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Ohio Statehouse Update: Ohio General Assembly Concludes Work – Passes Flurry of Legislation in Lane Duck

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Members of the 130th Ohio General Assembly officially finished their business and headed home after the conclusion of a lengthy Ohio House floor session December 17. The hectic final days were notable both for the legislation that passed as well as for some high profile bills that did not pass. A recap of some of those from each category is provided below.

The time between the November election and the end of the two-year session is referred to as “Lane Duck,” and is usually characterized by a mad scramble of activity as members and interest groups make a final push to get their legislation passed.

The December 17 session also represented the last official act for Speaker Bill Batchelder (R-Medina) as he retires from the legislature due to term limits after 38 years of service in the Ohio House.

Bills that failed to pass both chambers before the session ended last week must be reintroduced in a future general assembly for consideration. While not every initiative on the “to do” list for House and Senate legislative leaders made it through the gauntlet, a number of significant measures did make it to passage, including the following:

- **H.B. 5 – Municipal Income Tax Reform:** This much-debated legislation does not mandate a uniform rate for municipal income tax levies in Ohio, but does mandate standardized income tax computation, processing and filing requirements for all municipalities that levy income taxes in Ohio beginning on January 1, 2016. The bill also creates study committees to review and issue reports regarding the feasibility of determining the portions of income taxes paid to municipalities by residents versus non-residents, and the potential revenue shortfalls for municipalities caused by the tax computation changes mandated by the legislation.
- **H.J.R. 12 – Redistricting Reform:** In the early morning hours of the Senate’s final marathon session, House and Senate leaders were able to hammer out a historic bipartisan compromise to reform the

procedure by which state legislative districts are redrawn every 10 years following the census. The proposed constitutional amendment creates a new seven-member “Ohio Redistricting Commission,” provides map-drawing guidelines aimed at curbing the practice of gerrymandering districts to favor the party in power, and requires two minority party member votes to adopt a new set of maps for the full 10 years. This proposal does not address the procedures for redrawing Ohio’s Congressional district maps, but that process may be the subject of a follow-on proposal early next year. H.J.R. 12 will now be placed on the November 2015 general election ballot for approval or rejection by Ohio’s voters.

- **S.B. 243 – Sales Tax Holiday:** An idea advocated around the Statehouse by retail and business interests for many years but that had never made it all the way through to passage until this year, this legislation provides a three-day “sales tax holiday” on August 7-9, 2015, during which the purchase of back-to-school clothing, supplies and instructional materials will be exempt from the state sales and use tax. Amendments added in the House scaled back the sales tax holiday to a one-year pilot project, excluded computers from the list of eligible items, and limited the tax exemption to items of clothing valued at \$75.00 or less. Among a host of other fiscal and appropriation-related amendments added in the House, the legislation also includes a \$10 million appropriation for Ohio townships to assist with road maintenance and other projects, and creates the “Economic Gardening Technical Assistance Pilot Program” in the Ohio Development Services Agency to provide eligible businesses with services related to marketing, market research, and the development of business connections.
- **S.B. 342 – Red Light Traffic Cameras:** Requires a law enforcement official to be present at the location where a red light or speed traffic camera is in use at all times during the operation of the device – a requirement that opponents argued effectively bans the use of automated traffic enforcement cameras to issue tickets to Ohio motorists. Coincidentally, on December 18, the same day that S.B. 342 was sent to the governor for signature, the Ohio Supreme Court issued a decision upholding the authority of Ohio municipalities to impose fines for traffic camera violations through an administrative enforcement system. However, the Court’s ruling does not conflict with the bill’s provisions, since S.B. 342 does authorize the use of cameras, but adds the general requirement that a law enforcement officer must be present. In a somewhat related matter, the bill was also amended on the House floor to add a requirement for the Ohio Department of Public Safety to report the number of citations issued for texting while driving as a secondary offense in Ohio.
- **H.B. 494 – Regional Transportation Improvement Projects:** Authorizes counties to undertake regional transportation improvement projects funded by the issuance of securities and by revenue pledges from the state and political subdivisions and taxing districts located within the cooperating counties. Late stage amendments added to H.B. 494 in the Senate Ways and Means Committee also do the following:
 - increase by 30 days, from 182 to 212, the amount of time a person may spend in Ohio before being presumed to be a resident for state income tax purposes;
 - authorize taxpayers eligible to claim a tax credit for qualified research and development loan payments to claim the credit against the income tax;
 - authorize municipal corporations and townships to create a “community entertainment district” that is exempt from open container prohibitions as part of a joint economic development district contract; and
 - add a \$700,000 appropriation for the Federal-Military Jobs Commission to prepare a statewide strategy and perform its duties regarding the furtherance and implementation of federal-military installation jobs and related programs.

A Senate floor amendment regarding payments to cities and townships related to video lottery terminal facilities, however, did not make the final cut – it was line-item vetoed by Governor Kasich.

