



# Mid-Ohio Regional Planning Commission

## Monthly Legislative Update

OCTOBER 2016

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Planning Commission





## TOP ADVOCACY ITEMS

<i>Priority</i>	<i>Status</i>
<p><b>Seek Federal Funding for Regional Projects</b></p>	<p>The FAST Act established the Advanced Transportation and Congestion Management Technologies Deployment Program to make competitive grants for the development of model deployment sites for large-scale installation and operation of advanced transportation technologies to improve safety, efficiency, system performance, and infrastructure return on investment. It was announced last week that the Northwest 33 Smart Corridor Group that includes Union County, the City of Marysville, and the City of Dublin was awarded a \$6M grant.</p>
<p><b>Promote Energy Efficiency and an Abundant Supply of Safe, Reliable, and Affordable Sources of Energy for our Growing Region.</b></p>	<p>Consistent with MORPC’s position on energy efficiency, MORPC is supporting the continuation of the energy efficiency programs through the Public Utility Commission of Ohio (PUCO) regulatory process along with advocating for improvements that may increase the participation of residential and business customers. Further, MORPC is working with the utilities to establish and advance a local government energy partnership program that involves energy benchmarking, energy audits, community education, and challenge programs and competitions. The intent is to deliver energy services to local governments that help communities meet sustainable energy goals, achieve energy savings and increase participation by community members.</p> <p>In response to a report of the state’s Energy Mandates Study Committee, MORPC has taken the following positions:</p> <ul style="list-style-type: none"> <li>» MORPC opposes the indefinite freeze of the Ohio energy mandates.</li> <li>» MORPC supports a combination of incentives and mandates to help achieve the goals of increased energy efficiency and renewable energy for diversity in our energy mix, along with determining the best approach for maximizing the credit of advanced energy projects.</li> </ul> <p>These positions are being communicated to the Ohio General Assembly as applied to Senate Bill 320, Ohio Republican Senator Bill Seitz’s response to the Energy Mandate Study Committee and the recently introduced House Bill 554. MORPC has been included in interested parties meetings on this subject. It has become increasingly doubtful that legislation will be adopted in this area.</p>
<p><b>Establish MORPC as Top MPO Resource on Transportation Issues</b></p>	<p>A National Proposed Rule Making (NPRM) was issued by USDOT, to which MORPC submitted comments, that would establish a set of performance measures for state DOTs and MPOs to use as required by MAP-21. The measures proposed in this NPRM would be used to assess the performance of the Interstate System and the National Highway System (NHS), assess freight movement on the Interstate System, and assess congestion and on-road mobile source emissions for the purpose of carrying out the Congestion Mitigation and Air Quality Improvement (CMAQ) Program.</p>



## TOP NEWS

### ***Agriculture***

Agricultural soil phosphorus levels held steady or trended downward in at least 80 percent of Ohio counties from 1993 through 2015, according to findings from the College of Food, Agricultural, and Environmental Sciences at Ohio State University (OSU).

### ***Ballot Issues***

The Drug Price Relief Act is headed back to the General Assembly, after Ohio Supreme Court justices gave supporters of the initiated statute more time to make up a shortfall of signatures. Secretary of State Jon Husted certified an additional 12,476 valid voter signatures on behalf of the measure, and submitted it to the General Assembly for consideration. Backers said they hope to get the issue on the November 2017 ballot.

### ***Economic Development***

Ohio, along with Massachusetts and Philadelphia, has been selected to participate in a national one-year program that utilizes art to revitalize communities. The Ohio Community Development Corporation Association (Ohio CDC) and Ohio Citizens for the Arts Foundation will partner together for the Creative Placemaking Immersion Program, funded in part by a \$100,000 grant from the National Endowment for the Arts.

### ***Economy***

Ohio's unemployment rate fell slightly in August, but the number of jobs also fell by 2,000, a factor one analyst attributed to a shrinking workforce. The Ohio Department of Job and Family Services (ODJFS) announced that Ohio's unemployment rate was 4.7 percent in August, down from 4.8 percent in July.

