

9:30 a.m. (EST)

1-866-362-9768

940-609-8246#

OMA Government Affairs Committee

March 7, 2018



AGENDA

Welcome & Introductions

Chris Hess, Director, Public Affairs,
Eaton Corporation; Committee Chair

OMA Counsel's Report

Chris Slagle, Partner, Bricker & Eckler LLP,
OMA General Counsel

Staff Reports

Ryan Augsburger, OMA Staff
Rob Brundrett, OMA Staff
Committee Members

Special Guests

Preview House Elections

Hon. Scott Ryan, Ohio House of Representatives
Michael Canty, 6th House District, OMA Member

HB 512 Education Merger

Ryan Burgess, Governor's Office of Workforce Transformation
Matthew McAuliffe, Governor's Office

Discussion Agenda

- HB 247 Electricity Market Protection Subsidy Legislation
- HB 160 Ohio Fairness Act – Sexual Orientation Employment
- SB 220 Cybersecurity Safe Harbor
- National Issues Roundtable
 - Trade
 - Tax Reform
 - Infrastructure
- Gun Rights vs. Property Rights
- Workforce
- 2018 Political Landscape / Trends

Lunch – provided by OMA

2018 Government Affairs Committee Calendar

Meetings will begin at 9:30 a.m.

Wednesday, March 07

Wednesday, June 06

Thursday, September 13, NE Ohio

Wednesday, November 07, Phone only

Thursday, November 29

Our thanks to today's meeting sponsor:



ABOUT OMA POLICY COMMITTEE MEETINGS

OMA policy committee meetings provide opportunities for you to work with colleagues, subject matter experts, policymakers and government agency staff to gain critical updates and to set policy priorities for Ohio manufacturing.

OMA has five standing policy committees: **energy, environment, government affairs, safety & workers' compensation, and tax.**

Join Management Communities that Support Your Work

To make sure you receive committee meeting notices and materials in your inbox, go to **My OMA** to subscribe to the management communities that interest you.

Each policy committee meets in person in the OMA offices in Columbus, and several meetings are held regionally. These meetings can also be joined by phone. The format for the meeting is typically a two hour morning meeting, followed by an informal networking lunch, provided by the OMA.

2018 OMA Policy Committee Meeting Calendar *(click dates to register)*

Energy 10:00 a.m. – 1:00 p.m.	Environment 10:00 a.m. – 1:00 p.m.	Government Affairs 9:30 a.m. – 1:00 p.m.	Safety & Workers' Compensation 10:00 a.m. – 1:00 p.m.	Tax 10:00 a.m. – 1:00 p.m.
Weds., Feb. 28	Thurs., March 22	Weds., March 7	Tues., Feb 13	Weds., March 21
Weds., May 16	Thurs., May 31	Weds., June 6	Weds., May 2	Weds., June 20
Weds., Aug. 15*	Tues., Dec. 11	Thurs., Sept. 13**	Weds., Oct. 17	Weds., Oct. 10
Weds., Nov. 14		Weds., Nov. 7 (phone-only election recap)		
		Thurs., Nov. 29		

Register for Meetings

For in-person or call-in attendance, go to **My OMA** (login required).

Attending in person?

The Ohio Manufacturers' Association
33 N. High St., 6th floor
Columbus, Ohio 43215

Attending via phone?

We email you the call-in instructions with the committee invitations and materials.

More information?

Certainly! Call us at (800) 662-4463 or email us.

2018 Regional Meetings

*This Energy Policy Committee meeting will be held in the Toledo area; watch your email for details.

**This Government Affairs Committee meeting will be held in NE Ohio; watch your email for details.

Public Policy “Hot Topics” March 7, 2018

Overview

Governor Kasich presented his eighth and final State of the State address yesterday. 2018 is an election year and while many legislative races are contested due in part to a heated contest for Speaker of the House, election uncertainty is the only certainty heading towards the General Election in November.

132nd General Assembly

The General Assembly returned to work early in January. Energy legislation and congressional redistricting were early priorities. Redistricting was completed but energy legislation has stalled. The session calendar for the first half of 2018 is included in the meeting materials.

The legislature will take a two week spring break around the Easter holiday. They are expected to be in and out from April – June depending on primaries and priorities. A post-election or “lameduck” session is to be expected after the November general election.

Electric Utilities Seek \$Billions for Power Plant Subsidies

Last year the PUCO set a new precedent in awarding utility companies with billion dollar subsidies to prop up the companies and their subsidiaries. The OMA Energy Group (OMAEG) opposed the FirstEnergy proposal and has appealed the matter to the Supreme Court.

Not satisfied with the action by the PUCO, FirstEnergy, AEP and other electric utilities are advocating for a series of legislative proposals forcing customers to pay billions in new above-market charges. The OMA is opposing these proposals. See Energy Section.

Protect Competitive Electric Markets

The OMA has been a proponent of markets, supporting the original deregulation legislation. Several noteworthy studies have demonstrated how the market delivers lower prices, choice and innovation while increasing grid reliability. But, customers have been denied the low cost benefits of competition due to proliferating above-market charges approved by state regulators. The OMA is supporting a legislative reform package to empower market forces to set power costs in Ohio. See Energy Section to learn more about HB 247.

Unemployment Compensation

The legislature failed to pass an unemployment solvency package in the waning days of the 131st General Assembly. The business community continues to advocate for a comprehensive solution to adequately fund the trust fund.

Representative Schuring introduced House Bill 382, which is a standalone effort not backed or supported by any of the interested parties. Rep. Schuring designed the bill to be a starting point of new negotiations. The bill has had 15 hearings in committee. Minimal testimony has been offered and the business community has told leadership that it cannot support the Schuring effort. The Senate has yet to provide a bill and have relied on Senator Peterson to work with the interested parties on a solution.

OMA continues to advocate against any solution that does not include comparable benefit reductions.

State Budget & Tax Policy

The General Assembly introduced the state capital budget bill recently. The bill is designed to fund capital improvement projects throughout the state. This year the bill is focused on funding opioid treatment with \$222 million for health and human services projects.

Other major funding allocations include \$600 million for school construction, \$483 million for universities and community colleges, \$514 million for local infrastructure projects, \$234 million for parks, and \$147 million for local community projects.

The budget is expected to quickly move through the legislature and be approved in March. See attached resource material.

Workforce Development

In November, the OMA hosted 500 members, manufacturers and their workforce suppliers, including government, education and training, and economic development professions to work on improving the talent pipeline for Ohio's leading industry: manufacturing.

The OMA is supporting an industry sector partnership model on a regional basis. Your company is invited to opt-in to next steps and participate in 2018 activity. Please contact the OMA to get your local facilities to engage in this regional effort to develop a modern manufacturing workforce.

Tort Reform

The OMA was pleased to participate in an appeal testing the asbestos tort reforms originally enacted in 2004. In February the Ohio Supreme Court ruling upheld the 2004 law requiring causation. See counsel's report on *Schwartz v. Honeywell*.

Environment

Ohio EPA has announced it is planning to introduce legislation that would mandate a statewide monthly average phosphorus limit for all treatment works in Ohio, including manufacturing direct dischargers. OMA has formed a workgroup on this topic to find a commonsense solution.

Right to Work

With the approval of right-to-work legislation in West Virginia following narrowly successful veto override, pressure would seem to be mounting on a similar proposal in the Buckeye State. Unions are running a quiet campaign to taint the term "right to work." No action, again, and none is expected during the election year.

Workers' Comp & Industrial Commission

BWC Administrator Sarah Morrison has been recommended for an open federal judge position. While not formerly nominated OMA is expecting her to leave prior to the end of the year. BWC continues to push wellness programs specifically designed to assist medium and smaller companies achieve a healthy and safe workforce.

National Issues

Over the past year, the OMA has been active in communicating manufacturing priorities on various topics including, support for infrastructure, support for a functional Ex-Im Bank, highlighting the widespread benefits from NAFTA, and national tax reform.

Race for Ohio Leadership in 2018

Jockeying for statewide office is underway in the race for US Senator, governor, attorney general, auditor, secretary of state and treasurer. Look for opportunities at the OMA to meet the candidates over the next year.

Leadership

Kasich Set to Deliver Final State of the State March 2, 2018

Governor John Kasich will deliver his eighth and final State of the State address to a joint session of the Ohio General Assembly on Tuesday, March 6 at 7:00 p.m.

Kasich has given the annual speech in various corners of Ohio in past years and chose his hometown of Westerville for his final address.

The governor's speech is expected to address wide-ranging topics including opioid addiction, education and workforce development, economic development and access to firearms.

You can view the speech live at the **Ohio Channel**. *3/1/2018*

Labor Fuels Ohio GOP Legislative Campaigns March 2, 2018

From the Columbus Dispatch: "Continuing a trend that has grown more pronounced each election cycle, union money poured into Republican legislative campaigns in 2017. In fact, four of the GOP's top five political action committee donors were unions: operating engineers (\$502,600), affiliated construction trades (\$264,800), laborers (\$214,750), and plumbers and pipefitters (\$196,000). Add in carpenters, building and construction trades, and electrical workers unions, and they make up seven of the top 20 PAC donors to legislative Republicans." *3/1/2018*

Ohio Changing Driver License Process March 2, 2018

In an effort to ensure greater security and identification protection for customers, and to comply with federal regulations, the **Ohio Bureau of Motor Vehicles** is introducing a single, central point of production for state driver licenses and identification cards, effective July 2, 2018.

