

House Passes Capital Budget

The House passed capital budget bill HB482 (Amstutz) by a near-unanimous vote Thursday after Republicans tabled a Democratic amendment that would add community projects to the bill.

Bill sponsor Rep. Ron Amstutz (R-Wooster) noted the leanness of the bill, saying it only includes funding for higher education, primary and secondary education, and the Ohio Public Works Commission.

"We are in a time where we are rebuilding our state's fiscal house." He said while the state's budget situation and economy have improved, it isn't time to have a full capital budget.

But Rep. Vern Sykes (D-Akron), who said he supports the bill, said communities across the state are hurting, and that the capital budget has been a "traditional vehicle to stimulate economic activity."

"We feel it's too lean, and we think we should take the opportunity to add community projects," Sykes said, introducing an amendment that would add 38 community projects to the bill.

Amstutz responded by saying the amendment is a change to the usual process for a capital budget that has been in place since the Voinovich administration when projects are discussed and negotiated before the bill hits the floor. He said that he doesn't think that process should be changed "on the fly with no discussion," adding "maybe this is playing to the grandstand."

Amstutz said that at some point there will be funding to support community projects, "but today is not that day."

The amendment was tabled along a party-line vote, as was an amendment introduced by Rep. Connie Pillich (D-Cincinnati) that allows U.S. contractors to match bids by foreign companies. Rep. Lou Blessing (R-Cincinnati) complained the amendment would cost Ohio jobs by giving precedence to companies from another state with no presence in Ohio over a foreign company that may have offices in the state.

The only two members to vote against the bill were Reps. Dan Ramos (D-Lorain) and Michael Ashford (D-Toledo).

In other action, the House also passed SCR19 (Widener), which urges Federal Aviation Administration (FAA) to select Ohio as a site for testing the integration of Unmanned Aerial Systems into the National Airspace System.

Rep. Courtney Combs (R-Hamilton) said the move by the FAA has the potential to bring enormous research opportunities to the state, and that it does not mean "large unmanned military vehicles will start buzzing the Riffe Tower any time in the future."

Rep. Rex Damschroder (R-Fremont) said he originally had concerns about the resolution because of how unmanned vehicles would interact with the "flying public." He said he was satisfied with two amendments added in the Rules and Reference Committee to clarify resolution language.

A third bill scheduled to appear on the floor, SB134 (Wagoner), which would designate March 30 as "Vietnam Veteran's Day," was not heard after the bill hit a snag in committee. Some veterans appeared during testimony to say March 29 should be the designated day. (See *Hannah Report*, 3/21/12.)

House Speaker William Batchelder (R-Medina) told reporters Thursday he regarded March 30 as the preferable day because March 29 is associated with the My Lai massacre as the day Lt. William Calley was convicted.

"We are going to do our very best to sort this out," Batchelder said.

He also spoke on the Mid-Biennium Review hearings, saying the House expects to call in expert witnesses on various aspects of the bill. He said some of his caucus has concerns with different portions of the bill and would like to have experts not involved in government come in and give testimony, including accountants specializing in oil and gas leases as one potential group of witnesses. He added that hearings on the bill would continue during spring break.

On legislation dealing with the Cleveland schools, Batchelder said legislators will be meeting with interested parties in the Cleveland area, including unions.

He also commented on a possible Senate move to repeal elections reform law HB194 (Mecklenborg-Blessing), which is the subject of a referendum in November. He said his original constitutional concerns with such a move have been alleviated.

"I think as long as you get the same result, I'm not sure there're grounds for it to be unconstitutional," he said, adding that it would be different if there was not a full repeal of the bill. He said there are not no court precedents on the subject.

Batchelder said he hopes the bill will come to the House soon if the Legislature expects to repeal HB194.

"I think we have a number of people in our caucus that feel this election is too important in its implications for the nation's future to have that kind of extraneous thing argued and debated."

Dems Question Mid-Biennium Review Process

On Thursday, Democrats on the House State Government and Elections Committee criticized the mid-biennium budget review process as Bob Blair, director of the Department of Administrative Services (DAS), returned to answer questions about changes to DAS's competitive selection process contained in HB487. He brought with him Jeff Westhaven, chief procurement officer for DAS, to help answer questions.

Rep. Ron Gerberry (D-Canfield) said that the bill contains a lot of good things, but legislative members are not able to look at the entire picture. He complained that members of various committees with no experience on the House Finance and Appropriations Committee are being asked to review "massive information at one time" and don't have time to really understand, placing them in an uncomfortable position. He said he "is puzzled by the process," and suggested a better way would be to distribute sections to subcommittees of the finance committee.

Rep. Bill Patmon (D-Cleveland) requested plain language explanations of changes contained in the bill rather than leaving members to "guess" the purposes of the changes. He said he "has shut down the process of trying to figure out" the language changes being proposed. He added that some language appears to eliminate competitive processes, which is "alarming."

Blair said, "We have not changed what we do." He said a competitive selection process is used except that in emergencies a letter bid opening process is used for pre-qualified vendors, with the results later reported to the Controlling Board.

In response to Gerberry's question about the apparent replacement of competitive bidding for leaseback contracts, Westhaven said the replaced process has been in law for a long time, but has never been used because it is cumbersome, "requires a bureaucracy on the part of the developer and does not reflect today's business." He said qualified vendors are whittled down to five or so who are asked to submit proposals from which the "most advantageous" is selected.

Chairman Ron Maag (R-Lebanon) said the committee "is trying to ferret out what is in our section" in order to "know what we are talking about" when reporting to the full committee where amendments will be made. He said there will be ample time to amend the bill.

Rep. Matt Lundy (D-Elyria) asked about "any state agency" language that appears to apply to other contracting agencies such as the Ohio Department of Transportation (ODOT). Westhaven said that is not the intent, it only applies to DAS; ODOT has its own processes.

Dayton Schools First to Complete Building Program; MBR Could Free up OSFC Dollars

The Ohio School Facilities Commission (OSFC) hosted a long-awaited celebration Thursday for Dayton Public Schools' as the first of six urban districts to cross the finish line under its 10-year-old master facilities plan, originally pegged for a half billion dollars in state money.

District Superintendent Lori Ward was joined by school board President Ronald Lee and other district officers.

"It started out critical," Ward said of the condition of Dayton schools in 2002 when OSFC approved a \$488 million, 61 percent match to the district's contribution of \$298 million. (See *The Hannah Report*, 7/23/02.)

Other Big 8 districts participating in the program include Columbus, Cleveland, Cincinnati, Toledo and Akron. Youngstown and Canton city schools had launched their facilities master plan with OSFC prior to the 2002 omnibus, Hickman would later note.

Ward praised the district's "partnership with Dr. Hickman," who joined the building campaign as former Gov. Bob Taft's OSFC appointment in 2005. He returned last year at the behest of Gov. John Kasich.

"Construction is not an easy business -- in fact, it's a very difficult business," said Hickman, sharpening the analysis. "Urban school districts are very difficult to manage under a building program."

The commission then broke for a rare executive session, during which members discussed litigation concerns over a proposed resolution to approve Cincinnati Public Schools' energy conservation financing program. The commission emerged over a half hour later to approve the resolution in public session.

It went on to a typical list of commission business before receiving the monthly director's report. Hickman said there had been number of positive developments since the February meeting.

"I think the most pleasing is what happened at the ballot box in the March election," he said, noting all eight bond proposals for school construction had passed. "That represents over \$500 million in commitments to school district construction in the state. It's good for our staff; it's good for districts."

Hickman said OSFC is also pressing for several program modifications with the Mid-Biennium Review, including more liberty to free up money committed to construction projects as yet unfunded at the local level.

"We have a number of changes to the program that address our concerns at the end of last year about the ability to continue our building program," he said of badly needed dollars, "because of the difficulty districts have had passing local bond issues."

After the meeting, Hickman put the magnitude of the problem into perspective, noting only three of nine total school construction issues had passed in July 2010. The situation grew worse last November, when only four of 14 bond proposals passed.

"We were looking at the possibility of tying up as much as \$300 million," he said, noting several local matching proposals that failed last year were part of the eight successful bond packages approved this month. Hickman said the systemic problem is much larger than that, however.

"Are we tying up large sums of money that we should be using to build schools?" he said of the one-year hands-off requirement on OSFC commitments.

As a remedy, the Legislature is considering allowing the commission to divert construction awards lacking matching dollars to other districts that already have local funds in place.

Former Clinton County Casino Group Planning Youngstown Casino Issue

Two of the faces behind the failed 2008 constitutional amendment to put a casino in Clinton County announced plans this week to collect signatures on a constitutional amendment that would add a fifth casino to the Youngstown area.

Brad Pressman and Rick Lertzman, who have formed the Mahoning Valley Development Group, have been promoting plans to add an eighth racetrack to the state, but this week said they will look to build a fifth casino in response to an agreement between Penn National and the state of Ohio to move Beulah Park from Grove City to Youngstown. (See *The Hannah Report*, 3/16/12.)

"My partner and I have been a part of successfully placing three past gaming issues on the Ohio ballot," Lertzman said in a statement. "We fully believe we will succeed, once again, on placing this issue on the Ohio ballot. Our polling tells us that Ohioans will strongly support the expansion of gaming to the Mahoning Valley. The valley, which has faced huge unemployment and harsh financial times and certainly deserves the ability to fully compete with a full scale casino property rather than the second tier, limited 'racino' that the politicians are supporting."