Ohio's hourly minimum wage will increase 5 cents at the start of 2017 to \$8.15, the Ohio Department of Commerce announced. For tipped employees, the wage will increase 3 cents to \$4.08 per hour. Ohio's minimum wage increases annually in line with the Consumer Price Index for urban wage earners and clerical workers (CPI-W), as a result of a constitutional amendment state voters approved in 2006.

### ***Elections 2016***

U.S. Senator Rob Portman (R-OH) has built on his lead over Democratic challenger Ted Strickland in the latest Quinnipiac Poll, going to an 11-point lead and, for the first time in the campaign, breaking 51 percent. Members of the Central Ohio Congressional delegation are expected to retain their seats.

### ***Energy***

A group of homeowners and local governments have failed in their bid to prevent Buckeye Wind farms from proceeding as approved by the Ohio Power Siting Board (OPSB). In a unanimous decision, the Supreme Court of Ohio ruled that Champaign County; Goshen, Union and Urbana townships; and local residents had failed to object to Buckeye Wind LLC- and Champaign County LLC-requested permit changes in their rehearing request and therefore had waived the right to appeal.

The Ohio Consumers' Counsel (OCC) and a coalition of local governments led by Toledo have filed suit in the Ohio Supreme Court to block FirstEnergy Corp. from a second bite at proposed consumer subsidies cleared by the Public Utilities Commission of Ohio (PUCO).



## TOP NEWS

Ohio ranks second nationally in its potential to reduce emissions through technologies such as combined heat and power (CHP) and waste heat to power (WHP), according to a report from the Alliance for Industrial Efficiency (AIE). A new plan by Senate Public Utilities Committee Chairman Bill Seitz (R-Cincinnati) will end the energy “freeze” of 130-SB310 (Balderson) in December rather than extend it three years, should his legislation clear the lame duck session. Substitute language drafted for SB320 (Seitz) will instead make the renewable energy and energy efficiency standards of 127-SB221 (Schuler) aspirational “goals” that will then become mandatory in 2020 — if the General Assembly did nothing before then to once again change that target.

The Joint Committee on Agency Rule Review (JCARR) will soon consider proposed changes to new wind farm rules designed to implement turbine setbacks and other safety requirements in mid-biennium review (MBR) 130-HB483 (Amstutz).

### ***Environment***

Increased ozone pollution from oil and gas production will have significant effects on public health in Ohio, according to a new report from the Clean Air Task Force. Citing projections from the U.S. Environmental Protection Agency’s (USEPA) National Emission Inventory (NEI), the report says more than 10,000 tons of volatile organic compounds (VOCs) will be emitted by Ohio oil and gas facilities in 2025.

Those seeking information about harmful algal blooms (HABs) will soon have access to a searchable online database containing reports, studies, papers and contacts. Patrick Lawrence, professor of geography and planning at the University of Toledo (UT), offered an update on his project — funded by the Ohio Department of Higher Education (ODHE) — during a webinar hosted by the Great Lakes HABs Collaboratory. The Ohio Environmental Protection Agency (Ohio EPA) announced the second round of funding to help mitigate the spread of mosquito-borne viruses such as Zika, West Nile and La Cross Encephalitis.

The Ohio Department of Natural Resources (ODNR) needs to relinquish a parcel of wetlands property to JD So Cal Ltd. (JDS) after the state breached a land exchange contract with the developer, Franklin County Common Pleas Court Judge Chris Brown has ruled. According to court documents, ODNR and other state officials signed an agreement to swap the publicly owned 17.8-acre Sawmill Road wetlands for 43.3 acres near Highbanks Metro Park in 2012, but backed out of the agreement amid opposition from the public.

### ***Federal***

Legislation aiming to improve water quality by reducing lead exposure and addressing harmful algal blooms (HABs) has passed the U.S. Senate. The Water Resources Development Act of 2016 (WRDA) will now head to the U.S. House of Representatives, which has been considering a narrower WRDA bill, according to the Great Lakes Commission.

The state of Ohio has added its name to a lawsuit filed against a new federal rule increasing the threshold when employers are required to pay overtime to their salaried workers, with 21 states claiming that such a mandate constitutes federal overreach. Texas Attorney General Ken Paxton and Nevada Attorney General Adam Paul Laxalt are the lead plaintiffs in the suit filed against the U.S. Department of Labor Secretary Thomas Perez in an Eastern Texas U.S. District Court.