Licenses and identification cards will no longer be produced while you wait at each of the more than 180 Deputy Registrar offices statewide. While customers will still go to a Deputy Registrar for license and card renewals or other

transactions, they will receive their driver licenses and identification cards by mail rather than over the counter. Only a temporary proof of transaction will be issued at a Deputy Registrar location.

Read more here. *2/28/2018*

House Passes Bill to Create Road Improvement Fund March 2, 2018

This week the House passed House Bill 415, a bill that **creates** the Local Government Road Improvement Fund, to which one half of the state surplus revenue each fiscal year will be allocated.

The measure would supply funds to local governments for road improvement projects. The bill would prevent this or any future General Assembly from passing legislation that decreases the amount allocated to the Local Government Improvement Fund, which must be at least 1.66 percent of the General Revenue Fund.

House Bill 415 also includes provisions to keep the Budget Stabilization Fund (BSF), otherwise known as the state's "rainy day fund," at a specific balance considered to be sufficient. Historically, surplus revenue from the General Revenue Fund has been deposited into the BSF. Beginning in fiscal year 2020, House Bill 415 would mandate that half of the surplus be moved to the Local Government Road Improvement Fund, and the other fifty percent placed in the BSF to maintain its required level (which is 8.5 percent of the General Revenue Fund). The bill now moves to the Ohio Senate for action. *3/1/2018*

2018 STEP Ahead Award Winners Announced March 2, 2018

The Manufacturing Institute has announced the 2018 STEP Ahead Award Honorees and Emerging Leaders. These women have accomplished success within their companies and have proven to be leaders in the industry as a whole.

This year, the Institute has also chosen to recognize a select few for the Emerging Leaders category – representing young women who are the future of the industry and have demonstrated exceptional accomplishments at just the beginning of their careers.

These **130 women will be honored at the 2018 STEP Ahead Awards** on April 10 in Washington, D.C.

Here are the Ohio-based honorees:

- Emerging Leader –Claire Castleman, Sustainability Program Manager, Eaton, Cleveland
- Emerging Leader – Brittany Kanz, Manager, Master Planning and Inventory, Aleris International, Inc., Beachwood
- Honoree Helene Lagace, Director, Technology, Aleris, Beachwood
- Honoree – Elia Lopez, Plant Manager, Procter & Gamble, Lima
- Honoree – Joyce Niedringhaus, Principal Research Engineer, AK Steel Corporation, Middletown
- Honoree – Angie Pitt, Global Business Process Leader, O-I, Perrysburg
- Honoree – Anne Roman, Vice President, Communications & Public Affairs, Cooper Tire & Rubber Company, Findlay
- Honoree – Audrey Rossman, Director, Global External Supply Operations, Procter & Gamble, Cincinnati
- Emerging Leader – Ayesha Satija, Associate Process Engineer, AK Steel Corporation, Mansfield
- Honoree – Jennie Tinney, Materials Manager – ICM, The Goodyear Tire & Rubber Company, Akron

And here is a **state by state listing** of the honorees. 3/1/2018

MAGNET’S 2018 Northeast Ohio Manufacturing Survey Summary **March 2, 2018**

The Ohio Manufacturing Extension Partnership organization known as MAGNET (Manufacturing Advocacy and Growth Network) recently surveyed 400 Northeast manufacturers across a broad range of subjects. It said: “The survey definitively shows that product innovation leads to more growth, while “grow your own workforce” strategies will be needed to fill the major labor shortages hampering small manufacturer growth. Emerging technologies like the Internet of Things (IoT), 3D printing, and digital manufacturing are beginning to enhance innovation and productivity, but still have significant room for adoption amongst Ohio’s small manufacturing businesses.”

Read a **summary of the survey findings** **here**. 3/1/2018

UPS Ground with Freight Pricing – Avoid lift-gate and floor minimum fees **March 2, 2018**



Tired of getting hit with floor minimums by LTL Carriers? UPS Ground with Freight Pricing (GFP) uses the reliable UPS ground network while providing an LTL rate structure to make pricing comparisons easy.

Click here to check GFP rates, service availability, and to save on your next shipment. Visit **here** or call 1-800-MEMBER (800-636-2377), M-F 8 a.m. – 6 p.m. EST. 2/18/2018

Economist Ned Hill on Ohio Manufacturing **February 26, 2018**

Dr. **Edward “Ned” Hill**, who teaches economic development policy, public policy and public finance in both the Glenn College and the City and Regional Planning section in The Ohio State University’s College of Engineering’s Knowlton

School of Architecture, was featured in Capitol Letter by Cleveland.com. In the **brief piece**, Hill said this about Ohio manufacturing: "Ohio's a manufacturing state. It's 17 percent of employment, 19 or 20 percent of GDP... Our productivity rates are growing like crazy and I think we do it very well. But manufacturing like any industry, I don't want straight out subsidies going into it. ... So (it's important for the state provide a) trained labor force, competitive energy markets, technical assistance to small and mid-sized firms." Hill is a good friend of the OMA and a past-recipient of OMA's Legacy Award for his volunteer efforts in support of Ohio manufacturing. He also enjoys building wooden boats. 2/22/2018

Another One Bites the Dust **February 16, 2018**

This week another Ohio gubernatorial candidate **bowed out** of the jam packed race. Former state representative Connie Pillich exited the democratic primary and endorsed her onetime opponent Richard Cordray for governor. By exiting the race, she leaves current Lt. Governor Mary Taylor as the only female seeking a major party nomination to be Ohio's next governor. 2/15/2018

Advanced Manufacturing Program Taking Proposals **February 16, 2018**

Administered by the Ohio Development Services Agency the **Advanced Manufacturing Program** is now accepting proposals. According to the department: "Advanced manufacturing projects supported through this Program must help Ohio firms to achieve: i) earlier entrance to market, ii) faster responses to changing customer needs, iii) higher quality or lower cost products or iv) improved efficiency, consistency and reliability."

Projects must be one of two types:

Type 1 – Supply chain projects: This project type involves partnering with a large manufacturing firm to implement one or more related new technologies or processes across the small and medium sized manufacturers in a segment of the company's supply chain.

Type 2 – Special projects in cyber-defense and internet-of-things: This project type involves the deployment of technologies to protect the manufacturing base from disruption by cyber-attack.

The Program is offering single awards in the amount of \$100,000-\$500,000. 2/13/2018

Manufacturers Win Asbestos Case **February 16, 2018**

Manufacturers picked up a win when the Supreme Court of Ohio recently **issued a decision** reversing the Eighth District Court of Appeals and adopting the proposition of law to reject the cumulative exposure theory of causation and to require compliance with Ohio's tort reform law to prove that a defendant's asbestos product was a substantial factor in causing the plaintiff's disease. This decision upholds Ohio's asbestos reform and protects companies that are named as defendants in asbestos litigation.

The OMA had filed an amicus brief in support of *Honeywell* and the important legal principal. This case will be on the agenda of the upcoming OMA Government Affairs Committee meeting on March 7. All members welcome. **Register here.** 2/15/2015

9 Ds, 2 Rs Throw Hats into Gubernatorial Ring **February 9, 2018**

When all was said and done, we have 11 candidates filing this week to become Ohio's next governor.

The Republican field thinned to just two candidates: Attorney General Mike Dewine and Lieutenant Governor Mary Taylor. Meanwhile, the Democratic candidates could be a baseball team: 9 candidates are in the game.

Read about the candidates here. 2/8/2018

2018 Down Ticket Races Set **February 9, 2018**

With the filing date passing this week, the down ticket races, both primaries and possible general election, are set.

Here's a rundown on whom you'll be voting this year in the Buckeye State. You'll see just three primaries leading to the general election 10 months from now. *2/8/2018*

Primaries for Tiberi, Renacci Seats Draw Lots of Candidates
February 9, 2018

All of Ohio's congressional seats are up for election this year, as is Senator Sherrod Brown. At filing deadline, the races to replace Pat Tiberi and Jim Renacci have drawn the most candidates, as expected.

See all the candidates here for a congressional election year that has so much at stake: control of both houses of Congress. *2/8/2018*

Surprise: Bipartisan Redistricting Reform Achieved
February 9, 2018

This week the Ohio General Assembly achieved what for so long seemed highly unlikely: **bipartisan reform** of Ohio's congressional redistricting statutes.

To the victor belongs the spoils has long been the mantra for drawing the district lines for partisan purposes. That's still the case, but with some sensible constraints to protect natural geographic constituencies (counties, cities, ...).

Congratulations to the leadership in the House and Senate, both Republicans and Democrats alike, for coming together, compromising and achieving reform that will be good for Ohio. *2/8/2018*

Lawmakers Rev Up Study of Autonomous Vehicles
February 9, 2018

Members of the House Transportation and Public Safety Committee continued hearings last month to examine autonomous and connected vehicles and Ohio's infrastructure and industry. Presentations were offered by officials from JobsOhio, Ohio Turnpike, DriveOhio and 3M Connected Road Group.

Thomas Huie of 3M, **said in his presentation** that his company is working with automakers and regulators to develop pavement marking with a higher contrast to improve lane

detection for vehicles equipped with machine vision systems and road signs with the capability to communicate with automated driving systems.

Chairman Rep. Doug Green (R-Mt. Orab) said the committee will continue its investigation into smart vehicles in March with a road trip to the Transportation Research Center in East Liberty. The committee will hear testimony from the insurance industry in April and from cybersecurity experts in May.