Lertzman said they believe they can collect the signatures necessary to put the issue on the Nov. 6 ballot. If not, they will look to the May 2013 primary.

"We are moving forward with a \$450 million world class full scale casino and resort."

Lertzman said they plan to submit proposed language to Attorney General Mike DeWine's office "in the near future."

In order to qualify for the November ballot, the group would need to collect 385,245 valid signatures by July 4. Its last ballot proposal, Issue 6 in 2008, failed 62 percent to 38 percent.

March Slam Dunk for Workforce Training

It was a slam dunk for HR292 (Adams) Thursday as the House Economic and Small Business Development Committee heard, debated and passed "Skilled Workforce Recognition Month" in the space of five minutes.

The resolution of Rep. Richard Adams (R-Troy) seeks to redefine the first half of the month, also celebrated as "March Madness," in honor of the state's existing workforce training program.

With time running out on the month of March, even the co-generation goals of SB289 (Coley-Schiavoni) may not be so urgent.

"With Ohio's focus on workforce development, this month is an opportune time to celebrate the skilled workforce of our state and those that invest in skilled workers training -- specifically, adult workforce education programs at state career and technical schools," Adams said.

Meanwhile, Gov. Kasich has ordered a top-down review of Ohio's workforce training bureaucracy, described as "industry-driven, flexible and adult-centered" by the sponsor.

"Ohio's career and technical and adult education centers are powerful engines of workforce development in our state," Adams said.

AEP Notifies Reliability Organizations of Planned Plant Retirements

American Electric Power (AEP) Thursday officially notified regional reliability organizations PJM Interconnection and Southwest Power Pool (SPP) of the company's plan to retire more than 4,600 megawatts (MW) of coal-fueled power generation, primarily to comply with a series of U.S. Environmental Protection Agency (USEPA) regulations.

AEP said it was required to file its plan for plant retirements prior to PJM's auction in May 2012 that will set electric generation capacity prices for June 2015 through May 2016.

"We continue to have serious concerns about the potential impact these plant retirements -- and retirements of generation announced by other utilities -- will have on the reliability of the electricity grid," said Nicholas K. Akins, AEP president and chief executive officer. "Our retiring units were required to run to meet peak demand last summer, and little new generation is scheduled to come on line prior to the retirement dates to replace this lost generating capacity."

In addition to the generation retirements, AEP plans to install or upgrade emission control systems on more than 13,000 MW of capacity, a task, Akins said in a statement, made extremely difficult by the tight compliance deadlines in the USEPA rules and the uncertainty about the process for deadline extensions.

"The timing and logistics of these major projects, in addition to routine maintenance outages across the system, will increase demands on the remaining generating units," Akins said. "We believe additional time to complete the emission control retrofits and coordinate the retirement schedules would better balance the environmental, economic and other impacts of this transformation of the nation's generating fleet."

The plan submitted Thursday differs slightly from the nearly 6,000 MW of anticipated retirements AEP announced in June 2011. The differences are due to the retirement of the 450-MW Sporn Unit 5 in February 2012 (which was included in the June 2011 plan) and the company's decision to request regulatory approval in Kentucky to retrofit the 800-MW Big Sandy Unit 2 with environmental control equipment rather than retiring the unit. AEP also originally planned to rebuild Big Sandy Unit 1 to be fired with natural gas but now plans to retire that unit.

In its notifications with PJM and SPP, AEP confirmed the following unit retirements:

- Conesville Plant Unit 3, Conesville, Ohio - 165 MW;
- Big Sandy Plant Unit 1, Louisa, Ky. - 278 MW;
- Clinch River Plant Unit 3, Cleveland, Va. - 235 MW;
- Glen Lyn Plant (two units), Glen Lyn, W.Va. - 335 MW;
- Kammer Plant (three units), Moundsville, W.Va. - 630 MW;
- Kanawha River Plant (two units), Glasgow, W.Va. - 400 MW;
- Muskingum River Plant Units 1, 2, 3 and 4, Beverly, Ohio - 840 MW;
- Picway Plant (one unit), Lockbourne, Ohio - 100 MW;
- Philip Sporn Plant (four units), New Haven, W.Va. - 600 MW;
- Tanners Creek Plant Units 1, 2 and 3, Lawrenceburg, Ind. - 495 MW; and
- Welsh Plant Unit 2, Pittsburg, Texas - 528 MW.

Conesville 3 will retire by Dec. 31, 2012, and Welsh 2 will retire as soon as Dec. 31, 2014, but no later than Dec. 31, 2016, under terms of court-ordered consent decrees related to separate actions. All other units are estimated to be retired June 1, 2015, with final retirement dates based on implementation of the new EPA environmental regulations.

Walter C. Beckjord Plant Unit 6, New Richmond, Ohio, operated by Duke Energy, also will be retired. AEP owns 54 MW of that unit's output.

CMC Forum Examines Impact of Shale Oil/Gas Industry in Ohio

Phrases like "This is an exciting time for Ohio" and "Natural Gas is going to be a boon to this country" plus "It will be a benefit for the whole state" were prevalent among three experts gathered Wednesday by the Columbus Metropolitan Club to discuss the economic impact of the blossoming shale oil/gas industry in the Buckeye State.

Representing the producing side of the industry were Greg Leveille of ConocoPhillips and Matt Hammond of Chesapeake Energy Corporation, one of the largest natural gas producers in the United States.

Rounding out the panel was a holder of two Ph.D.'s in economics and economic development and a master's degree from the Ukrainian Ivano-Franivsk Institute of Oil and Gas, Iryna Lendel, currently an assistant director at Cleveland State University.

After a brief introduction, moderator and publisher Don DePerro asked Lendel directly about job creation in and around the shale oil/gas industry.

She made it clear the spending estimates she and her colleagues used to calculate job creation and retention were at first very conservative, and then pessimistic. Lendel said "at least" 65,000 new and existing jobs will be affected.

Hammond explained that Chesapeake is the sole owner of the seven producing wells in the state, with plans for 20 more rigs in the ground this year and 30 to 40 operating by the end of 2014. He also said his company and others are still in the exploratory phase to find the "sweet spots."

Both Hammond and Leveille said the economic benefit will be across all fields, especially high-tech and high-paying jobs.

"Our industry represents a great opportunity with a lot of growth potential in America," said Leveille.

"These are strategic and technical jobs and are not the image of the dirty industry that is out there," Hammond echoed. "We have brilliant people working for us, and the opportunities are endless, especially on the supply-chain side of things.

"It's important to get folks at an early stage to understand that they can make a great salary and stay at home [in Ohio]," he said.

Leveille likened oil and gas to the "feed-stock" needed for manufacturing, which he said is something Ohio does best.

"Companies are coming back to America to manufacture," he said. "All [oil and gas] products will be needed in abundance, and that's important to Ohio."

The panelists all agreed more investments will be made in Ohio in the years and decades to come, and that because there is an estimated 100-year supply of natural gas under North America, this will not be a "blip on the screen" and may well be a "revolution" that will cause "a complete overhaul of the economy."

When the floor was opened up to questions from the audience, the first was about the governor's proposed severance taxes to be imposed on oil and gas producers.

Lendel answered in no uncertain terms and said, "More than just a tax number will influence companies. [They will come] more because of the revenue of the product [rather than] stay away because of the tax."

The moderator was explaining that there would be a part two to the Columbus Metropolitan Club discussion about the oil/gas industry at a later date, when a local business owner and food-producer began a pointed line of questioning aimed at uncovering the on-going environmental impact of hydraulic fracturing and extraction.

In an effort to further diffuse the situation, DePerro also reminded the audience that it is because of recent technological advances that this process exists. He dovetailed that thought into the inevitable question about recent earthquake activity blamed on the oil/gas industry in northeast Ohio.

Leveille responded that there are 144,000 wells across the country; that the seismic activity was an anomalous occurrence; and "fracturing" has been utilized for a long time and is a safe process.

One audience member asked about unintended consequences and recounted his experience in North Dakota where the shale "boom" had created pressure on rents to the point which people were moving out of town.

"From what I've seen of southeastern Ohio, it could use a little crowding and pressure," said Lendel.

In response to the final question about disclosing the ingredients of "fracking" fluid, Hammond told audience members their answers to their questions could be found at frackfocus.org.

Seasonal Worker Job Search Efforts Must be Considered for 'Average Weekly Wage'

The Ohio Supreme Court said Thursday that the state Industrial Commission must weigh the job search efforts of seasonal workers during periods of unemployment when calculating their "average weekly wage" (AWA) for the purposes of workers' compensation claims. The test, said the Court, is whether unemployed workers made a "reasonable attempt" to secure gainful employment.

The case arises from a workers' compensation claim filed by Rick Warner for an injury he suffered in September 2007 while working on a road paving crew as a seasonal employee of Central Allied Enterprises Inc. After Warner was deemed eligible, he sought an award of temporary total disability, for which the Industrial Commission bases a claimant's weekly benefit on his AWW in the year before the injury. The commission generally divides total wages earned in the preceding year by 52 weeks, though the law provides exceptions to this general rule. One exception in R.C. 4123.61 states that in calculating AWW, the commission should not count "any period of unemployment due to sickness, industrial depression, strike, lockout or other cause beyond the employee's control."

