of the bill include:

- Maintaining protective payee benefits for dependents and children of those deemed ineligible to receive cash assistance due to drug use; and
- A \$100,000 appropriation to help fund addiction services for individuals who are found to be using drugs illegally.

Senator Schaffer mentioned in his testimony that he already has one county who has volunteered to participate in the pilot should the provision pass – Crawford County.

Senator Shannon Jones (R-Springboro), Chairwoman of the Senate Medicaid, Health and Human Services Committee asked Senator Schaffer if a specific treatment protocol for those who test positive had been defined, and how many individuals who tested positive for drugs could receive treatment with the \$100,000 appropriation. Senator Schaffer replied that Medicaid may cover some treatment, but that protocols would be developed locally and that the \$100,000 figure was a starting point.

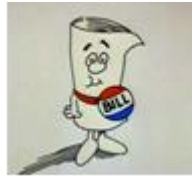
Senator Peggy Lehner (R-Kettering) asked about the likelihood of success for individuals in addiction services treatment who are not seeking treatment on their own volition. Senator Schaffer indicated he sees his bill as a better alternative than an individual simply not seeking treatment.

As of now the measure has not been scheduled to receive a second hearing in the Senate committee. For additional information, please contact CCAO policy analyst Laura Abu-Absi at [labu-absi@ccao.org](mailto:labu-absi@ccao.org).

## **House Judiciary Committee Reports Regional Jail Measure**

The House Judiciary Committee this week sent [SB 82](#) to the House Rules committee where it will await scheduling for a vote by the full House of Representatives. The bill would allow regional jails to borrow money to make needed repairs. Regional jails that were built in the 1990s are now in need of significant repair. Current law does not specifically allow regional corrections commissioners to borrow funds as a legal entity. Consequently this requires one of the member counties to agree to finance capital repair and improvements projects for the regional jail.

## Legislation of Interest



### [HB 407](#)

**INMATE WORK PROGRAM** ([Butler, J.](#)) To require the Department of Rehabilitation and Correction to establish a pilot work program for offenders, to establish and operate the program at repayment, retraining, and reclamation factories that are not in or on the grounds of a prison or jail and permit the Department to establish and operate the program in prisons, to permit counties to establish and operate local repayment, retraining, and reclamation factories for certain offenders, to provide for the manufacture of goods and the sale of the goods manufactured by the pilot work program or local pilot work program on the open market or the assembly, processing, manufacture, or repair of components for goods pursuant to contract, to grant a nonviolent participant one day of credit off the participant's prison term or jail term for each day the participant productively participates in the program at a repayment, retraining, and reclamation factory or a local repayment, retraining, and reclamation factory, and to name this act the 'Repayment, Retraining, and Reclamation Act.' Am. 2929.13 and to enact sections 5120.037, 5120.0371, and 5120.038

## Upcoming Legislative Committee Calendar



### Tuesday, January 28

**Senate Energy & Natural Resources, (Chr. Balderson, T., 466-8076), South Hearing Rm., 9:15 am**

#### [SCR 25](#) ■

**GREEN BUILDINGS** ([Jecker, J.](#)) To urge, for Ohio state agencies and other government entities, the use of green building rating systems, codes, or standards that are consistent with state energy efficiency and environmental performance objectives and policies that meet American National Standards Institute voluntary consensus standard procedures. --**1st Hearing-Sponsor**

**House Transportation, Public Safety & Homeland Security, (Chr. Damschroder, R., 466-1374), Rm. 122, 1:00 pm**

#### [HB 207](#) ■

**DRONE RESTRICTIONS** ([Damschroder, R.](#)) To limit the use of drones by law enforcement agencies and prohibit the defense of sovereign immunity with regard to a prohibited use of drones. -  
--**3rd Hearing-All testimony**

#### [SB 106](#) ■

**VEHICLE OPERATIONS** ([Schaffer, T.](#)) To prohibit the operation of a motor vehicle on or onto any location that is temporarily covered by a rise in water level and to impose on an offender a financial sanction of up to \$2,000 for the cost of the person's rescue, payable to the person's rescuer. --**3rd Hearing-All testimony**