Interested manufacturers can obtain copies of testimony or learn how to engage with this process by contacting the OMA's **Ryan Augsburger**. *2/8/2018*

What to Expect Next

February 9, 2018

Check out a **good, comprehensive analysis** of what to expect next from the president and Congress from OMA Connections Partner, Squire Patton Boggs. The firm does a deep dive into the issues that will affect American manufacturing and the economy. *2/8/2018*

Pres. Trump Visits with Ohio Manufacturers to Underscore Tax Reform Benefits
February 9, 2018

This week President Trump visited **Sheffer Corp.**, Cincinnati, to highlight the beneficial effects of tax reform on manufacturers. The company manufactures hydraulic, pneumatic and custom cylinders for the marine, agriculture, oil and gas, and aerospace industries.

Because of the new changes to the tax code, Sheffer Corp. was able to give \$1,000 bonuses to each of the company's 126 employees this year.

Last week, the president met in the Oval office with an employee of **Jergens, Inc.**, Cleveland. Jergens passed along larger annual increases as a result of tax reform. Read more **in this post** from the National Association of Manufacturers. *2/5/2018*

Manufacturing Front and Center at State of the Union Address
February 2, 2018



OMA director Steve Staub of Staub Manufacturing Solutions, Dayton, was a guest of honor at the president's State of the Union address this week. Steve was joined by his sister and co-owner, Sandy Keplinger, and employee Corey Adams. They sat as guests of First Lady Melania Trump.

No matter your politics, this was a significant moment for U.S. – and Ohio – manufacturing and manufacturers to be recognized for important economic and societal contributions.

Here is the [media statement](#) OMA president Eric Burkland released and here's a [short video](#) that was created about Staub's journey to the prestigious event. *1/31/2018*

Statewide Candidates File Campaign Finance Reports **February 2, 2018**

The financial filing deadline was this week for statewide candidates declared for the 2018 general election. Candidates for Governor, Attorney General, Secretary of State, Auditor, and Treasurer all filed their financial reports.

Attorney General Mike DeWine who is running for governor was the financial leader; he indicated he had more than \$10.5 million in the bank.

The Cleveland Plain Dealer has a nice breakdown of the [governor's race filing](#) and the [rest of the statewide races](#). *2/1/2018*

Tire Bill Rolling Along **February 2, 2018**

This week the OMA submitted written [proponent testimony](#) on [Senate Bill 223](#), a bill [that would prohibit](#) installation of unsafe used tires on motor vehicles.

OMA wrote: "Industry leaders have identified a problem with too many unsafe used tires entering the stream of commerce, available for installation to a motoring public who may not be aware of their unsafe condition.

"In an effort to protect against unsafe driving, the tire manufacturers have suggested this legislation to better prevent the installation of unsafe used tires and provide enhanced public safety."

The bill passed the Senate in December and now needs House approval. *2/1/2018*

Kasich Appoints DeGenaro to High Court **January 26, 2018**

Gov. Kasich announced this week that he has appointed Judge Mary DeGenaro of the 7th District Court of Appeals to replace Ohio Supreme Court Justice William O'Neill.

Justice O'Neill announced that he will retire on Friday, Jan. 26; he has announced intentions to run as a Democratic candidate for governor.

DeGenaro, a Republican, would need to run in this November's general election to retain the seat. *1/25/2018*

It's easy to join committees. Log into [My OMA](#) and [click on My Communities](#) to subscribe.

There are no extra fees associated with committee membership and in-person meetings always include a nice lunch. *1/23/2018*

2018 Aluminum Extrusion Design Competition Is Open **January 26, 2018**

The Aluminum Extrusion Council's 2018 Aluminum Extrusion Design Competition is open. The competition offers educators a unique teaching opportunity about manufacturing processes while encouraging students to show off their talent, ingenuity and creativity. It challenges designers and engineers to think about aluminum extrusions as a holistic solution to a design problem by creating a product or system that includes at least one extruded aluminum component.

Scholarships and cash prizes will be awarded in the competition, which offers two possible tracks

to compete in: student class and professional class. [Here's more](#). 1/24/2018

Are You Doing Aeronautics Research? **January 26, 2018**

The Ohio Federal Research Network (OFRN) is releasing a request-for-proposal (RFP) for its new initiative: Sustaining Ohio's Aeronautical Readiness and Innovation in the Next Generation (SOARING).

The SOARING RFP is focused on expanding Ohio's leadership in federal and industry aerospace research, development and sustainment for unmanned air systems, personal air vehicles, and logistics delivery air vehicles.

OFRN anticipates deploying \$7-10M for the initiative, with each individual project able to seek up to \$2M. A minimum 1:1 cost share is required.

Here's a [short summary](#) and here's [more detailed information](#). 1/23/2018

Long Time OMA Director Passes **January 19, 2018**

John C. Thompson, former OMA director and retired president and CEO of the [Hall China Company](#) of East Liverpool, [passed away](#) at the age of 91 on January 4.

OMA staff and directors who knew him will remember John for his soft-spoken and spot-on insights as he helped steer the association as a director on its all-volunteer board. He served for 45 years and if he missed a quarterly meeting, no one can remember it. He was a gentleman in every way.

Like his peers, his passion for Ohio manufacturing helped shape the industry into the leading contributor of Ohio's GDP that it is today. Rest well, John. 1/18/2018

Tax Reform, Check. Now, Infrastructure **January 12, 2018**

This week National Association of Manufacturers (NAM) President and CEO Jay Timmons [wrote to President Trump](#) urging action on infrastructure revitalization. The letter highlights manufacturers' dependence on all types of transportation, energy, water and

broadband infrastructure while encouraging long-term issues such as the chronic funding shortages for key programs such as the Highway Trust Fund. 1/11/2018

Manufacturing Employment Highest Since January 2009 **January 12, 2018**

The National Association of Manufacturers (NAM) published an [economic post this week](#), reporting, "The Bureau of Labor Statistics reported that manufacturers added 25,000 workers in December, extending the strong hiring gains in the sector seen throughout much of 2017. Manufacturing employment rose by 16,333 per month on average in 2017—quite a turnaround from the loss of 16,000 workers per month in 2016. This is a sign that firms have stepped up their hiring as a result of a stronger economic outlook and increased demand and production activity. Indeed, since the end of the Great Recession, manufacturing employment has risen by 1,086,000 workers, with 12.54 million employees in the sector in this report. That is the highest level of manufacturing employment since January 2009."

See [the post](#) for more insights and indicators about the manufacturing economy. 1/9/2018

Cybersecurity Safe Harbor Bill Has Hearing **January 12, 2018**

Ohio Attorney General Mike DeWine created CyberOhio to help Ohio businesses and consumers fight data security threats. One of the group's primary objectives is to draft legislation that improves the cybersecurity legal environment in Ohio.

The first legislative proposal is [Senate Bill 220](#), the so-called "Safe Harbor" bill. The bill helps businesses defend against a lawsuit alleging that a data breach was caused by the business's failure to implement reasonable information security controls.

In order to be protected under the proposed Safe Harbor legislation, a business must proactively implement and maintain a cybersecurity program that complies with one of eight different industry-recognized cybersecurity frameworks.

You can learn more about the bill in this [one-pager](#) or you can read an [analysis of the bill](#). 1/11/2018

OMA Amicus Activity Results in Supreme Court of Ohio Win
January 12, 2018

On January 4, 2018, the Supreme Court of Ohio in *Lucarell v. Nationwide Mut. Ins.*

Co. **reaffirmed** that punitive damages are not recoverable in breach of contract cases. If a breach of contract involves conduct that also constitutes a tort, punitive damages can only be awarded for the tort, not for the breach of contract, and are subject to statutory limitations. On April 18, 2016, the OMA together with other business groups, filed a memorandum in support of jurisdiction, asking the court to accept the appeal being pursued by Nationwide Mutual Insurance Company. The OMA and its allies also filed an **amicus brief** supporting Nationwide.

The two propositions of law of interest to the OMA are: (1) An award of punitive damages is not available for breach of contract and is instead limited to independent claims based on tort; and (2) Prevention of performance is not an available defense to a fully executed release absent some other nonperformance-related contract defense that would make the release unenforceable.

This ruling is an important victory for Ohio's manufacturers. 1/11/2018

Ohio Governor Race Update
January 12, 2018

U.S. Rep. Jim Renacci (R-Wadsworth) announced this week he will leave the governor's race and instead run for the seat currently held by U.S. Sen. Sherrod Brown (D-OH).

That thins the Republican Ohio gubernatorial field to Attorney General Mike DeWine with running mate Secretary of State Jon Husted and Lt. Governor Mary Taylor with her running mate, Nathan Estruth, a Cincinnati-area businessman.

The big field of Democratic hopefuls includes Richard Cordray, former Director of the Consumer Financial Protection Bureau and former Ohio Attorney General; Dennis Kucinich, former U.S. Representative and presidential candidate in 2004 and 2008; Bill O'Neill, Justice of the Ohio Supreme Court and nominee for OH-

14 in 2008 and 2010; Connie Pillich, former state representative and nominee for Ohio State Treasurer in 2014; Joe Schiavoni, state senator and former Minority Leader of the Ohio Senate; and Nan Whaley, Mayor of Dayton, although she is expected to withdraw to lend support to Richard Cordray. 1/11/2018

81st and 87th House District Seats to be Filled
January 12, 2018

According to Gongwer News Service, House Republican screening panels are recommending candidates to the full chamber to fill two open seats.

The full caucus is expected to approve Jim Hoops, who served in the House from 1999-2006, to represent the 81st District, which was left open when Sen. Rob McColley (R-Napoleon) was appointed to the Senate.