In Warner's case, evidence showed that during the 52 weeks preceding his injury, he had earned wages for 30 weeks and had collected unemployment compensation for the other 22 weeks due to seasonal layoffs typical to the paving industry. Warner proposed that the commission establish his AWW by one of two formulas: (1) dividing his wages during the 30 weeks of employment by 30 without counting the period of seasonal unemployment, or (2) adding the 22 weeks of unemployment benefits he had collected to his wages from work, and dividing the result by 52.

An Industrial Commission staff hearing officer rejected both formulas, instead calculating Warner's AWW from his paving crew "wages" during the preceding year and dividing that amount by 52 weeks.

In his opinion, the hearing officer found that unemployment payments were not "wages" that may be included in the calculation of a workers' AWW for workers' compensation purposes. He also held that the weeks Warner was unemployed during the year preceding his injury should not be excluded from the calculation of his AWW as a period of unemployment "beyond his control" because Warner had worked for several years in the paving business, was aware that it involved predictable seasonal layoffs, and by continuing in that line of work had made a deliberate "lifestyle choice" to be unemployed for extended periods of the year. The hearing officer also found that Warner had not presented any evidence that he searched for other work during the 22 weeks he was unemployed.

After further administrative review was refused, Warner filed suit in the 10th District Court of Appeals seeking order compelling the Industrial Commission's to recalculate his AWW. The court of appeals concluded the commission had indeed abused its discretion in failing to consider Warner's unemployment compensation as federally taxable income under the Internal Revenue Code. The 10th District also criticized the commission's finding that there was no evidence Warner had looked for work during the seasonal layoff in view of his unemployment compensation, "which, under state unemployment laws required proof of a job search," the Court noted.

The Industrial Commission and Central Allied appealed the 10th District decision to the Supreme Court, which sided with Warner Thursday. The Court cited its 2004 decision in *State ex rel. Baker Concrete Construction v. Industrial Commission*:

"Foreseeability of job loss does not necessarily render seasonal unemployment voluntary. Certainly, seasonal unemployment can be considered voluntary when it is the result of a worker's choice to enjoy the time off rather than look for another job during the off-season. On the other hand, many seasonal employees want to work during the layoff but, despite diligent efforts, cannot find other employment. In those situations, unemployment may be considered to be beyond the individual's control," the Court said.

"In this case, the commission never addressed the adequacy of Warner's job search because it wrongly believed that he had not presented any evidence of a search for other employment. The court of appeals was accordingly correct in ordering further consideration of this issue, and that portion of its judgment is hereby affirmed."

On the 10th District ruling that the Industrial Commission must include Warner's unemployment benefits in calculating his AWW, the Court cited its 2000 opinion in *State ex rel. McDulin v. Industrial Commission*.

"*McDulin* ... declared federal taxability to be irrelevant in determining what to include in the AWW wage total. Inclusion of unemployment compensation, moreover, could create an impermissible windfall in situations where the commission has determined that weeks of unemployment were beyond the claimant's control and omitted those weeks from the AWW calculation," the Court said. "Accordingly, that portion of the court of appeals judgment is reversed."

The high court remanded the case to the Industrial Commission "to determine whether Warner's weeks of unemployment were beyond his control, and to include or exclude those weeks from the AWW calculation consistently with R.C. 4123.61."

People in the News

Gartland Inducted into American College of Real Estate Lawyers

Vorys, Sater, Seymour and Pease announced Wednesday that Sheila Nolan Gartland, a partner in the firm's Columbus office, has been inducted into the American College of Real Estate Lawyers (ACREL). According to Vorys, "Admission to the organization is by invitation only after a rigorous screening process, making it the premier organization of real estate lawyers in the United States."

According to ACREL, lawyers are selected for membership "for their outstanding legal abilities, experience and high standards of professional and ethical conduct in the practice of real estate law." Gartland joins Vorys partner Steve Buchenroth as an ACREL fellow.

Gartland regularly advises clients in the acquisition, sale, development (including annexation and zoning matters), leasing and disposition of real property. She also represents clients in connection with oil and gas transactions including leasing, acquisitions and joint ventures.

In addition, Gartland works with clients on environmental remediation compliance and acquisitions and dispositions related to bankruptcy proceedings. She assists clients with obtaining economic development incentives and other real estate financing, including federally insured commercial mortgage lending and other commercial loans.

Gartland is a member of CREW Columbus. She is also a member of the Ohio State and Columbus Bar associations. She received her J.D. from the University of Toledo College of Law and her bachelor's degree from the University of Dayton.

Ohio Digest

ProgressOhio Ejected while Protesting at ODI

A protest led by ProgressOhio, Ohio Communities United, Alliance of Retired Americans, and Health Care for America Now, ended when the groups were ejected from the Ohio Department of Insurance's Columbus office while attempting to deliver petitions asking for the state to implement a health insurance exchange.

The groups said they were attempting to deliver over 500 signatures asking for Lt. Gov. Mary Taylor, who serves as director of the agency, to create the exchange. ProgressOhio said they were told the petition would only be accepted in the mail and were removed from the premises by guards.

RMA Addresses Crop Insurance Impact of Planting Crops Early in Ohio

While the unseasonably warm, dry weather will have many producers thinking about planting their crops earlier than usual, Brian Frieden, USDA's Risk Management Agency director for the Springfield Region, issued a reminder for producers that crops planted before the earliest planting date are not eligible for replant payments, but the insurance guarantee is not affected as long as producers follow good farming practices.

In Ohio, the earliest planting date for corn is April 6. For soybeans, the earliest planting date is April 21. For more details on planting dates, or the impact early planting may have on a specific crop insurance policy, producers are urged to contact their crop insurance agent.

Columbus Installs Two Electric Vehicle Charging Stations for Public Use

In preparation for the next generation of vehicles, the city of Columbus and Clean Fuels Ohio are piloting two electric vehicle charging stations that can be used by the public. The stations are located on the north side of Goodale Street between Dennison and Park Street and in front of the city's Beacon Building at 50 W. Gay St. The stations can fully charge most electric vehicles in 4 to 6 hours and the only cost for the user will be for metered parking.

"Electric vehicles result in less pollution and more job potential for our residents," Mayor Michael B. Coleman said in a statement. "With these initial charging stations, we can help support the market and our residents, making the choice to switch to an electric vehicle that much easier."

The cost of construction is \$45,000, which is being split by the city and the U.S. Department of Energy. The federal government's share is in addition to the \$500,000 Clean Cities planning grant, which was awarded to Clean Fuels Ohio as part of the American Recovery and Reinvestment Act of 2009, to support community planning for plug-in electric vehicles and charging infrastructure. The city is working with Clean Fuels Ohio to plan for electric vehicles in Columbus.

With the two new locations, Columbus now has 22 public electric vehicle charging stations installed throughout the city, with more on the way. The others can be found at the following locations:

- Ohio Statehouse Parking Garage, 6 charging stations
- Morse Road Walmart, 2 charging stations
- Easton East Parking Garage, 2 charging stations
- Electrical Trades Center, 947 Goodale Blvd., 5 charging stations
- Ohio State University Center for Automotive Research, 5 charging stations

"We're excited to partner with the city of Columbus to install electric vehicle charging stations in our city," Clean Fuels Ohio Executive Director Sam Spofforth said. "As we begin to see electric vehicles purchased in Ohio, consumers will have the benefit of having great locations to charge their vehicles."

CCS Looks at Public Health Funding

While rates of chronic diseases are on the rise, federal funding levels for public health are insufficient and will be made worse by federal deficit reduction efforts -- in Ohio and across the United States -- according to a new report by Tara Dolansky of the Center for Community Solutions (CCS).

"Federal Funding for Public Health and Health Services: Is Ohio Getting its Share?" analyzes funding levels for public health from the Centers for Disease Control and Prevention (CDC) and for health services from the Health Resources and Services Administration (HRSA). It concludes that funding for public health is not sufficient to address the effects of chronic disease and increasing rates of obesity and physical inactivity, and that the failure to invest funds strategically to prevent disease will increase health costs in the long run.

Dolansky, public policy and planning assistant, notes that "the piecemeal nature of the grants awarded by the CDC and HRSA to states does not allow for a strategic investment to address public health issues for the long term, even in states that receive more funding than Ohio. It is important to look more closely at these different types of funding and the programs that are being funded to understand current public health efforts and existing needs."

According to the report, Ohio is the seventh most populous state in the U.S., but receives less federal funding for public health and health services than most other populous states. On a per capita basis, Ohio ranks 50th in funding from the CDC and 42nd in funding from HRSA. This analysis explores the numbers behind these rankings and looks at individual grants -- some mandatory, some discretionary -- awarded to the 10 most populous states. For example:

- Ohio receives more funding for diabetes from the CDC than all other states in this analysis, other than California and Georgia.
- Ohio received \$32 million from HRSA for Children's Hospital Graduate Medical Education in FFY 2010, third only to California and Pennsylvania in this analysis.
- The CDC awarded Ohio \$88 million for the Vaccines for Children program in FFY 2010, less than any other state in this analysis.
- Ohio receives less HRSA funding for parts of the Ryan White HIV/AIDS Program due to less incidence of disease.

"Federal Funding for Public Health and Health Services: Is Ohio Getting its Share?" is available online at www.CommunitySolutions.com.

Ohio Attorney General

Opinion Requests

FROM: Lucas County Prosecuting Attorney

Whether a prosecuting attorney may use moneys in her law enforcement trust fund to pay the compensation and other work-related expenses of an assistant prosecuting attorney whose sole responsibility is to prosecute drug offenses under R.C. Chapter 2925.