Additional legislative measures of interest that were passed by the General Assembly and sent to the governor during Lamé Duck include the following:

- **H.B. 10 – Fiscal Officers:** Establishes education programs and continuing education requirements for township and municipal fiscal officers; establishes procedures for the removal of fiscal officers; creates fiscal accountability requirements for public schools, counties, municipalities and townships; reduces the required number of State Board of Deposit meetings from 12 to at least one annually, and requires the chairperson to provide monthly reports.
- **H.B. 131 – Tanning Facilities:** Restricts use of tanning beds by minors and contains parental consent requirements; provides for the regulation of spray-tanning facilities.
- **H.B. 234 – Hunting / Concealed Carry:** Allows hunters to use noise suppressors on guns while hunting game birds or wild quadrupeds; modifies eligibility and eases training requirements for obtaining a concealed-carry weapon license; expands the circumstances under which concealed carry licenses from other states will be honored in Ohio; includes additional provisions related to firearms and concealed carry licensing.
- **H.B. 247 – External Defibrillation:** Allows any person to perform automated external defibrillation (AED) and provides that training in AED and CPR is recommended, but not required; extends qualified immunity from civil liability to premises owners and other persons involved with placement and use of automated defibrillators.
- **H.B. 394 – Immunizations / Mammograms:** Expands the authority of pharmacists and pharmacy interns to administer certain immunizations; requires children enrolled in licensed child care facilities to be immunized against specified diseases, subject to certain exceptions; requires mammography facilities to include certain information in a patient's mammogram summary report if the patient's mammogram demonstrates the presence of dense breast tissue.
- **H.B. 463 – Dental Professionals:** Permits dental students to complete an approved dental residency program to fulfill one of the licensing requirements for the practice of dentistry; modifies the scopes of practice applicable to certain dental personnel; increases the number of dental hygienists who may practice under the supervision of the same dentist; creates the Dental Hygienist Loan Repayment Program; includes additional provisions pertaining to dental professionals.
- **H.B. 468 – Salvage-Junk Motor Vehicles:** Makes numerous changes to Ohio's salvage motor vehicle laws, including easing restrictions regarding who may buy and sell salvage vehicles and specifying certain record-keeping and reporting requirements in connection with salvage motor vehicle sales.
- **H.B. 663 – Lethal Injection Confidentiality:** Provides confidentiality for the names of execution-team members and physicians involved in the administration of the death penalty, and, upon application, prevents from disclosure for a period of 20 years the names of compounding pharmacies that prepare drugs used in lethal injections.
- **S.B. 250 – Adoption Tax Credits:** Increases the adoption tax credit from \$1,500 to a maximum allowable credit of \$10,000 and makes other changes aimed at easing the adoption process in Ohio.

- **S.B. 274 – Towing Motor Vehicles:** Revises penalties and procedures related to towing of private vehicles and provides additional protections and remedies for vehicle owners; revises the processes for towing companies, repair garages and storage facilities to obtain title to unclaimed vehicles; makes changes to the law governing issuance of salvage certificates of title.
- **S.B. 276 – Infant Mortality:** Requires the Ohio Department of Health to establish the Safe Sleep Education Program; requires freestanding birthing centers and certain hospitals to implement an infant safe sleep screening procedure to assess whether an infant will have a safe crib or other suitable place to sleep; creates the Commission on Infant Mortality to study and make recommendations to address the rate of infant mortality in Ohio.
- **S.B. 378 – Underground Utility Facilities:** Gives the Public Utilities Commission of Ohio, in conjunction with a 17-member Underground Technical Committee, jurisdiction to enforce the law governing the protection of underground utility facilities; creates a funding mechanism for the enforcement process; creates the Underground Utility Damage Prevention Grant Program funded by compliance-failure fines collected under the bill's provisions.

A few significant legislative measures did not make it through to final passage for various reasons, and will likely re-emerge in some form early next year, either as stand-alone measures or as a part of the state biennial budget legislation. These include the following:

- **H.B. 490 – Agriculture, Environment, and Natural Resources:** This omnibus legislation, originally introduced as part of the governor's mid-biennium review proposals, included a broad set of policy provisions covering areas such as oil and gas, farming, and Lake Erie algae clean-up, and also picked up several controversial amendments in the House dealing with topics such as telecommunications and animal breeding. The Senate ultimately determined that it did not have enough time to properly vet the bill's myriad provisions during Lane Duck.
- **H.B. 375 – Oil and Gas Severance Tax:** This latest proposal of many that have been advanced over the last several years to modify and increase the taxes associated with oil and gas drilling in Ohio was passed by the House in May, but did not receive any hearings in the Senate during Lane Duck.
- **H.B. 661 – Elected Official Pay Raise Legislation:** This bill, passed by the House but not taken up by the Senate, provided pay increases and re-institution of cost-of-living adjustments for Ohio's elected officials whose salaries have remained the same since 2008. Alternatively, the Senate adopted a proposed constitutional amendment, **S.J.R. 9**, to create the Public Office Compensation Commission for the purpose of reviewing and establishing salaries and increases for Ohio's elected officials going forward, but the House did not consider S.J.R. 9.

On January 5, 2015 the 131st Ohio General Assembly two-year legislative session formally convenes.