Riordan McClain, son of former Rep. Jeff McClain, is favored to replace Wes Goodman in the 87th District in the seat previously held by his father.

Mr. Hoops, of Napoleon, is currently associate vice president for Strategic Initiatives at Northwest State Community College. He also previously served as Henry County auditor.

Mr. McClain, of Upper Sandusky, is director of Finance and Customer Service at Doc Investments LLC. He holds degrees from Bluffton University and the University of Findlay.

The two new lawmakers are expected to be sworn in during the House's next voting session on Wednesday, Jan. 17. 1/11/2017

Participate in Manufacturing Reshoring Study
January 5, 2018

OMA Connections Partner, Plante Moran, and the Reshoring Initiative **invite participation** in the U.S. Manufacturing Reshoring Study. Responses will help identify what prevents manufacturers from reshoring and what U.S. policy changes would motivate reshoring. Manufacturers and distributors can **complete the survey here**. Survey findings will be shared with the Trump Administration, Congress, and

survey respondents. The survey takes approximately 15 minutes to complete and will close at 8:00 p.m. EDT on Tuesday, Feb. 20. *1/4/2018*

Senate Banking Committee Rejects Garrett **December 21, 2017**

The Senate Banking Committee this week **voted to reject** Scott Garrett to lead the U.S. Export-Import Bank (Ex-Im), heeding industry's concerns about Garrett's intentions with respect to the financial institution that supports U.S. exports.

OMA and manufacturers have been on the record about their opposition to Garrett due to his historic lack of support for the institution.

Meanwhile, the committee approved Ex-Im Bank nominees Kimberly A. Reed as first vice president of the bank; Spencer Bachus III, Judith DelZoppo Pryor and Claudia Slacik to board members; and Mark L. Greenblatt to the bank's inspector general. These nominations will now move to the full Senate for approval.

This is more good news for manufacturing this week. Our thanks to Sen. Sherrod Brown, ranking member of the Senate Banking Committee. *12/20/2017*

Ohio Business Gateway Modernization Project Update **December 21, 2017**

The Gateway Modernization Project is one piece of an effort by the State of Ohio to lead the way in technological innovation in government services.

Prior to the Modernization Project, the Gateway had not undergone a major technology upgrade in several years, resulting in a disjointed user experience and sub-optimal performance.

Here's a **progress report** on this major improvement project. *12/20/2017*

Manufacturer Optimism at All Time High **December 15, 2017**

This week the National Association of Manufacturers **released** the fourth quarter results of its Manufacturers' Outlook survey, a survey of its members, showing that

manufacturers' confidence in the economy is at an all-time high. Additionally, the survey showcases the importance for tax reform toward economic growth.

Here are some of the survey findings:

- 94.6% said they are positive about their own company's outlook. This is a record high for the 20+ years that this survey has been performed.
- 63% said comprehensive business tax reform would encourage their company to increase capital spending.
- 58% said they would expand their businesses if the tax reform package passed.
- 57.9% said they would hire more workers if the tax reform package passed.

Here's more **from the survey**. *12/13/2017*

Manufacturing Gets Media Shout Out **December 15, 2017**

Cleveland CBS affiliate News 19 ran **this nice story** about Northeast Ohio manufacturing featuring OMA member Jack Schron, Jr., President, Jergens, Inc., Cleveland. *12/13/2017*

Recreational Marijuana Headed for 2018 Ballot? **December 15, 2017**

Ohioans may be voting to legalize recreational marijuana next fall. The proposal would be sponsored by a company that lost out on one of the state's medical marijuana grow licenses. Jimmy Gould and Ian James, backers of the failed 2015 recreational legalization measure, are prepared to move ahead with the "Regulate Marijuana Like Alcohol Amendment."

Gould **outlined the proposal** in a press conference this week and announced that a draft amendment is planned for a January roll out. Generally, the proposal would have

recreational marijuana production and sales regulated similarly to liquor regulation in Ohio. In addition, the plan would allow people 21 and older to grow up to four marijuana plants per household.

The pair spent more than \$20 million on the 2015 campaign and said they were prepared to spend millions in 2018. *12/14/2018*

Supreme Court of Ohio Dust Up May Result in GOP Advantage **December 15, 2017**

Supreme Court of Ohio **Justice William O'Neill**, a Democrat, announced earlier this autumn that he would run for governor in 2018. Justice O'Neill is barred from re-election to the Supreme Court due to age limits.

Upon announcing his gubernatorial aspiration, Justice O'Neill was prompted to recuse himself from all pending court rulings. More recently Justice O'Neill became embroiled in **controversy** stemming from social media statements he made. This, combined with his intent to remain a compensated member of the high court throughout the 2018 campaign, has prompted various parties to call for his immediate resignation.

In the past week, Justice O'Neill has promised to resign by January 26; Ohio legislative leaders have pledged to begin removal proceedings.

If O'Neill does leave the court, Governor Kasich will have an opportunity to fill the vacancy by appointment. Top contenders are **Judge Craig Baldwin** and **Judge Mary DeGenaro**, both of whom were recently endorsed by the Ohio GOP as candidates in the 2018 Supreme Court election next fall. *12/14/2017*

Jobs Lost, Jobs Gained **December 15, 2017**

McKinsey continues its study of the "future of work" with a new report, "**Jobs Lost, Jobs Gained: Workforce Transitions in a Time of Automation.**"

The firm looks at trends with an eye for possible outcomes from 2016 to 2030, when perhaps one third of the American workforce will be forced to gain new skills to find new work. The study finds a global job dislocation of between 400 and 800 million people.

"Faced with the scale of worker transitions we have described, one reaction could be to try to

slow the pace and scope of adoption in an attempt to preserve the status quo. While this may limit the workforce transitions, it would affect the contributions that these technologies make to business dynamism and economic growth, via the contribution to productivity growth, and which in turn leads to jobs growth and prosperity," write the researchers.

McKinsey's call to action: "We should embrace these technologies but also address the workforce transitions and challenges they bring. In many countries, this may require an initiative on the scale of the Marshall Plan involving sustained investment, new training models, programs to ease worker transitions, income support, and collaboration between the public and private sectors." *12/14/2017*

OMA Board Gives Legacy Award to Kurt Tunnell **December 8, 2017**



At its meeting this week, the OMA board of directors gave **Kurt Tunnell**, managing partner, Bricker & Eckler, its Legacy Award for his long service to the OMA and its board. Kurt has been the OMA's general counsel since 1995. Kurt is stepping down from Bricker at the end of January.

Christopher Slagle of Bricker will become OMA's general counsel. *12/5/2017*

Pictured: Scott Balogh, president & CEO, Mar-Bal, Inc. and OMA chairman, Kurt Tunnel, and OMA president Eric Burkland

Gubernatorial Candidate Mary Taylor Visits OMA Board **December 8, 2017**



The OMA Board of Directors this week met with Lt. Governor **Mary Taylor** who is one of three GOP candidates for Ohio governor in 2018. Directors listened to the candidate's plans and vision for Ohio. Taylor responded to directors' questions about the issues that impact manufacturing competitiveness including workforce development, taxes, regulation and energy costs. *12/6/2017*

Cordray Makes it Official **December 8, 2017**

After months of speculation the former director of the Consumer Financial Protection Bureau, Richard Cordray **announced his candidacy** for Ohio Governor. Mr. Cordray, who is a democrat previously served as both Ohio Treasurer and Attorney General. Politicos long thought that Cordray would eventually return to Ohio and enter the race for Governor.

Cordray faces state Sen. Joe Schiavoni, Dayton Mayor Nan Whaley, former U.S. Rep. Betty Sutton, former state Rep. Connie Pillich and Ohio Supreme Court Justice Bill O'Neill for the democratic primary next year. *12/7/2017*

Customers & Suppliers, Oh My! **December 8, 2017**



The **Manufacturers Marketplace** is a unique manufacturers-only digital marketplace featuring interactive listings and information on more than 300,000 leading U.S. manufacturers, including more than 15,000 in Ohio.

Created in collaboration with the National Association of Manufacturers (NAM), the Marketplace is now available to members of more than **20 state manufacturers' associations**, including OMA members.

Manufacturers Marketplace is a tool for manufacturers in Ohio and the U.S. to help find potential U.S. customers and suppliers.

What Google and Yahoo did for online searches, Manufacturers Marketplace is intended to do for buyers and sellers in the manufacturing economy whether they're large or small firms. The goal is to create the most comprehensive, simple to use and innovative industry network in the market.

Manufacturers Marketplace works by including manufacturers of all sizes whether they are a member of the OMA or the NAM or other participating state manufacturers' associations. As manufacturers access the Manufacturers Marketplace, they are prompted to search and then claim their listing. From there, registered users are prompted to expand their listings with detailed information, including additional locations, certifications, equipment, capacity and much more.

As manufacturers add information to the listings, the Marketplace becomes an even more powerful tool.

Manufacturing members of the OMA qualify for the annual member price of \$500, a \$2,000 savings. Sign up for any of the **upcoming free webinar demos** to learn more. Or, go to **Manufacturers Marketplace** and use the December discount code of **OHIOAYKL1217** to join now. *12/4/2017*

Unsafe Tire Bill Moves Out of Senate Committee **December 8, 2017**

This week the Senate Local Government, Public Safety and Veterans Affairs Committee unanimously reported out of committee **Senate Bill 223**. In **sponsor testimony** Senator LaRose stated: "This legislation will prohibit a supplier from installing unsafe used tires in Ohio. SB 223 will protect consumers from an increased risk of tire failure that can lead to loss of vehicle control." Ohio's tire manufacturers and the OMA support the bill. OMA provided **proponent testimony**. *12/6/2017*

Surprise DeWine-Husted GOP Governor Ticket **December 1, 2017**

During the September OMA board of directors meeting, Ohio Attorney General Mike DeWine and Ohio Secretary of State Jon Husted separately pitched directors on their qualifications and visions as candidates for governor in the 2018 general election.