FROM: Madison County Prosecuting Attorney

Whether the mayor of the village of West Jefferson in Madison County may also be employed by a general health district in the position of recycling coordinator for Madison County and Union County.

Judicial Actions

Ohio Supreme Court Opinion

State ex rel. Warner v. Indus. Comm.

Workers' compensation -- Average weekly wage -- R.C. 4123.61 -- Unemployment compensation excluded from wage total -- Treatment of seasonal layoffs.

Executive Actions

Governor's Appointments

- Wade Lacey of Forest Park (Hamilton Co.) as a member of the National Afro-American Museum and Cultural Center Planning Council for a term beginning March 22, 2012 and ending Jan. 31, 2013, and Stephen G. Hall of Columbus (Franklin Co.) and Debra E. Williams of Cleveland (Cuyahoga Co.) as members of the council for terms beginning March 22, 2012 and ending Jan. 31, 2015.

LEGISLATIVE ACTIONS FOR 03/22/2012

HOUSE ACTIONS

ADOPTED BY HOUSE

SCR19 UNMANNED AERIAL SYSTEMS TESTING (WIDENER C) To urge the Administrator of the Federal Aviation Administration to select Ohio as a site for testing the integration of Unmanned Aerial Systems into the National Airspace System.

Vote 88-2

INTRODUCED

HB489 STATE DEVELOPMENT OMNIBUS REORGANIZATION (DOVILLA M, HAGAN C) To reorganize the Department of Development.

HB490 VETERANS SERVICES (DOVILLA M, LANDIS A) To change the law regarding a County Recorder's release of a veteran's record of discharge, to modify the duties of the Director of Veterans Services with respect to publishing information about Veterans Services offices.

HR305 OIL AND GAS EXPLORATION (DOVILLA M, ADAMS J) To urge President Barack Obama to allow oil and natural gas production and exploration and to grant a presidential permit to allow construction of the Keystone XL pipeline project.

PASSED BY HOUSE

HB482 CAPITAL APPROPRIATIONS (AMSTUTZ R) To make capital appropriations and make changes related to the laws governing capital projects.

Vote 93-2

REFERRED TO COMMITTEE

AGRICULTURE AND NATURAL RESOURCES:

HR305 OIL AND GAS EXPLORATION (DOVILLA M, ADAMS J) To urge President Barack Obama to allow oil and natural gas production and exploration and to grant a presidential permit to allow construction of the Keystone XL pipeline project.

CRIMINAL JUSTICE:

HB488 SEXUALLY ORIENTED OFFENSE CONVICTION-ADDITIONAL COURT COSTS (BAKER N, SLABY L) To generally impose additional court costs for felony or misdemeanor sexually oriented offense convictions.

FINANCE AND APPROPRIATIONS:

SB312 CAPITAL REAPPROPRIATIONS (WIDENER C) To modify the Adult and Juvenile Correctional Facilities Bond Retirement Fund and to make capital reappropriations for the biennium ending June 30, 2014.

PUBLIC UTILITIES:

SB289 COGENERATION TECHNOLOGY (COLEY W, SCHIAVONI J) To include cogeneration technology using waste or byproduct gas from an air contaminant source as a renewable energy resource.

STATE GOVERNMENT AND ELECTIONS:

HB489 STATE DEVELOPMENT OMNIBUS REORGANIZATION (DOVILLA M, HAGAN C) To reorganize the Department of Development.

VETERAN'S AFFAIRS:

HB490 VETERANS SERVICES (DOVILLA M, LANDIS A) To change the law regarding a County Recorder's release of a veteran's record of discharge, to modify the duties of the Director of Veterans Services with respect to publishing information about Veterans Services offices.

SENATE ACTIONS

INTRODUCED

SB314 STATE DEVELOPMENT OMNIBUS REORGANIZATION (WAGONER M) To reorganize the Department of Development.

SB315 ENERGY AND NATURAL RESOURCE LAWS (JONES S) To make changes to the energy and natural resources laws and related programs of the state.

SB316 TYPE B FAMILY DAY-CARE HOMES (LEHNER P) To revise the law governing type B family day-care homes on January 1, 2014.

EXECUTIVE ACTIONS FOR 03/22/2012

SENT TO GOVERNOR FOR SIGNATURE

HB389 WILD ANIMAL HUNTING PRESERVE LAW (HALL D, OKEY M) To establish requirements and procedures governing propagating and hunting captive deer and to revise the law governing wild animal hunting preserves.

The House adjourned until Tuesday, March 27, 2012 at 11 a.m. (Regular Session)

The Senate adjourned until Monday, March 26, 2012 at 11 a.m. (Nonvoting Session)



**HOUSE ECONOMIC AND SMALL BUSINESS
DEVELOPMENT**

Rep. Baker: 614-466-0961

Thu., Mar. 22, 2012

Chairwoman Baker said the committee would not be meeting next week.

HB327 JOB CREATION-RETENTION TAX CREDIT (GONZALES A) To provide for a six-year trial period in which taxpayers may receive a job creation or job retention tax credit for the employment of home-based employees.

REPORTED OUT AS AMENDED

Members accepted two amendments -- one replacing the \$9.50 threshold with the more general "130 percent of the federal minimum wage," and a second amendment affirming "no job retention tax credit for employment of home-based employees" -- before reporting out HB327.

HCR33 FEDERAL WORKFORCE INVESTMENT ACT (DERICKSON T, NEWBOLD C) To urge the Congress of the United States to take action on the federal Workforce Investment Act to allow states greater flexibility to address current economic realities.

REPORTED OUT

The committee received final proponent testimony from Rich Lee, director of admissions at Performance Training Solutions of Reynoldsburg; Senior Director Bill Tacon and Program Manager Mary Benedict of BioOhio; Dean Cady Short-Thompson of University of Cincinnati's Blue Ash College; and Executive Director Philip Cole of the Ohio Association of Community Action Agencies.

"As currently configured, the WIA-funded infrastructure throughout the state, such as the 'One Stop' system, is not optimally configured to support this industry," Tacon and Benedict said. "They lack critical knowledge on the needs of high-tech industries such as bioscience, and have no proven employee placement track record with the industry."

Rep. Grossman took the disconnect back to the K-12 level. "I continue to be concerned about the breakdown between high school and your industry," she said.

Tacon pointed to a lack of resources. "Also lack of awareness" and "lack of leadership," he said, noting, "Some communities get it." On a scale of one to 10, he said, "I would put them below a five in how they interact with our industry."

Benedict noted that BioOhio has created a website to help walk students through bioscience requirements. Unlike the One Stop system, she said, "We're able to predict where the industries will be in the next 10 years."

Short-Thompson called workforce development "a longstanding part of our college's mission. ... In a time of significant economic challenges and workforce competition, our center provides an ideal and affordable option for companies to outsource their training and development needs."

Rep. Buchy asked about the value of web-based education and training.

"Online learning is not the wave of the future," Short-Thompson said. "It is in our midst and has been so for a decade." Still, she said, "It is a lot easier to fall behind in an online course than in an in-person course."

Rep. Reece raised the question of transportation for urban dwellers, and Short-Thompson said the college operates a shuttle from Clifton to Blue Ash.

HCR33 went to unanimous passage by members present. Not on the committee, sponsoring Rep. Derickson thanked members for their contributions and support.

"You have all become very educated on this subject, as did I."

HR292 SKILLED WORKFORCE RECOGNITION MONTH (ADAMS R) To designate the month of March 2012 as "Skilled Workforce Recognition Month" in Ohio.

REPORTED OUT

See separate story.

HOUSE FINANCIAL INSTITUTIONS, HOUSING AND URBAN DEVELOPMENT

Rep. Adams: 614-466-8114

Thu., Mar. 22, 2012

HB322 INTEREST RATES (BRENNER A) To permit Ohio banks, savings and loan associations, savings banks, and credit unions to charge the same interest rate and other charges that out-of-state banks may charge Ohio customers.

REPORTED OUT

Rep. Goyal offered an amendment to limit the scope of the bill to address only interest rates for revolving credit, but it was tabled after Rep. Brenner said keeping the bill's provision broad would create more incentives for banks to locate their charters in Ohio.

HB408 METROPOLITAN HOUSING AUTHORITIES (TERHAR L) To change the composition of certain metropolitan housing authorities.

REPORTED OUT

The committee reported the bill out along party lines -- with Rep. Ruhl abstaining because she sits on a housing authority board in Knox County -- after hearing from several opponent witnesses, many of whom had testified at a previous hearing.

Witnesses and those submitting written statements in opposition included Robert Newman, a Cincinnati attorney; John Schrider, an attorney with the Legal Aid Society of Southwest Ohio; Margaret Fox, executive director of the Metropolitan Area Religious Coalition of Cincinnati; Laurice Johnson, a resident of Cincinnati Metropolitan Housing Authority facilities and president of the Stanley Row Towers B Resident Council; Contina Davis of Cincinnati; Marsha Reese, a CMHA resident; Carol Brown, a CMHA resident; and Patricia Clark, a CMHA resident.

The witnesses reiterated many of the concerns they and others voiced at a previous hearing, including that the bill is discriminatory toward African Americans and the poor, that state involvement will only exacerbate a local dispute, and that the current appointment of three CMHA board members by countywide elected officials gives suburban communities opportunities to be represented.