## TOP NEWS

### ***General Assembly/Statehouse***

Witnesses before the 2020 Tax Policy Commission voiced conflicting views on a range of revenue sectors at the state and local level, revealing both practical and philosophical differences on the General Assembly's next move. The bipartisan panel took testimony from Research Director Zach Schiller of Policy Matters Ohio, Senior Tax Counsel Fred Nicely of the Council on State Taxation (COST), Executive Director Kent Scarrett of the Ohio Municipal League (OML), and Professor Edward "Ned" Hill of the Ohio State University John Glenn College of Public Affairs. The Senate passed legislation mainly along party lines that would require state agencies to prove their worth to the General Assembly and if they do not, the agency will automatically sunset. SB329 (Jordan-Faber) was introduced by Senate President Keith Faber (R-Celina) and Senator Kris Jordan (R-Powell) in May.

### ***Governor***

Governor John Kasich urged an embrace of free trade and the Trans-Pacific Partnership when he traveled to Washington, D.C., to join President Barack Obama in support of the controversial deal opposed by both major party presidential contenders.

### ***Judicial***

Ohio Supreme Court Chief Justice Maureen O'Connor placed the opioid crisis and its legal ramifications at the top of the agenda in her sixth State of the Judiciary speech. She said Ohio and West Virginia's claim to the nation's worst heroin fatality rates makes the drug epidemic of critical importance not only to medical professionals, policymakers and parents, but also to courtrooms large and small across the state. The Supreme Court of Ohio announced its latest bench card to provide judges guidance on sealing criminal records and waiving related fees for disadvantaged Ohioans. The reference guide, developed by Supreme Court staff and Lakewood Municipal Court Judge Pat Carroll, seeks to educate the judicial branch on who is eligible for record sealing, when an offender may apply to have a record sealed, applicable fees, and when a filing fee is not required.

### ***Marijuana***

Local governments should avoid passing restrictions on medical marijuana businesses before the program's rules are written, stated Senator Kenny Yuko (D-Richmond Heights). In an open letter, Yuko explained that the formal process to create administrative rules for the program's structure could not begin until HB523 (Huffman) went into effect. He suggests that local government officials reach out to the state and hold a public comment period before considering a ban, while noting the new medical marijuana law will benefit localities both economically and socially.

### ***Pension Funds***

The online database of state and local government spending officially added data from Ohio's five pension funds, Treasurer Josh Mandel announced.

### ***People***

Franklin County Treasurer Ed Leonard announced that he'll step down to take over as director of the Franklin County Board of Elections. William A. Anthony Jr. recently retired from the board after being indicted on charges of theft in office following an investigation by Auditor Dave Yost's office. He was placed on leave before retiring. Ohio Department of Agriculture (ODAg) Director David Daniels has appointed Mark Bruce as communications director and Dustin Calhoun as chief legal counsel.



## TOP NEWS

### ***Polls/Studies***

A right-leaning think tank is calling for a new state law requiring public sector unions to hold regular elections to remain certified. In a report released by the Buckeye Institute says the policy would improve unions' responsiveness to employee needs.

### ***Poverty***

The rate of poverty among Ohioans dropped a point from 2014 to 2015, according to new data from the U.S. Census Bureau. The latest figures also show median household income rising 3.5 percent, to \$51,705. In addition, the child poverty rate dropped from 22.9 percent to 21.3 percent.

### ***Taxation***

The Municipal Income Tax Net Operating Loss Review Committee unanimously approved a new data collection method for municipalities to simulate what income tax revenue they would bring in with or without a five-year net-operating loss (NOL). The committee was created in 130-HB5 (Grossman-Henne) to further analyze what effect allowing a five-year net-operating loss to carry forward would have on municipal income tax revenues.

### ***Transportation***

Motorists driving three-wheeled autocycles no longer need a motorcycle endorsement to do so. With HB429 (Antani-Reineke) taking effect, autocycle operators need only a conventional driver license to legally hit the road.