This week, in a move that wasn't foreseen, DeWine and Husted announced as running mates, with DeWine positioned as the gubernatorial candidate and Husted as his lieutenant governor. In Ohio, the offices of governor and lieutenant governor run as a team.

Barring other actions, this leaves a three-way GOP primary between DeWine, U.S. Rep. Jim Renacci and Lt. Gov. Mary Taylor.

Democrats in the race include Ohio Senator Joe Schiavoni (Austintown), Dayton Mayor Nan Whaley, former Congresswoman Betty Sutton and former State Representative Connie Pillich. Ohio Supreme Court Justice William M. O'Neill has also declared. Richard Cordray, first and former director of the federal Consumer Financial Protection Bureau, is expected to announce his candidacy imminently. Entertainer Jerry Springer this week announced he would not make a run at the office. 11/30/2017

Heavy Haul Permit Provides Trucking Flexibility **December 1, 2017**

Members of the OMA Government Affairs Committee met with officials from ODOT this week to learn more about the regional heavy haul permit.

The heavy haul permit can be used by shippers to facilitate the shipment of loads in excess of the 80,000 lbs. federal limit on roadways under ODOT jurisdiction.

If your business routinely ships heavy loads, you can learn more by **viewing this ODOT presentation**. 11/30/2017

Ohio Manufacturing Extension Partnership Conducting Annual Survey **December 1, 2017**

The **Ohio Manufacturing Extension Partnership** (MEP), which helps Ohio's manufacturers to increase sales, create jobs and generate cost savings through technological innovation, workforce training and improved management practices, is asking manufacturers to invest 20 minutes in its annual manufacturers' survey.

- Impact how the Ohio MEP and its key stakeholders make decisions for the future.
- Receive results on how your company stacks up against other manufacturers in critical areas like workforce, operations, growth and more.
- Make your voice heard on issues that matter to your business.
- At the end, you'll be able to pick any one of ten different business books – and receive it free!

The survey consists of 44 questions and takes no more than 20 minutes to complete. The survey will close January 15, 2018. **Click this link to begin**. 11/30/2017

Miscellaneous Legislation of Interest to Manufacturers

Prepared by: The Ohio Manufacturers' Association
Report created on March 5, 2018

- HB5** **MICROBUSINESS STATUTORY DEFINITION** (PELANDA D, GAVARONE T) To create a statutory definition of "microbusiness."
Current Status: 3/15/2017 - Referred to Committee Senate Transportation, Commerce and Workforce
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-5>
- HB20** **COMPENSATORY DAMAGES CAP REMOVAL** (GONZALES A, BOGGS K) To remove the cap on the amount of compensatory damages that represents damages for noneconomic loss that is recoverable in a tort action when the tort action is brought by a victim of rape, felonious assault, aggravated assault, assault, or negligent assault.
Current Status: 2/8/2017 - Referred to Committee House Government Accountability and Oversight
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-20>
- HB23** **ALCOHOLIC ICE CREAM SALE** (PATTERSON J, BOGGS K) To allow A-4 liquor permit holders to manufacture and sell ice cream containing between one-half of one per cent and six per cent of alcohol by volume.
Current Status: 5/17/2017 - House Government Accountability and Oversight, (First Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-23>
- HB26** **TRANSPORTATION-PUBLIC SAFETY BUDGET** (MCCOLLEY R) To make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of those programs.
Current Status: 3/31/2017 - **SIGNED BY GOVERNOR**; Some provisions line-item vetoed, eff. 6/30/2017
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-26>
- HB42** **VEHICLE TIRE SAFETY** (SPRAGUE R, DEVITIS A) To prohibit the installation of unsafe used tires on certain motor vehicles.
Current Status: 5/9/2017 - **REPORTED OUT AS AMENDED**, House Economic Development, Commerce and Labor, (Fifth Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-42>
- HB51** **DEPARTMENT REVIEW SCHEDULE** (FABER K) To require standing committees of the General Assembly to establish a schedule for the periodic review and sunset of state departments that are currently in the Governor's cabinet, and to require that Auditor of State performance audits be scheduled to coincide with the periodic review.
Current Status: 5/16/2017 - **REPORTED OUT AS AMENDED**, House State and Local Government, (Fourth Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-51>

- HB53 PUBLIC EMPLOYEES-MEMBER DUES** (BECKER J) To remove any requirement under the Public Employees Collective Bargaining Law that public employees join or pay dues to any employee organization, to prohibit public employers from requiring public employees to join or pay dues to any employee organization, to prohibit an employee organization from being required to represent public employees who are not members of the employee organization, and to make an appropriation.
Current Status: 2/14/2017 - Referred to Committee House Finance
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-53>
- HB57 DOMESTIC STEEL REQUIREMENTS** (BOCCIERI J, RAMOS D) To require the use of domestic steel in construction, repair, or improvement projects involving certain buildings used by public schools, state institutions of higher education, and specified private colleges.
Current Status: 3/21/2017 - House Economic Development, Commerce and Labor, (First Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-57>
- HB127 BUILDING CODE REQUIREMENTS-WELDING** (PERALES R, DEVER J) To establish in the Ohio Building Code requirements pertaining to structural steel welding and bridge welding.
Current Status: 11/28/2017 - House Economic Development, Commerce and Labor, (Third Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-127>
- HB163 PREVAILING WAGE PUBLIC IMPROVEMENT PROJECTS** (ROEGNER K, RIEDEL C) To allow political subdivisions, special districts, and state institutions of higher education to elect to apply the Prevailing Wage Law to public improvement projects.
Current Status: 9/19/2017 - House Economic Development, Commerce and Labor, (Second Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-163>
- HB206 COMMERCIAL AIRLINE AND AIR FREIGHT COMMISSION** (BARNES, JR. J) To create the Commercial Airline and Air Freight Commission.
Current Status: 9/13/2017 - House Transportation and Public Safety, (Third Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-206>
- HB226 FIREWORKS STUDY GROUP AND EXPANSION** (SEITZ B, SWEENEY M) To establish a fireworks study group to review and make recommendations regarding the Fireworks Law, to extend to July 1, 2020, the moratorium on issuing fireworks manufacturer and wholesaler licenses, to eliminate, beginning January 1, 2021, the moratorium on geographic transfer of fireworks manufacturer and wholesaler licenses, and, beginning July 1, 2020, to impose a fee on the retail sale of consumer grade fireworks in this state and to expand the ability of individuals to obtain 1.3G display fireworks and obtain and use 1.4G consumer fireworks.
Current Status: 2/27/2018 - Senate Government Oversight and Reform, (Second Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-226>

- HB245** **CONSUMER PROTECTION CALL CENTER ACT** (BOCCIERI J, LEPORE-HAGAN M) To enact the Consumer Protection Call Center Act of 2017 to require the Department of Job and Family Services to compile a list of all employers that relocate a call center to a foreign country and to disqualify employers on that list from state grants, loans, and other benefits.
Current Status: 9/19/2017 - House Economic Development, Commerce and Labor, (Second Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-245>
- HB256** **COMMERCIAL SERVICE AIR HUBS** (BUTLER, JR. J, ZELTWANGER P) To create the Major Air Hub Council, to require the Council to construct two commercial service airports, one in Fayette County and one in Portage County, and to create the Southern Ohio Airport Authority and the Northern Ohio Airport Authority to operate the airports.
Current Status: 2/28/2018 - House Transportation and Public Safety, (Second Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-256>
- HB262** **INDEPENDENT BUDGET PROCESS** (BUTLER, JR. J, ROMANCHUK M) To provide for the preparation of a state biennial budget independent of that submitted by the Governor and to authorize the Legislative Service Commission, upon the request of the Speaker of the House of Representatives or the President of the Senate, to arrange for an independent actuarial review of a proposed bill, specified analyses of economic policy initiatives and state benchmarking data, and a study of the state's long-range financial outlook.
Current Status: 6/20/2017 - Referred to Committee House Government Accountability and Oversight
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-262>
- HB301** **COURT SETTLEMENT RESTRICTIONS** (BUTLER, JR. J) To require the approval of the General Assembly for a state agency to agree to a consent decree or court-approved settlement agreement that would alter or prohibit the enforcement of a law of this state.
Current Status: 2/7/2018 - House Government Accountability and Oversight, (Second Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-301>
- HB323** **GARBAGE COLLECTION FEES** (PATTERSON J) To authorize all municipal corporations that charge a garbage collection fee to certify unpaid amounts to the county auditor, who must enter the fees on the property tax list to be collected in the same manner as real property taxes.
Current Status: 12/5/2017 - **REPORTED OUT**, House State and Local Government, (Third Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-323>
- HB415** **LOCAL GOV ROAD IMPROVEMENT** (GREENSPAN D, RYAN S) To allocate one-half of any surplus revenue to a new Local Government Road Improvement Fund, from which money will be distributed directly to local governments to fund road improvements.
Current Status: 2/28/2018 - **PASSED BY HOUSE**; Vote 81-15
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-415>