"I also need to apologize to the whole committee on behalf of Hamilton County ... that we can't take care of Hamilton County's business any better than this, that it needs to be brought up here to the Statehouse," said Brown.

Fox noted that, since that hearing, the Cincinnati city manager had appointed another resident of Green Township to the CMHA board, giving the township two seats and demonstrating that the current board make up allows suburban communities to gain adequate representation.

Reps. Brenner and Henne asked witnesses why they would oppose changes that guarantee suburban representation on the board, rather than just allowing suburban representation at the discretion of current

appointing authorities. Fox said again that she thought the countywide appointing authorities provide adequate opportunity for suburban representation. She said some of the suburban communities have demonstrated that their voice on the CMHA board would be one of opposition, since some communities have rejected entering cooperation agreements for new units with CMHA.

Reps. Blair and Ruhl asked Schrider if there's a problem with expanding the number of board seats, with Ruhl pointing out that her county has a board of five to handle fewer than 600 vouchers, whereas Cincinnati has more than 10,000. Schrider said he thinks the current system has functioned well in the past, and he said he also objects to creating a specific change affecting only Hamilton County when other large metropolitan counties have similarly large numbers of units and vouchers.

Rep. Goyal offered an amendment he said would create a compromise version of a new housing authority board make up, similar to a legislative proposal from Rep. Driehaus, but it was tabled. It would have called for two members to be appointed by the board of county commissioners and three by the Cincinnati mayor, with at least one appointee being a resident of a housing authority unit, while also giving other housing authorities in the state flexibility to adopt new board models.

Before the vote, Goyal said he was strongly opposed, saying the state should not inject itself into a local dispute and pointing out that current mechanisms for appointing housing authority board members have already allowed suburban communities to get significant representation.

HOUSE HEALTH AND HUMAN SERVICES SUBCOMMITTEE

Rep. McClain: 614-644-6265

Thu., Mar. 22, 2012

HB487 MID-BIENNIUM REVIEW BUDGET (AMSTUTZ R) To make operating and other appropriations, to levy taxes and provide for implementation of those levies, and to provide authorization and conditions for the operation of state programs.

Bonnie Kantor-Burman, director of the Ohio Department of Aging (ODA), outlined the following three changes in the MBR related to her department:

- Conform Home First eligibility criteria with the Assisted Living waiver eligibility criteria. Kantor-Burman stressed there is currently no waiting list and called this merely a "logical, proactive and cautionary" step that eliminates the requirement an individual would first have to reside in an assisted living facility before accessing the waiver program. She said they neglected to remove this provision for the Home First program in HB153.
- Clarify that the attorney general would provide legal counsel and representation for regional ombudsmen under the Older Americans Act. Kantor-Burman said the AG requested this clarification.
- Make two technical changes to PASSPORT. This language clarifies that an individual can be on the state-funded PASSPORT program for 90 days, rather than the current "three months" limit. She said this specificity simplifies the program. In addition, language changes are needed "to continue state-funded services to consumers enrolled in the Medicaid PASSPORT program who subsequently lose their Medicaid eligibility" -- providing a 90-day period of service for each episode of eligibility.

Kantor-Burman also explained that her department, through "efficiencies and promising outcomes from its recent strategic planning process and resultant staff reorganization -- the first in 17 years" is able to absorb a one percent GRF reduction, approximately \$147,000, in FY13.

Subcommittee Chairman McClain asked if the funding reduction would affect services, and the director said no. She added that the strategic planning process "uncovered hidden talents among the staff" so that they could eliminate unfilled positions. She said the plan is to spend "even more prudently" so that funds can be used to expand services.

Kantor-Burman spent some time explaining the agency's shift in perspective regarding their clients, moving from the view of individuals needing services to one of individuals who "have much to contribute." She said this then affects the types of services they offer, mentioning the "civic engagement" focus.

In answer to another question from McClain, Kantor-Burman detailed the various stakeholder groups consulted by the department, commenting that the shift in focus has also expanded the state agency shareholders they now consult. She mentioned specifically the Department of Rehabilitation and Correction, because of the aging prisoner population.

Ohio Department of Developmental Disabilities (DODD) Director John Martin told the committee that he probably is responsible for many of the pages in HB487. However, the first MBR initiative he mentioned is not actually in HB487 -- it will be included in the Senate bill addressing the education/workforce changes. It is the initiative announced Monday by the governor to improve job opportunities for people with developmental disabilities by making community employment the "preferred option and ensure that the Individualized Education Program for developmentally disabled students, beginning at age 14, establishes post-secondary goals related to community employment." Dubbed "Employment First," this approach "will provide individuals with developmental disabilities the skills and support they need to obtain meaningful careers. ..."

Other changes in the MBR include the following:

- Changes that support individual decision-making and "avoid the appointment of a guardian when a less-restrictive alternative is available." He said the proposal "reinforces the principle that the guardian and others acting on an individual's behalf should know and support an individual's preferences when consistent with the individual's best interest."
- Changes DODD's abuser registry to say if an individual has been convicted of a criminal offense they can be placed on the registry without a DODD hearing.
- Changes laws to "make hiring practices more fair and efficient" for county DD boards and employees. In addition, DODD will no longer certify board employees.
- Changes that spur the voluntary conversion of Intermediate Care Facility (ICF) beds to home and community based waivers started in HB153 by consolidating licensure responsibilities, increasing the number of ICF beds that can be converted to 500 and creating a financial incentive while removing a disincentive for the conversion.
- Exempts county boards from paying a 1.25 percent Medicaid administrative fee for the Transitions Waiver, which is transferring to DODD.
- Specifies that local boards can form regional councils of governments (COGs) but funding will come from the boards, not from DODD.
- Clarifies that a board employee cannot serve on a county board and a former employee must wait two years before serving on a board.

In answer to a question from Rep. Foley, Martin said this does not signal a moving away from support of the 10 developmental centers. In fact, he said they are geographically spread so that individuals can be close to home. He said they are also important for providing emergency services.

Asked by McClain about the status of an opinion from the attorney general concerning the COGs, Martin said they have received an informal opinion but the requested formal opinion has not yet been issued.

Crystal Ward Allen, executive director of the Public Children Services Association of Ohio (PCSAO), testified in support of the following two provisions in the MBR:

- Differential Response funds transfer. Saying this does not appropriate new funds, Allen told the committee, "Differential Response is an evidence informed practice that has been ... shown to manage governmental intervention for low and moderate risk child maltreatment reports without compromising safety, while maintaining a stricter investigation protocol for more serious reports such as sexual abuse and injury physical abuse."
- Funds for community behavioral health. She said while most children in the child welfare system have Medicaid, their families/caregivers have "many mental health and substance abuse issues demanding treatment"

Allen went on to ask the subcommittee to support the addition of the following two items:

- Language permitting child welfare agencies to appeal if a court denies a motion for permanent custody -- "the only way to free a child for adoption when we are unable to achieve a safe and timely reunification."

- The creation and funding of the Shared Child Welfare Incentive Fund. Telling the subcommittee that currently 43 counties do not have a local child welfare levy while 45 counties do, Allen said this fund, funded with a "rolling" \$20 million in state funds, would be used to match new levy dollars passed in SFY13-16 dollar-for-dollar and would last for five years on each levy. The proposal caps a new levy eligible for state match at 1.5 mills. "Obviously, the 43 counties that do not have levies would be eligible, but others that have minimal, outdated levies could also seek new millage."

She said something like this is necessary because state support of local child protection services is minimal, "averaging only 5 percent of local child welfare costs," and the inequities between counties with and without local supports are widening due to tax and budget changes. She said as local funds shrink, child welfare agencies must compete with the "sheriff and dog pound" for those dollars.

Both Reps. McClain and Sears expressed the concern a county would allow a levy to expire so it could take advantage of this state funding. Allen said she has talked with her members and she does not believe that would happen. She said counties are very protective of their levies and work hard to not have to pass new levies, which is not an easy task. She said the low rate would also discourage that from happening.

Dustin McKee testified on behalf of the Ohio Association of County Boards (OACB) and said DODD has kept them informed of the provisions included in the MBR. Explaining that HB153 implemented a 26 percent reduction for county boards of developmental disabilities (CBDDs), McKee asked the subcommittee to appropriate \$8 million "to the DD system." "This appropriation could be made in such a way as to ensure the revenue is allocated by the director of DODD to CBDDs in the highest need areas. It can also be appropriated in such a way as to ensure that every dollar is used to draw down an additional \$1.62 in federal Medicaid revenue. Thus, an \$8 million appropriation ... would result in more than \$21.1 million in services for persons with disabilities."

He said his association supports many of the language changes in the bill including the removal of burdensome administrative requirements, the elimination of duplicative licensure requirements and the increase in the number of ICF/DD beds that can be moved to a community-based waiver.

However, McKee said the OACB opposes language permitting a county auditor to serve as the CBDD fiscal officer.

As with Allen, the subcommittee asked where the funds would come from, with McKee suggesting revenues over estimates.

On the county auditor question, Sears said she thought the language was permissive, with McKee saying that was not clear to them.

The final witness was Mark Davis, president of the Ohio Provider Resource Association (OPRA), who noted that, "Nothing is simple and moving a system away from sheltered workshops as the first, sometimes only employment option, towards a priority of competitive community employment will require patience and collaboration as well as a commitment to incent the desired outcomes."

He said DODD goals of increasing the number of home and community based settings, downsizing large facilities and revising the acuity assessment tool and reimbursement methodology are "significant goals" as are the Office of Health Transformation goals of modernizing reimbursement, system realignment, increasing efficiencies and value driven outcomes.