**House State & Local Government, (Chr. Blair, T., 466-6504), Rm. 121, 1:00 pm**

#### [SB 179](#) ■

**RECYCLED WATER** ([Eklund, J.](#)) To include recycled water as a private water system for purposes of regulation by the Department of Health and boards of health. --**1st Hearing-Sponsor**

#### [HB 386](#) ■

**COUNTY PURCHASING** ([Burkley, T.](#)) To expand the work-related expenses that may be paid for by use of a credit card held by a board of county commissioners or the office of another county appointing authority. --**1st Hearing-Sponsor**

**HB 328** ■ **CONTROLLING BOARD** ([Young, R.](#), [Hagan, C.](#)) To modify the authority of the Controlling Board to approve certain expenditures. --**2nd Hearing-Proponent**

**Senate Ways & Means**, (Chr. [Schaffer, T.](#), 466-5838), **South Hearing Rm., 4:30 pm**

**SB 243** ■ **SALES TAX HOLIDAY** ([Bacon, K.](#)) To provide a three-day sales tax 'holiday' each August during which sales of back-to-school clothing, school supplies, personal computers, and personal computer accessories are exempt from sales and use taxes. --**1st Hearing-Sponsor**

## Wednesday, January 29

**Senate Medicaid, Health & Human Services**, (Chr. [Jones, S.](#), 466-9739), **South Hearing Rm., 9:00 am**

**HB 170** ■ **DRUG OVERDOSES** ([Johnson, T.](#), [Stinziano, M.](#)) To provide that a licensed health professional authorized to prescribe naloxone, if acting with reasonable care, may prescribe, administer, dispense, or furnish naloxone to a person who is, or a person who is in a position to assist a person who is, apparently experiencing or who is likely to experience an opioid-related overdose without being subject to administrative action or criminal prosecution, to provide that a person who is in a position to assist a person who is apparently experiencing or who is likely to experience an opioid-related overdose is not subject to actions of professional licensing boards, administrative action, or criminal prosecution for a drug offense or practicing medicine without a license if the person, acting in good faith, obtains naloxone or a naloxone prescription from a licensed health professional and administers it to a person for an opioid-related overdose, and to provide that peace officers and licensed emergency responders who are acting in good faith are not subject to administrative action or criminal prosecution for a drug offense or practicing medicine without a license for administering naloxone to a person who is apparently experiencing an opioid-related overdose. --**3rd Hearing-Opponent & interested party**

**Senate Agriculture**, (Chr. [Hite, C.](#), 466-8150), **Grant Hearing Rm. (110), 10:00 am**

**SB 192** ■ **INVASIVE PLANTS** ([Manning, G.](#)) To grant the Director of Agriculture exclusive authority to regulate invasive plant species. --**4th Hearing-All testimony-Possible vote**

**Senate Commerce & Labor**, (Chr. [Bacon, K.](#), 466-8064), **North Hearing Rm., 10:45 am**

**SB 176** ■ **WORKERS COMPENSATION** ([Seitz, B.](#)) To prohibit illegal and unauthorized aliens from receiving compensation and certain benefits under Ohio's Workers' Compensation Law. --**2nd Hearing-Proponent**

**Senate Session**, (Chr. [Faber, K.](#), 466-4900), **Senate Chamber, 1:30 pm**

**House Session**, (Chr. [Batchelder, B.](#), 466-3357), **House Chamber, 1:30 pm**

**Senate Public Utilities**, (Chr. [Seitz, B.](#), 466-8068), **Finance Hearing Rm., 2:30 pm**

**SB 34** ■ **RENEWABLE ENERGY** ([Jordan, K.](#)) To repeal the requirement that electric distribution utilities and electric services companies provide 25% of their retail power supplies from advanced and renewable energy resources by 2025. --**3rd Hearing-Proponent**

**House Ways & Means**, (Chr. [Beck, P.](#), 644-6027), **Rm. 116, 3:00 pm**