### ***Utilities***

Public Utilities Commission of Ohio (PUCO) appointee Howard Petricoff returned for another commission meeting while awaiting the outcome of Senate confirmation hearings, although the former energy lobbyist was forced to recuse himself from five out of seven grid utility cases on the docket. Senator President Keith Faber (R-Celina) has cast doubt on Petricoff's future at the commission, citing his past lobbying efforts, and has said final confirmation hearings could come in the Fall.

American Electric Power (AEP) Co. unloaded four generating plants, most of them located in Ohio, and most of them powered by natural gas. The move by Ohio's leading electric utility signaled that challenges in the generation market stem not only from aging, inefficient coal plants, but from a much larger contraction in the wholesale electric industry. The Public Utilities Commission of Ohio (PUCO) launched the rulemaking process for a permanent rule to enforce Governor John Kasich's August executive order creating an oil and gas emergency notification system in Ohio. The commission also approved its annual winter reconnect order to ensure Ohioans electricity and natural gas for seasonal heating between Oct. 17, 2016, and April 14, 2017.

### ***Utilities***

The Senate Public Utilities Committee put its imprimatur on the governor's four-month-old appointment of Public Utilities Commission of Ohio (PUCO) Chairman Asim Haque, granting him unanimous support. The full Senate voted unanimously to confirm Haque as PUCO chair.



## MORPC LEGISLATIVE TRACKING

- HB12** TIF-INCENTIVE DISTRICTS (BUTLER, JR. J, BURKLEY T) To establish a procedure by which political subdivisions proposing a tax increment financing (TIF) incentive district are required to provide notice to the record owner of each parcel within the proposed incentive district before creating the district, and to permit such owners, under specific conditions, to exclude their parcels from the incentive district by submitting a written response.  
*Current Status:* 9/28/2016 - Referred to Committee Senate Ways and Means  
*Recent Status:* 5/25/2016 - PASSED BY HOUSE; Vote 71-26; 5/25/2016 - Bills for Third Consideration  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA131-HB-12>
- HB130** PUBLIC RECORDS-DATA BOARD (HAGAN C, DUFFEY M) 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 an appropriation.  
*Current Status:* 9/28/2016 - Referred to Committee Senate Finance  
*Recent Status:* 5/18/2016 - PASSED BY HOUSE; Vote 96-0; 5/18/2016 - Bills for Third Consideration  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA131-HB-130>
- HB154** BICYCLE PASSING-TRAFFIC LIGHTS (HENNE M, SHEEHY M) To provide that when a motor vehicle passes a bicycle the safe passing distance to the left is three feet, and to alter the protocol for proceeding into an intersection that has malfunctioning traffic lights.  
*Current Status:* 9/28/2016 - Referred to Committee Senate Transportation, Commerce and Labor  
*Recent Status:* 5/24/2016 - PASSED BY HOUSE; Vote 81-16; 5/24/2016 - Bills for Third Consideration  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA131-HB-154>
- HB347** CIVIL ASSET FORFEITURE (MCCOLLEY R, BRINKMAN T) To eliminate civil asset forfeiture proceedings and to modify the law governing criminal asset forfeitures.  
*Current Status:* 9/28/2016 - Referred to Committee Senate Government Oversight and Reform  
*Recent Status:* 5/25/2016 - PASSED BY HOUSE; Vote 72-25; 5/25/2016 - Bills for Third Consideration  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA131-HB-347>
- SB352** SCHOOL ZONES (TAVARES C) To require school zones to be indicated by signs equipped with flashing or other lights or that indicate the times during which the restrictive speed limit is enforced, and to make an appropriation.  
*Current Status:* 9/28/2016 - Referred to Committee Senate Transportation, Commerce and Labor  
*Recent Status:* 9/7/2016 - Introduced  
*State Bill Page:* <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA131-SB-352>

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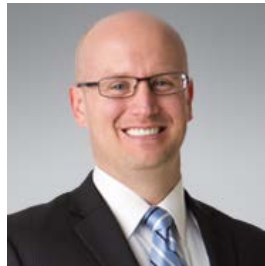
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