Davis did highlight some issues for the system: a turnover of direct care staff that exceeds 43 percent and an unsustainable current system. He said his association continues to review the bill and will provide feedback "if questions or concerns arise."

In answer to a question from Sears about the bed conversions, Davis expressed some skepticism about the 500 number, noting that HB153 permitted 200 and only one has been done. He also expressed concern over time-limited reimbursement for the shift, saying that after the year is up, the individual's needs continue.

He said he believes the waiver reimbursement system incentives are "misaligned" and there should be a "shift from input minutiae to outcomes."

HOUSE LOCAL GOVERNMENT

Rep. Blair: 614-466-6504

Thu., Mar. 22, 2012

HB487 MID-BIENNIUM REVIEW BUDGET (AMSTUTZ R) To make operating and other appropriations, to levy taxes and provide for implementation of those levies, and to provide authorization and conditions for the operation of state programs.

Testifying on local government aspects of HB487 were John Murphy, executive director of the Ohio Prosecuting Attorneys Association (OPAA); and Susan Cave, executive director of the Ohio Municipal League.

Murphy expressed concern about provisions allowing a county auditor with the approval of the county commissioners to serve as the fiscal officer of any department, office or agency of the county. He said the provision should be deleted, or at a minimum amended to require that the head of the department, office, or agency must agree to the arrangement.

Murphy joined with "our colleagues in the public defender's office," to support amendments in the bill that permit parties to a case to get copies of a transcript at the public records request cost (usually five or 10 cents per page), rather than the \$2.50 to \$3 per page charged in about half of Ohio's counties that applies to the production of the original transcript.

Cave addressed items in HB487 that have potential additional costs for municipalities; redundant "tools" to promote shared services; "tools" that will provide very little assistance to municipalities; and items that could be included that would be more meaningful.

Potential additional cost items included mandating four hours of continuing professional training for peace officers while eliminating reimbursement of the local costs; new Ohio Environmental Protection Agency (Ohio EPA) rules for public water system licenses; increased fees for ethics disclosure statements; and new requirements for municipalities on fiscal watch.

Cave listed 18 redundant tools to promote shared services that many municipalities have already implemented including the following: joint purchases; combined dispatchers; sharing facilities, training, equipment and building inspections; mutual aid agreements; tax collection; storm water control; road maintenance; economic development; and joint park, police, fire and economic development districts and port authorities. She said very little assistance will be provided by horizontal well impact loans, extending county appraisal cycles, eliminating medical insurance cafeteria plan requirements for small employers, raising bid limits for cities and eliminating stolen property reporting requirements.

More meaningful help could be provided by replacement of losses to the Local Government Fund, increasing the prevailing wage threshold for contracts to \$5 million; state assumption of maintenance costs for state routes within municipalities; reinstatement of indigent burial reimbursement; changes to unemployment compensation laws for seasonal employees and employees working multiple jobs; and reducing the cost of audits.

Chairman Blair noted that the administration's proposal actually reduces the hours of continuing peace officer training from "up to 24 hours" to four hours. Cave said municipalities originally agreed to the requirement based on reimbursement being available. Blair noted that other witnesses have said that on-line training is available.

Rep. Reece said other areas of peace officer training need to be looked at, including retraining requirements for experienced officers hired from out of state.

Asked about administration claims that many of the ideas in the MBR for increasing local government efficiency came from groups like the municipal league, Cave said the administration asked them to submit a list and held a few informal meetings with staff. They did not include some of their items.

In response to Rep. Lundy, Cave said municipalities are divided on the issue of fracking impact fees, with some saying they should go to communities directly affected and others saying they should go into a replenishment fund for all.

Rep. Baker argued that constituents are seeing some relief from a recovering economy and in the long run communities will see consolidation of services as a better way. Cave said economic improvement is not a statewide trend and it is hard to see the future.

Reps. Duffey and Gerberry compared the relative conditions of their communities, Worthington and Boardman, with Gerberry saying that poorer communities are being devastated by the state budget. Cave said it depends on the economic makeup of the community, its workforce and tax structure; it's hard to come up with comparisons.

After a general committee discussion, Blair announced that there would be at least one hearing on HB487 next week, maybe two. Democrats Gerberry and Rep. Sykes objected to the narrow window and lack of information from the administration, allowing only a cursory review based in interested party input. Rep. Hackett suggested the committee develop its own amendment for the bill. Gerberry and Blair suggested pulling anything controversial for a separate bill.

HOUSE STATE GOVERNMENT AND ELECTIONS

Rep. Maag: 614-644-6023

Thu., Mar. 22, 2012

HB315 CAMPAIGN MATERIALS (BAKER N, SEARS B) To increase the penalties for making a false statement in campaign materials related to nomination or election for a statewide office or office of a member of the General Assembly, or in regard to any campaign for/against a ballot issue.

Not heard.

HB396 RULE-MAKING AND REVIEW PROCEDURES (MCGREGOR R, MURRAY D) To revise rule-making and rule review procedures and to declare an emergency.

No witnesses.

HB487 MID-BIENNIUM REVIEW BUDGET (AMSTUTZ R) To make operating and other appropriations, to levy taxes and provide for implementation of those levies, and to provide authorization and conditions for the operation of state programs.

See separate story.

HOUSE WAYS AND MEANS

Rep. Beck: 614-644-6027

Thu., Mar. 22, 2012

HB487 MID-BIENNIUM REVIEW BUDGET (AMSTUTZ R) To make operating and other appropriations, to levy taxes and provide for implementation of those levies, and to provide authorization and conditions for the operation of state programs.

No witnesses showed up to testify, but Chairman Beck called up staffers from the Department of Taxation to answer questions about provisions of the bill related to sale and use, excise and commercial activity taxes.

Committee members spent significant time questioning Phyllis Shambaugh, counsel for the department's sales and use tax division, about a bill provision aimed at closing a loophole allowing people to avoid paying sales tax on recreational vehicles.

Shambaugh said the change would extend the taxable status of buying or selling ownership in a C corporation to S corporations and other pass-through entities. Specifically, it would apply if the sole asset of those entities was a boat, plane, motor vehicle or recreational vehicle. The change is aimed at the phenomenon of establishing an LLC for the purpose of buying and titling recreational vehicles in Montana, which does not have a sales tax. She told Beck the change is not meant to apply to small businesses dealing in such vehicles, only individuals.

Shambaugh said quick Internet searches will turn up a number of businesses offering the service of setting up these corporations for people so they can buy RVs. She told Rep. Boose that while the change would also apply to buying a car in Montana with an LLC, it's generally only worth the effort for big-ticket vehicles where the sales tax liability is thousands of dollars, because it costs several hundred dollars to set up the LLC. Boose said it might be worth it for expensive sports cars.

Boose also raised the question of whether it's legal for Ohioans to avoid titling their recreational vehicles in Ohio, which would trigger sales tax liability. Rep. Amstutz suggested changing the law to require titling of the vehicles in Ohio sooner might also close the loophole.

Rep. Barnes asked what would happen if the people owning the RVs through pass-through entities tried to transfer ownership by giving the vehicle as a gift. Shambaugh said that, except in the case of relatives, people can't just trade or give vehicles to one another, and are required to pay sales tax on the fair market value at the time of titling.

Beck asked about a provision adding a penalty for acting as a tobacco product distributor without a license. Laura Stanley, a division counsel within the department, said it would establish a penalty similar to the cost of securing a distributor license.

Rep. Dovilla raised concern about a provision extending motor fuel tax liability to all business organizations, including limited liability corporations, saying it could undercut the nature of LLCs, as they're meant to protect individuals from liability.

Beck asked about a provision dropping the requirement for propane dealers to get surety bonds. Stanley said while propane dealers are required to register as motor fuel dealers, they don't pay the motor fuel tax because propane isn't used on roadways, so this change is removing some requirements meant to apply to actual motor fuel dealers.



Preliminary Agenda

Monday, March 26, 2012

CONTROLLING BOARD

Mon., Mar. 26, 2012, 1:30 PM, North Hearing Room

JOINT COMMITTEE ON AGENCY RULE REVIEW

Mon., Mar. 26, 2012, 1:30 PM, Senate Finance Hearing Room

Tuesday, March 27, 2012

HOUSE AGRICULTURE AND NATURAL RESOURCES

Rep. Hall: 614-466-2994

Tue., Mar. 27, 2012, 8:30 AM, Hearing Room 116

SB130 DOG LICENSING/DOG BREEDING KENNELS (HUGHES J, CATES G) To establish licensing requirements and standards of care for certain dog breeding kennels, dog retailers, and animal rescues for dogs.

First Hearing, Sponsor Testimony

HB473 GREAT LAKES-ST. LAWRENCE RIVER BASIN WATER RESOURCES COMPACT (WACHTMANN L) To establish a program for the issuance of permits for withdrawal and consumptive use of waters from the Lake Erie basin and to establish other requirements related to the implementation of the Great Lakes-St. Lawrence River Basin Water Resources Compact.

Second Hearing, Proponent Testimony

SENATE EDUCATION

Sen. Lehner: 614-466-4538

Tue., Mar. 27, 2012, 9:30 AM, South Hearing Room

SB316 TYPE B FAMILY DAY-CARE HOMES (LEHNER P) To revise the law governing type B family day-care homes on January 1, 2014.