- HB509** **CRAFT BEER SALES-PRODUCTION** (HAMBLEY S, SWEENEY M) To create the F-11 liquor permit to authorize the sale of beer under specified circumstances at a farmers market and to authorize the Department of Agriculture to promote the use of Ohio-produced agricultural goods grown for inclusion in beer or cider through a promotional program.
Current Status: 2/20/2018 - Referred to Committee House Government Accountability and Oversight
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-509>
- HB519** **COUNCIL ON TRANSPORTATION TECHNOLOGY** (WEST T, KICK D) To create the Ohio Council on Transportation Technology to make recommendations regarding state policies related to autonomous technology.
Current Status: 2/27/2018 - Referred to Committee House Transportation and Public Safety
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-519>
- HJR6** **TERM LIMIT AMENDMENTS** (SWEENEY M) To impose term limits prohibiting a person from holding office longer than eight years in the Ohio Senate, eight years in the Ohio House of Representatives, and more than sixteen years in total in the General Assembly.
Current Status: 1/16/2018 - Referred to Committee House Government Accountability and Oversight
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HJR-6>
- HJR7** **PUBLIC SECTOR UNION PROHIBITIONS** (BECKER J, RIEDEL C) Proposing to enact Section 22 of Article I of the Constitution of the State of Ohio to prohibit laws, rules, and agreements that require employees of public sector employers to join or pay dues to an employee organization and to prohibit employee organizations from representing nonmember public sector employees in employment-related matters.
Current Status: 1/16/2018 - Referred to Committee House Government Accountability and Oversight
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HJR-7>
- HJR8** **PRIVATE SECTOR UNION PROHIBITIONS** (BECKER J, RIEDEL C) Proposing to enact Section 22 of Article I of the Constitution of the State of Ohio to prohibit laws, rules, and agreements that require employees of private sector employers to join or pay dues to an employee organization and to prohibit employee organizations from representing nonmember private sector employees in employment-related matters.
Current Status: 1/16/2018 - Referred to Committee House Government Accountability and Oversight
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HJR-8>
- HJR9** **PUBLIC CONTRACTOR WAGE PROHIBITIONS** (BECKER J, RIEDEL C) Proposing to enact Section 43 of Article II of the Constitution of the State of Ohio to prohibit a public authority from requiring a contractor on a public improvement to pay the contractor's workers the prevailing rate of wages for work performed on the public improvement.
Current Status: 1/16/2018 - Referred to Committee House Government Accountability and Oversight
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HJR-9>

- HJR10** **GOVERNMENT CONTRACTS-REQUIREMENT PROHIBITIONS** (BECKER J, RIEDEL C) Proposing to enact Section 2 of Article XV of the Constitution of the State of Ohio to prohibit certain requirements or prohibitions regarding labor agreements in government contracts.
Current Status: 1/16/2018 - Referred to Committee House Government Accountability and Oversight
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HJR-10>
- HJR11** **COLLECTIVE BARGAINING REPRESENTATIVE ELECTIONS** (BECKER J, RIEDEL C) Proposing to enact Section 12 of Article XV of the Constitution of the State of Ohio to subject any public employee collective bargaining representative to an annual election to remain certified as the exclusive representative.
Current Status: 1/16/2018 - Referred to Committee House Government Accountability and Oversight
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HJR-11>
- HJR12** **PAYROLL DEDUCTIONS-LABOR DUES** (BECKER J, RIEDEL C) Proposing to enact Section 12 of Article XV of the Constitution of the State of Ohio to prohibit dues and other fees payable to an employee organization from being deducted from the payroll check of a public employee and to prohibit those dues and fees from being used for political purposes unless authorized by the public employee.
Current Status: 1/16/2018 - Referred to Committee House Government Accountability and Oversight
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HJR-12>
- HR74** **ABOLISH CORPORATE PERSONHOOD** (SMITH K, ANTONIO N) To call on legislators at the state and federal level and other communities and jurisdictions to support an amendment to the United States Constitution that would abolish corporate personhood and the doctrine of money as speech.
Current Status: 2/13/2018 - House Federalism and Interstate Relations, (First Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HR-74>
- HR355** **SUPPORT CLEAN CAR STANDARDS** (LELAND D) To express support for strong Corporate Average Fuel Economy standards and clean car standards that promote job creation, are beneficial in keeping Ohio as an industry leader in manufacturing automobiles and automotive parts, and protect the environment for the future.
Current Status: 2/21/2018 - House Transportation and Public Safety, (First Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HR-355>
- SB6** **OHIO BRIDGE PARTNERSHIP PROGRAM** (HOAGLAND F) To extend the Ohio Bridge Partnership Program through the end of fiscal year 2019 and to require the Director of Transportation to submit a report to the Governor, Senate, and House of Representatives recommending ways to continue to fund the program.
Current Status: 12/13/2017 - Bills for Third Consideration
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation->

[summary?id=GA132-SB-6](https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-6)

- SB30** **VEHICLE RESOLUTIONS BY COUNTIES** (EKLUND J) To authorize counties to adopt resolutions regulating motor vehicle traffic on county and township roads.
Current Status: 2/14/2017 - Senate Local Government, Public Safety and Veterans Affairs, (First Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-30>
- SB43** **TOWNSHIP BUILDING CODES** (BACON K) To enable limited home rule townships to adopt building codes regardless of any similar codes adopted by the county in which the township resides.
Current Status: 6/27/2017 - **REPORTED OUT**, Senate Local Government, Public Safety and Veterans Affairs, (Fourth Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-43>
- SB51** **LAKE ERIE IMPROVEMENT DISTRICT** (SKINDELL M, EKLUND J) To authorize the creation of a special improvement district to facilitate Lake Erie shoreline improvement.
Current Status: 9/27/2017 - Senate Energy and Natural Resources, (Fourth Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-51>
- SB68** **UNSAFE USED TIRES PROHIBITION** (LAROSE F, HITE C) To prohibit the installation of unsafe used tires on certain motor vehicles.
Current Status: 6/27/2017 - **REPORTED OUT**, Senate Local Government, Public Safety and Veterans Affairs, (Third Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-68>
- SB72** **PREVAILING WAGE LAW** (HUFFMAN M) To allow political subdivisions, special districts, and state institutions of higher education to elect to apply the Prevailing Wage Law to public improvement projects.
Current Status: 3/7/2017 - Referred to Committee Senate Finance
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-72>
- SB79** **STATE DEPARTMENTAL REVIEW SCHEDULE** (JORDAN K) To require standing committees of the General Assembly to establish a schedule for the periodic review and sunset of state departments that are currently in the Governor's cabinet, and to require that Auditor of State performance audits be scheduled to coincide with the periodic review.
Current Status: 9/12/2017 - Referred to Committee House Government Accountability and Oversight
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-79>
- SB122** **CONCEALED CARRY-STATEHOUSE** (JORDAN K) To permit concealed handgun licensees to carry concealed handguns in the statehouse and on its grounds.
Current Status: 4/26/2017 - Referred to Committee Senate Judiciary
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-122>

- SB142** **CARRYING CONCEALED FIREARMS** (JORDAN K) To allow a concealed handgun licensee to carry concealed all firearms other than dangerous ordnance or firearms that state or federal law prohibits the person from possessing and to provide that a person 21 years of age or older and not prohibited by federal law from possessing or receiving a firearm does not need a concealed handgun license in order to carry or have a concealed firearm and is subject to the same laws regarding concealed firearm carrying as a concealed handgun licensee.
Current Status: 5/3/2017 - Referred to Committee Senate Judiciary
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-142>
- SB156** **CALL CENTER JOBS PROTECTION** (SCHIAVONI J, YUKO K) To enact the Consumer Protection Call Center Act of 2017 to require the Department of Job and Family Services to compile a list of all employers that relocate a call center to a foreign country and to disqualify employers on that list from state grants, loans, and other benefits.
Current Status: 5/24/2017 - Referred to Committee Senate Government Oversight and Reform
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-156>
- SB165** **BRINE SALE REQUIREMENTS** (DOLAN M, SKINDELL M) To establish conditions and requirements for the sale of brine from certain oil or gas operations as a commodity and to exempt such a commodity from requirements otherwise applicable to brine.
Current Status: 11/15/2017 - Senate Energy and Natural Resources, (Third Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-165>
- SB174** **WAGE PROTECTIONS-FAIR ACT** (TAVARES C) To enact the "Fair and Acceptable Income Required (FAIR) Act" and to revise the enforcement of the prohibitions against discrimination in the payment of wages.
Current Status: 9/7/2017 - Referred to Committee Senate Transportation, Commerce and Workforce
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-174>
- SB180** **FIREARM RELATED LAWS-CHANGES** (UECKER J, HOTTINGER J) To assign to the prosecution the burden of disproving a self-defense or related claim, to expand the locations at which a person has no duty to retreat before using force under both civil and criminal law, and to modify the Concealed Handgun Licensing Law regarding a licensee's duty to keep the licensee's hands in plain sight, the penalties for illegally carrying a concealed firearm or improperly handling firearms in a motor vehicle, and the posting of warning signs regarding the possession of weapons on specified premises.
Current Status: 12/12/2017 - Senate Judiciary, (Third Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-180>
- SB181** **UNPAID MUNICIPAL GARBAGE FEES** (O'BRIEN S, YUKO K) To authorize all municipal corporations that charge a garbage collection fee to certify unpaid amounts to the county auditor, who must enter the fees on the property tax list to be collected in the same manner as real property taxes.
Current Status: 11/29/2017 - Senate Ways and Means, (Third Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-181>

SB205 **BENEFIT CORPORATION FORMATION (DOLAN M)** To allow a corporation to become a benefit corporation.