First Hearing, Sponsor Testimony

OHIO HOUSE

Tue., Mar. 27, 2012, 11:00 AM, House Chambers

SENATE RULES & REFERENCE

Sen. Niehaus: 614-466-8082

Tue., Mar. 27, 2012, 11:00 AM, Senate Majority Conference Room

HOUSE RULES AND REFERENCE

Rep. Blessing: 614-466-9091

Tue., Mar. 27, 2012, 11:15 AM, Hearing Room 119

OR IMMEDIATELY AFTER SESSION

OHIO SENATE*Tue., Mar. 27, 2012, 1:30 PM, Senate Chambers***HOUSE FINANCE AND APPROPRIATIONS**

Rep. Amstutz: 614-466-1474

Tue., Mar. 27, 2012, 1:30 PM, Hearing Room 313

SB312 CAPITAL REAPPROPRIATIONS (WIDENER C) To modify the Adult and Juvenile Correctional Facilities Bond Retirement Fund and to make capital reappropriations for the biennium ending June 30, 2014.

Second Hearing, No Testimony, POSSIBLE VOTE**HOUSE LOCAL GOVERNMENT**

Rep. Blair: 614-466-6504

Tue., Mar. 27, 2012, 1:30 PM, Hearing Room 121

HB487 MID-BIENNIUM REVIEW BUDGET (AMSTUTZ R) To make operating and other appropriations, to levy taxes and provide for implementation of those levies, and to provide authorization and conditions for the operation of state programs.

Third Hearing, All Testimony**HOUSE STATE GOVERNMENT AND ELECTIONS**

Rep. Maag: 614-644-6023

Tue., Mar. 27, 2012, 2:00 PM, Hearing Room 116

HB487 testimony from ODOT, EPA and DPS, following by public testimony on government efficiency provisions relating to those agencies and DAS

HB396 RULE-MAKING AND REVIEW PROCEDURES (MCGREGOR R, MURRAY D) To revise rule-making and rule review procedures and to declare an emergency.

Fourth Hearing, All Testimony, AMENDMENTS/POSSIBLE VOTE

HR198 DETROIT RIVER INTERNATIONAL CROSSING (BOOSE T, FOLEY M) To support the construction of the new Detroit River International Crossing between the United States and Canada.

First Hearing, Sponsor/All Testimony, POSSIBLE VOTE

HJR3 AMENDMENTS CONVENTION (MAAG R) Applying for an Article V amendments convention.

Second Hearing, All Testimony, POSSIBLE VOTE

HB487 MID-BIENNIUM REVIEW BUDGET (AMSTUTZ R) To make operating and other appropriations, to levy taxes and provide for implementation of those levies, and to provide authorization and conditions for the operation of state programs.

Third Hearing, All Testimony**HOUSE WAYS AND MEANS**

Rep. Beck: 614-644-6027

Tue., Mar. 27, 2012, 2:30 PM, Hearing Room 114

Agency and public testimony on financial institutions tax changes

SENATE JUDICIARY

Sen. Wagoner: 614-466-8060

Tue., Mar. 27, 2012, 3:15 PM, North Hearing Room

Testimony from Ohio Supreme Court on proposed amendments to rules of appellate, civil, criminal and juvenile procedures and rules of evidence

SB305 HIDDEN AUTOMOBILE COMPARTMENTS (HUGHES J) To prohibit the building or installation of hidden compartments in motor vehicles.

First Hearing, Sponsor Testimony

HB62 ASSAULT OF HEALTH CARE WORKERS (GONZALES A) To increase the penalty for assault when the victim is a health care worker engaged in the performance of official duties whom the offender knows is a registered nurse or a licensed practical nurse.

Fifth Hearing, All Testimony, AMENDMENTS/POSSIBLE VOTE

HB380 ASBESTOS EXPOSURE COMPENSATION (BLESSING L) To require claimants in asbestos tort actions to make certain disclosures pertaining to asbestos trust claims that have been submitted to asbestos trust entities for the purpose of compensating the claimant for asbestos exposure.

Fourth Hearing, Interested Party**HOUSE JUDICIARY AND ETHICS**

Rep. Bubp: 614-644-6034

Tue., Mar. 27, 2012, 4:00 PM, Hearing Room 122

HB279 KINSHIP CAREGIVERS (GROSSMAN C, DRIEHAUS D) To expand the class of persons who may execute a caretaker authorization affidavit or is designated as attorney in fact under a power of attorney in fact for purpose of authority of care, custody, and control of a child.

First Hearing, Sponsor Testimony

HB457 ELECTRONIC MONITORING FEE (O'BRIEN S) To authorize a sheriff whose office is monitoring an offender or delinquent child pursuant to an electronic monitoring order, to charge the offender or delinquent child a fee for the monitoring.

First Hearing, Sponsor Testimony

HB461 FAMILY LAW DISPUTE RESOLUTION (STEBELTON G) To establish a statutory collaborative family law process to aid in the resolution of family law disputes.

First Hearing, Sponsor Testimony

HB479 OHIO LEGACY TRUST ACT (HAGAN C, BLESSING L) To adopt the Ohio Legacy Trust Act.

First Hearing, Sponsor/Proponent Testimony

HB274 TRANSFER FEE COVENANT (LETSON T) To provide that a transfer fee for purposes of a transfer fee covenant does not include any payment required pursuant to a conservation easement or agricultural easement.

Second Hearing, Proponent Testimony

SB208 OHIO'S UNIFORM COMMERCIAL CODE (OBHOF L, KEARNEY E) To make changes to Ohio's Uniform Commercial Code.

Second Hearing, All Testimony, AMENDMENTS/POSSIBLE VOTE**SENATE INSURANCE, COMMERCE & LABOR**

Sen. Bacon: 614-466-8064

Tue., Mar. 27, 2012, 4:00 PM, South Hearing Room

SB298 LOCAL ENTERTAINMENT DISTRICTS (CAFARO C) To establish local entertainment districts in municipal corporations or unincorporated areas of counties of specified populations for the purpose of the issuance of D-1, D-2, and D-5 liquor permits under specified conditions.

First Hearing, Sponsor Testimony

SCR27 PENSION BENEFIT GUARANTEE CORPORATION (GENTILE L) To declare the state of Ohio's support of its steelworkers in urging the President and the Congress of the United States to ensure that the Pension Benefit Guarantee Corporation is fully funded and properly administered.

First Hearing, Sponsor Testimony

SB308 PERSONAL INFORMATION DISCLOSURE- INSURED DECEASED PERSON (SCHAFFER T) To require insurance providers to disclose to a funeral home personal information of an insured person who is deceased.

First Hearing, Sponsor Testimony

HB341 FRATERNAL BENEFIT SOCIETIES (HENNE M) To make changes to the law regulating fraternal benefit societies.

Second Hearing, Proponent Testimony

HB383 HOME CONSTRUCTION SERVICE SUPPLIERS (SLABY L) To make changes relative to residential construction and the Consumer Sales Practices Act and to establish laws governing the practices of home construction services suppliers.

Second Hearing, Proponent Testimony

Wednesday, March 28, 2012

HOUSE CRIMINAL JUSTICE

Rep. Slaby: 614-644-5085

Wed., Mar. 28, 2012, 8:30 AM, Hearing Room 114

HB290 ASSAULT AGAINST A DOG WARDEN (GARLAND N) To specify that an assault against a dog warden, deputy dog warden, humane agent, or animal control officer is a felony of the fifth degree.

First Hearing, Sponsor Testimony

HB421 PHYSICIANS CIVIL IMMUNITY (SLABY L, O'BRIEN S) To grant civil immunity to physicians who report a patient's use of a drug of abuse or other condition not involving such use to specified persons or entities.

Third Hearing, All Testimony, AMENDMENTS/POSSIBLE VOTE

HB477 PROSECUTION'S RIGHT TO APPEAL (SLABY L, BUBP D) With respect to the right of the prosecution in a criminal or juvenile case to appeal the court's decision, order, or judgment.

First Hearing, Sponsor Testimony

SB19 JUVENILE DRIVING SUSPENSIONS (HUGHES J) To permit a judge to elect to order the Registrar of Motor Vehicles not to suspend the probationary driver's license, restricted license, or temporary instruction permit of certain juvenile repeat traffic violators

Third Hearing, All Testimony, AMENDMENTS/POSSIBLE VOTE

HB488 SEXUALLY ORIENTED OFFENSE CONVICTION-ADDITIONAL COURT COSTS (BAKER N, SLABY L) To generally impose additional court costs for felony or misdemeanor sexually oriented offense convictions.

First Hearing, Sponsor Testimony

HB487 MID-BIENNIUM REVIEW BUDGET (AMSTUTZ R) To make operating and other appropriations, to levy taxes and provide for implementation of those levies, and to provide authorization and conditions for the operation of state programs.

Second Hearing, All Testimony

HOUSE HEALTH AND AGING

Rep. Wachtmann: 614-466-3760

Wed., Mar. 28, 2012, 9:00 AM, Hearing Room 116

HB399 VERBAL MEDICAL ORDERS AUTHENTICATION POLICY (BUTLER, JR. J) To require each hospital to establish a policy governing authentication of verbal medical orders.

First Hearing, Sponsor/Proponent Testimony

HCR38 PROFESSIONAL SOCIAL WORK MONTH (STINZIANO M, GONZALES A) To designate March 2012 as Professional Social Work Month.