Current Status: 10/18/2017 - Referred to Committee Senate Judiciary

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-205>

SB210 **AUXILIARY CONTAINER USEAGE (COLEY W, EKLUND J)** To authorize a person to use an auxiliary container for any purpose, to prohibit a municipal corporation from imposing a tax or fee on auxiliary containers, and to clarify that the existing antilittering law applies to auxiliary containers.

Current Status: 1/30/2018 - Senate Health, Human Services and Medicaid, (Second Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-210>

SB213 **ECONOMIC DEVELOPMENT FUNDING PLAN (SCHIAVONI J)** To enhance economic and employment opportunities and improve local infrastructure in Ohio by providing additional assistance to workforce development and employment programs; establishing a revolving loan program for small businesses seeking to expand operations; extending job tax credits to smaller businesses; enabling expanded participation in public sector contracting by smaller companies; enhancing support for child care centers; funding additional local infrastructure and public transit; authorizing tax incentives for hiring military veterans, for donating money to local programs assisting distressed communities, or for improving distressed property; exempting the homes of disabled veterans from property taxation; terminating the income tax deduction and reduced tax rate for business income; and to make an appropriation.

Current Status: 11/15/2017 - Referred to Committee Senate Finance

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-213>

SB220 **SAFE HARBOR-CYBERSECURITY PROGRAMS (HACKETT R, BACON K)** To provide a legal safe harbor to covered entities that implement a specified cybersecurity program.

Current Status: 1/31/2018 - Senate Government Oversight and Reform, (Third Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-220>

SB221 **RULE-MAKING AND REVIEW REFORM (UECKER J)** To reform agency rule-making and legislative review thereof.

Current Status: 2/27/2018 - **SUBSTITUTE BILL ACCEPTED**, Senate Government Oversight and Reform, (Third Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-221>

SB223 **UNSAFE USED TIRES PROHIBITION (LAROSE F)** To prohibit the installation of unsafe used tires on certain motor vehicles.

Current Status: 2/27/2018 - **REPORTED OUT AS AMENDED**, House Government Accountability and Oversight, (Fourth Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-223>

- SB264** **MEDICAL MARIJUANA CONTROL AUDIT** (COLEY W) To require the Auditor of State to conduct and release a performance audit of the Medical Marijuana Control Program, to prohibit the Department of Commerce from issuing final cultivator, processor, or laboratory testing licenses until performance audit recommendations are implemented, and to declare an emergency.
Current Status: 2/22/2018 - Introduced
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-264>
- SB269** **ROAD MAINTENANCE FUNDING** (YUKO K) To make supplemental appropriations in order to provide political subdivisions with funding for road maintenance repairs.
Current Status: 3/1/2018 - Introduced
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-269>
- SJR3** **STATE CONGRESSIONAL REDISTRICTING** (LAROSE F) Proposing to amend the versions of Sections 1, 2, 3, 4, 6, 8, and 9 of Article XI that are scheduled to take effect January 1, 2021; to amend, for the purpose of adopting new section numbers as indicated in parentheses, the versions of Sections 1(2), 2(3), 3(5), 4(6), 5(7), 6(8), 7(9), 8(10), 9(11), and 10(12) of Article XI that are scheduled to take effect January 1, 2021; and to enact new Sections 1 and 4 of Article XI of the Constitution of the State of Ohio to revise the redistricting process for congressional districts.
Current Status: 3/7/2017 - Referred to Committee Senate Government Oversight and Reform
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SJR-3>
- SR59** **SOO LOCKS FEDERAL UPGRADE** (DOLAN M, LAROSE F) To encourage the President and the Congress of the United States and the United States Office of Management and Budget to support plans to upgrade the Soo Locks at Sault Ste. Marie, Michigan, and encourage the United States Army Corps of Engineers to take expeditious action in preparing an Economic Reevaluation Report.
Current Status: 9/27/2017 - **ADOPTED BY SENATE**; Vote 33-0
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SR-59>



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Combined Legislative Schedule Set for First Half of 2018

Speaker of the House Cliff Rosenberger (R-Clarksville) and Senate President Larry Obhof announced the schedule for the General Assembly for the first half of 2018. Unless otherwise notified, the House meets on Tuesdays at 11 a.m., on Wednesdays at 1:30 p.m. and on Thursdays at 1 p.m. The Senate meets at 1:30 p.m. on Tuesdays and Wednesdays and 11 a.m. on Thursdays. Dates are subject to change.

January

Monday, Jan. 1 - **New Year's Day** (State Offices closed)

Tuesday, Jan. 9 - House committee hearings
Wednesday, Jan. 10 - House committee hearings/
Senate Session (if needed)
Thursday, Jan. 11 - House committee hearings

Monday, Jan. 15 - **Martin Luther King Day** (State Offices closed)

Tuesday, Jan. 16 - House committee hearings
Wednesday, Jan. 17 - House/Senate Sessions
Thursday, Jan. 18 - House Session (if needed)

Tuesday, Jan. 23 - House committee hearings
Wednesday, Jan. 24 - House Session/Senate Session (if needed)
Thursday, Jan. 25 - House session (if needed)

Tuesday, Jan. 30 - House committee hearings/
Senate Session (if needed)
Wednesday, Jan. 31 - House/Senate Sessions

February

Thursday, Feb. 1 - House Session (if needed)

Tuesday, Feb. 6 - House committee hearings/Senate Session (if needed)

Wednesday, Feb. 7 - House committee hearings/
Senate Session

Thursday, Feb. 8 - House committee hearings

Tuesday, Feb. 13 - House committee hearings
Wednesday, Feb. 14 - House Session
Thursday, Feb. 15 - House Session (if needed)

Monday, Feb. 19 - **Presidents' Day** (State Offices closed)

Tuesday, Feb. 20 - House committee hearings
Wednesday, Feb. 21 - House/Senate Sessions
Thursday, Feb. 22 - House Session (if needed)

Tuesday, Feb. 27 - House committee hearings

Wednesday, Feb. 28 - House Session/Senate Session (if needed)

March

Thursday, March 1 - House Session (if needed)

Tuesday, March 6 - House committee hearings/Senate Session (if needed)

Wednesday, March 7 - House/Senate Session

Thursday, March 8 - House Session (if needed)

Tuesday, March 13 - House committee hearings
Wednesday, March 14 - House /Senate Sessions
Thursday, March 15 - House Session (if needed)

Tuesday, March 20 - House committee hearings
Wednesday, March 21 - House/Senate Sessions
Thursday, March 22 - House/Senate Sessions (if needed)

March 26 - April 6 - **Spring Break**

April

Tuesday, April 10 - House committee hearings
Wednesday, April 11 - House/Senate Sessions
Thursday, April 12 - House Session (if needed)

Tuesday, April 17 - House committee hearings
Wednesday, April 18 - House/Senate Sessions (if needed)

Thursday, April 19 - House Session (if needed)

Wednesday, April 25 - Senate Session

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May

Tuesday, May 8 - **Primary Election**
Wednesday, May 9 - Senate Session (if needed)

Tuesday, May 15 - House committee hearings
Wednesday, May 16 – House/Senate Sessions
Thursday, May 17 - House Session (if needed)

Tuesday, May 22 - House committee hearings/Senate Session (if needed)
Wednesday, May 23 - House/Senate Sessions
Thursday, May 24 - House Session (if needed)

Monday, May 28 - **Memorial Day** (State Offices closed)
Tuesday, May 29 - House committee hearings
Wednesday, May 30 - House Session (if needed)
Thursday, May 31 - House Session (if needed)

June

Wednesday, June 6 - House/Senate Sessions (if needed)
Thursday, June 7 - House Session (if needed)

Wednesday, June 13 - House/Senate Sessions (if needed)
Thursday, June 14 - House Session (if needed)

Wednesday, June 27 - Senate Session (if needed)

July

Wednesday, July 4 - **Independence Day** (State Offices closed)

CAPITAL PROJECTS BY COUNTY-ALL PROJECTS

County and Funding Agency	Fund	Line Item	Item/Project Name	Appropriations
Statewide				
Adjutant General	7026	C74535	Renovations and Improvements	\$5,561,505
Adjutant General	3420	C74537	Renovation Projects - Federal Share	\$10,330,366
Adjutant General	7026	C74541	Army Technology Infrastructure	\$120,000
Adjutant General	5340	C74542	Renovations and Improvements	\$1,000,000
Department of Agriculture	7057	C70009	Clean Ohio Agricultural Easement	\$12,500,000
Department of Administrative Services	7026	C10011	Statewide Communications System	\$7,000,000
Department of Administrative Services	5K20	C10035	Building Improvement	\$39,424,700
Department of Developmental Disabilities	7033	C59004	Community Assistance Projects	\$24,000,000
Department of Services Agency	7046	C19505	Coal Research and Development	\$5,000,000
Department of Natural Resources	7061	C72514	Clean Ohio Trail Fund	\$12,500,000
Department of Natural Resources	7031	C72549	Facilities Development	\$1,500,000
Department of Natural Resources	7035	C725A0	State Parks, Campgrounds, Lodges, Cabins	\$57,554,343
Department of Natural Resources	7015	C725B0	Access Development	\$15,000,000
Department of Natural Resources	7015	C725B6	Upgrade Underground Fuel Tanks	\$460,000
Department of Natural Resources	7031	C725E1	Local Parks Projects Statewide	\$6,668,925
Department of Natural Resources	7031	C725E5	Project Planning	\$1,147,700
Department of Natural Resources	7035	C725E6	Project Planning	\$4,082,793
Department of Natural Resources	7031	C725M0	Dam Rehabilitation	\$11,928,000
Department of Natural Resources	7035	C725N6	Wastewater/Water Systems Upgrades	\$8,955,000
Department of Natural Resources	7031	C725N8	Operations Facilities Development	\$1,000,000
Department of Natural Resources	7035	C725R3	State Parks Renovations/Upgrades	\$8,140,000
Department of Natural Resources	7035	C725R4	Dam Rehabilitation - Parks	\$33,125,000
Department of Natural Resources	5180	C725U6	Oil and Gas Facilities	\$1,150,000
Department of Transportation	7029	C77705	Statewide Land and Buildings	\$60,000,000
Department of Public Safety	5TM0	C76000	Platform Stairs Improvements	\$350,000
Department of Public Safety	5TM0	C76043	Minor Capital Projects	\$2,500,000
Department of Public Safety	5TM0	C76050	OSHP Dispatch Center Renovations and Improvements	\$1,500,000
Department of Rehabilitation and Correction	7027	C50105	Water System/Plant Improvements	\$10,377,795
Department of Rehabilitation and Correction	7027	C50136	General Building Renovations	\$203,595,026
Department of Youth Services	7028	C47001	Fire Suppression, Safety, and Security	\$4,072,047
Department of Youth Services	7028	C47002	General Institutional Renovations	\$7,900,936