First Hearing, Sponsor/All Testimony, POSSIBLE VOTE

HCR21 PENSION BENEFITS-RETIRED STEELWORKERS (SLESNICK S, RAMOS D) To declare the state of Ohio's support of its steelworkers in urging the President and the Congress of the United States to ensure that the Pension Benefit Guarantee Corp. is fully funded to pay pension benefits to retired steelworkers.

Second Hearing, All Testimony, POSSIBLE VOTE

HB259 ALTERNATIVE HEALTH SERVICES (ADAMS J, YUKO K) Regarding the provision of complementary or alternative health services.

Fourth Hearing, All Testimony, AMENDMENTS/POSSIBLE VOTE

HB303 NURSES (SCHURING K) To revise the law governing nurses, medication aides, dialysis technicians, and certified community health workers.

Third Hearing, All Testimony

HB334 ELECTRONICALLY TRACKED PSEUDOEPHEDRINE (JOHNSON T, BUBP D) Regarding the participation of pharmacies, retailers, and the Attorney General in electronically tracking pseudoephedrine and ephedrine product sales through a national exchange.

Fifth Hearing, All Testimony, SUBSTITUTE BILL/POSSIBLE VOTE

**HOUSE HEALTH AND HUMAN SERVICES
SUBCOMMITTEE**

Rep. McClain: 614-644-6265

Wed., Mar. 28, 2012, 9:00 AM, Hearing Room 313

Testimony from directors of the Rehabilitation Services Commission, Department of Mental Health and Department of Alcohol and Drug Addiction Services, followed by public testimony

HB487 MID-BIENNIUM REVIEW BUDGET (AMSTUTZ R) To make operating and other appropriations, to levy taxes and provide for implementation of those levies, and to provide authorization and conditions for the operation of state programs.

Third Hearing, All Testimony

HOUSE TRANSPORTATION SUBCOMMITTEE

Rep. McGregor: 614-466-2038

Wed., Mar. 28, 2012, 9:00 AM, Hearing Room 122

Hearing on Transportation Review Advisory Council. ODOT and public testimony

HOUSE WAYS AND MEANS

Rep. Beck: 614-644-6027

Wed., Mar. 28, 2012, 9:00 AM, Hearing Room 018

Committee will reconvene after session. Agency and public testimony on real property, tangible personal property, Board of Tax Appeals, economic development, public health (tobacco/alcohol tax reforms) and general topics

HB487 MID-BIENNIUM REVIEW BUDGET (AMSTUTZ R) To make operating and other appropriations, to levy taxes and provide for implementation of those levies, and to provide authorization and conditions for the operation of state programs.

Fourth Hearing, All Testimony

HOUSE PUBLIC UTILITIES

Rep. Stautberg: 614-644-6886

Wed., Mar. 28, 2012, 10:00 AM, Hearing Room 121

HB379 WATER-WORKS/SEWAGE DISPOSAL SYSTEM COMPANIES (BLESSING L) To permit, for water-works and sewage disposal system companies, certain rate-calculation adjustments and a tax adjustment surcharge, to make changes regarding water and sewer infrastructure improvement surcharges.

Fifth Hearing, All Testimony, AMENDMENTS/POSSIBLE VOTE

HB360 WIRELESS 9-1-1 CHARGES (ROSENBERGER C) To revise the amount and methods of collection and remittance of the wireless 9-1-1 charge for prepaid wireless services.

Fifth Hearing, All Testimony, AMENDMENTS/POSSIBLE VOTE

HB443 RENEWABLE ENERGY RESOURCE (CONDITT M) To include cogeneration technology using waste or byproduct gas from an air contaminant source as a renewable energy resource.

Fourth Hearing, All Testimony, AMENDMENTS/POSSIBLE VOTE

SB289 COGENERATION TECHNOLOGY (COLEY W, SCHIAVONI J) To include cogeneration technology using waste or byproduct gas from an air contaminant source as a renewable energy resource.

First Hearing, Sponsor/All Testimony, AMENDMENTS/POSSIBLE VOTE

SENATE RULES & REFERENCE

Sen. Niehaus: 614-466-8082

Wed., Mar. 28, 2012, 11:30 AM, Senate Majority Conference Room

OHIO HOUSE

Wed., Mar. 28, 2012, 1:30 PM, House Chambers

OHIO SENATE

Wed., Mar. 28, 2012, 1:30 PM, Senate Chambers

SENATE HEALTH, HUMAN SERVICES & AGING

Sen. Oelslager: 614-466-0626

Wed., Mar. 28, 2012, 2:30 PM, South Hearing Room

SB301 CONTROLLED SUBSTANCES (BURKE D, CAFARO C) Regarding enforcement powers of certain health care professional licensing boards, regulation of pain management clinics, limits on prescriber-furnished controlled substances, and classifications of certain controlled substances.

First Hearing, Sponsor Testimony

HB244 INFLUENZA IMMUNIZATIONS (GONZALES A, ROEGNER K) To permit authorized paramedics to administer immunizations for influenza to firefighters or emergency medical technicians.

Third Hearing, All Testimony, POSSIBLE VOTE

SB304 BETTER HEARING AND SPEECH MONTH (BALDERSON T) To designate the month of May as "Better Hearing and Speech Month."

Second Hearing, All Testimony, POSSIBLE VOTE

SB287 DEPENDENCY PROFESSION LAW (LAROSE F, CAFARO C) To revise the law governing the professions of chemical dependency counseling and alcohol and other drug prevention.

Third Hearing, All Testimony, POSSIBLE VOTE

SB286 CLINICAL PROFESSIONAL DEVELOPMENT CERTIFICATE (JONES S) To create a visiting clinical professional development certificate for certain physicians who are not licensed in Ohio.

Second Hearing, Proponent Testimony

HB292 GENETIC COUNSELORS (GONZALES A) Regarding licensure of genetic counselors.

Third Hearing, All Testimony

SB291 SURGICAL TECHNOLOGY (LEHNER P) Regarding the practice of surgical technology in hospitals and ambulatory surgical facilities.

Third Hearing, Opponent Testimony

HOUSE COMMERCE & LABOR

Rep. Uecker: 614-466-8134

Wed., Mar. 28, 2012, 4:00 PM, Hearing Room 121

HB335 SEXUAL/GENDER DISCRIMINATION (ANTONIO N, MCGREGOR R) To prohibit discrimination on the basis of sexual orientation or gender identity.

First Hearing, Sponsor Testimony

HB484 SHORT-TIME UNEMPLOYMENT COMPENSATION PROGRAM (DUFFEY M) To create the short-time unemployment compensation program.

First Hearing, Sponsor Testimony

SB245 USED VEHICLE DEALERS MANDATORY TRAINING (HUGHES J) To establish mandatory training for used motor vehicle dealers.

Second Hearing, Proponent Testimony

HB417 PATIENT NOTIFICATION-TERMINATED PHYSICIANS (GROSSMAN C) Regarding responsibility for notifying patients that a physician's employment by a health care entity has been terminated.

Second Hearing, Proponent Testimony**HOUSE EDUCATION**

Rep. Stebelton: 614-466-8100

Wed., Mar. 28, 2012, 5:00 PM, Hearing Room 313

HB462 WITHHOLDING GRADES OR CREDITS-ABUSED CHILD (PELANDA D) With respect to a school district's withholding or transfer to another district or school of the grades and credits of a child who is alleged or adjudicated an abused, neglected, or dependent child.

First Hearing, Sponsor Testimony

HB444 MONTGOMERY COUNTY SCHOOLS (HENNE M) To authorize a pilot program for school districts in Montgomery County to operate certain for-profit activities.

Second Hearing, Proponent Testimony

HB437 SCHOOL BOARD VEHICLES-OUT OF STATE TRAVEL (ROEGNER K, PATMON B) To increase the number of miles a school district board may authorize its motor vehicles for out-of-state travel.

Second Hearing, Proponent Testimony

HB191 MINIMUM SCHOOL YEAR (HAYES B, PATMON B) To establish a minimum school year for school districts based on hours, rather than days, of instruction and to prohibit schools from being open for instruction prior to Labor Day or after Memorial Day except in specified circumstances.

Sixth Hearing, No Testimony, SUBSTITUTE BILL**Thursday, March 29, 2012****HOUSE TRANSPORTATION SUBCOMMITTEE**

Rep. McGregor: 614-466-2038

Thu., Mar. 29, 2012, 9:00 AM, Hearing Room 114

PUCO, ODOT and public testimony

HB487 MID-BIENNIUM REVIEW BUDGET (AMSTUTZ R) To make operating and other appropriations, to levy taxes and provide for implementation of those levies, and to provide authorization and conditions for the operation of state programs.

First Hearing, All Testimony

HOUSE FINANCE AND APPROPRIATIONS

Rep. Amstutz: 614-466-1474

Thu., Mar. 29, 2012, 10:00 AM, Hearing Room 313

MID-BIENNIUM REVIEW BUDGET (AMSTUTZ R) To make operating and other appropriations, to levy taxes and
HB487 provide for implementation of those levies, and to provide authorization and conditions for the operation of state
programs.

Second Hearing, All Testimony

LONG-RANGE FINANCIAL OUTLOOK COUNCIL (ROEGNER K, HAGAN C) To create the Long-range Financial Outlook
HB368 Council for the purpose of informing the public and the General Assembly about the financial status of the state by
studying conditions and issuing an annual long-range financial outlook report.

Third Hearing, All Testimony