Legislative Service Commission

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CAPITAL PROJECTS BY COUNTY-ALL PROJECTS

County and Funding Agency	Fund	Line Item	Item/Project Name	Appropriations
Department of Youth Services	7028	C47003	Community Rehabilitation Centers	\$1,658,937
Department of Youth Services	7028	C47007	Local Juvenile Detention Centers	\$1,378,492
Ohio Facilities Construction Commission	7021	C23001	Public School Buildings	\$75,000,000
Ohio Facilities Construction Commission	7032	C23002	School Building Program Assistance	\$475,000,000
Ohio Facilities Construction Commission	7017	C23014	Classroom Facilities Assistance Program - Lottery Profits	\$50,000,000
Ohio Facilities Construction Commission	7026	C23016	Energy Conservation Projects	\$2,000,000
Ohio Facilities Construction Commission	7030	C23024	OHS - Statewide Site Exhibit Renovation	\$650,000
Ohio Facilities Construction Commission	7030	C23025	OHS - Statewide Site Repairs	\$1,615,000
Ohio Facilities Construction Commission	7030	C23028	OHS - Basic Renovations and Emergency Repairs	\$1,000,000
Ohio Facilities Construction Commission	7026	C230E5	State Agency Planning/Assessment	\$1,500,000
Ohio Facilities Construction Commission	7030	C230X1	OHS - Site Energy Conservation	\$305,000
Department of Higher Education	7034	C23516	Ohio Library and Information Network	\$13,844,808
Department of Higher Education	7034	C23524	Supplemental Renovations - Library Depositories	\$447,000
Department of Higher Education	7034	C23529	Workforce Based Training and Equipment	\$8,000,000
Department of Higher Education	7034	C23550	Technology Initiatives	\$2,500,000
Department of Higher Education	7034	C23532	OARnet	\$10,203,116
Department of Higher Education	7034	C23551	Ohio Innovation Exchange	\$400,000
Department of Higher Education	7034	C23563	Ohio Cyber Range	\$1,000,000
Department of Mental Health and Addiction Services	7033	C38001	Community Assistance Projects - Statewide	\$12,000,000
Department of Mental Health and Addiction Services	7033	C38048	Community Resiliency Projects	\$20,000,000
Public Works Commission	7038	C15000	Local Public Infrastructure/State CIP	\$350,000,000
Public Works Commission	7040	C15030	Revolving Loan	\$89,000,000
Public Works Commission	7056	C15060	Clean Ohio Conservation Program	\$75,000,000
Total Statewide				\$1,750,952,489
Multi-County				
Adjutant General (Franklin, Portage, Ross)	3420	C74539	Renovations and Improvements - Federal	\$10,725,000
Attorney General (Madison, Summit)	7026	C05517	General Building Renovations	\$200,000
Department of Developmental Disabilities (Clermont, Cuyahoga, Franklin, Gallia, Guernsey, Knox, Lucas, Seneca)	7033	C59034	Statewide Developmental Centers	\$4,500,000

Legislative Service Commission

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CAPITAL PROJECTS BY COUNTY-ALL PROJECTS

County and Funding Agency	Fund	Line Item	Item/Project Name	Appropriations
Department of Natural Resources (Morgan, Muskingum, Washington)	7035	C725C4	Muskingum River Lock and Dam	\$6,800,000
Department of Natural Resources (Statewide, Scioto)	7031	C725K0	State Park Renovations/Upgrading	\$1,100,000
Department of Natural Resources (Statewide, Adams, Auglaize, Delaware, Erie, Greene, Guernsey, Jefferson, Licking, Madison, Medina, Pike)	7015	C725K9	Wildlife Area Building Development/Renovation	\$9,950,000
Department of Natural Resources (Erie, Hocking, Lucas, Ross, Vinton)	7026	C725N7	District Office Renovations	\$2,455,343
Department of Natural Resources	7031	C725T3	Healthy Lake Erie Initiative	\$10,000,000
Department of Rehabilitation and Correction (Montgomery, Ross)	7027	C50114	Community Residential Program	\$1,526,250
Department of Veterans Services (Brown, Erie)	6040	C90081	Information Technology State	\$630,000
Department of Veterans Services (Brown, Erie)	3190	C90082	Information Technology Federal	\$1,170,000
Broadband Educational Media Commission	7034	C37410	Ohio Radio Reading Services	\$19,396
Broadband Educational Media Commission (Athens, Cuyahoga, Franklin, Hamilton, Lucas, Montgomery, Portage, Wood)	7034	C37421	Ohio Educational Television	\$1,004,875
Ohio Facilities Construction Commission (Franklin, Ross, Tuscarawas)	7030	C230E6	OHS - Exhibits Native American Sites	\$100,000
Ohio University - Regional Campuses (Belmont, Ross)	7034	C30164	Building Exterior Improvements - Regional Campuses	\$1,016,685
Ohio University - Regional Campuses (Belmont, Fairfield, Lawrence, Ross)	7034	C30171	Campus Infrastructure Improvements - Regional Campuses	\$2,390,685
Owens Community College (Hancock, Wood)	7034	C38824	Access Improvement Projects	\$550,000
Department of Mental Health and Addiction Services (Athens, Franklin, Hamilton, Lucas, Stark, Summit)	7033	C58007	Infrastructure Renovations	\$15,085,600
Total Multi-County Adams				\$69,223,834
Department of Natural Resources	7035	C725E2	Adams County Splash Pad	\$250,000
Ohio Facilities Construction Commission	7030	C230C8	Serpent Mound	\$50,000
Department of Mental Health and Addiction Services	7033	C58001	Adams County Wilson Children's Home	\$250,000
Total Adams				\$550,000
Allen				
Department of Transportation	7026	C77706	Allen County Building Demolition	\$200,000
Legislative Service Commission				11

CAPITAL PROJECTS BY COUNTY-ALL PROJECTS

County and Funding Agency	Fund	Line Item	Item/Project Name	Appropriations
Department of Rehabilitation and Correction	7027	C50100	Allen County Jail Facility	\$100,000
The Ohio State University - Lima	7034	C315GD	Reed Hall Restroom Renovations - Lima	\$300,000
The Ohio State University - Lima	7034	C315GE	Parking Lot/Sidewalk Renovations - Lima	\$700,000
The Ohio State University - Lima	7034	C315GF	Outdoor Lighting Renovations -	\$700,000
James A. Rhodes State College (Lima Technical College)	7034	C38100	Basic Renovations	\$500,000
James A. Rhodes State College (Lima Technical College)	7034	C38117	IT Infrastructure	\$1,901,112
Department of Mental Health and Addiction Services	4A90	C60007	Lima Office Improvements	\$884,520
Department of Mental Health and Addiction Services	7033	C58001	Cornerstone of Hope - Allen County	\$200,000
Total Allen				\$5,485,632
Ashtabula				
Department of Natural Resources	7035	C725E2	2019 Loudonville Swimming Pool Improvements Project	\$75,000
Department of Natural Resources	7035	C725E2	Ashland Brookside Tennis Courts	\$300,000
Department of Natural Resources	7035	C725E2	Stition Firestone Park Restoration	\$12,000
Ohio Facilities Construction Commission	7030	C230FM	Schine's Theater	\$500,000
Ohio Facilities Construction Commission	7030	C230FM	Freer Children's County Home	\$170,000
Total Ashtabula				\$1,057,000
Ashtabula				
Department of Agriculture	7026	C70022	Ashtabula County Agricultural Facility Improvements	\$250,000
Department of Natural Resources	7035	C725E2	Indian Mound Park & Cultural Education Project	\$60,000
Department of Natural Resources	7035	C725E2	Grand River Conservation Campus	\$385,000
Department of Youth Services	7028	C47027	Ashtabula Juvenile Court Resources & Reporting Center Improvements	\$500,000
Ohio Facilities Construction Commission	7030	C230FM	Ashtabula Lighthouse Restoration & Preservation	\$280,000
Ohio Facilities Construction Commission	7030	C230FM	Historic 19th Century Jefferson Depot Village	\$22,500
Ohio Facilities Construction Commission	7030	C230FM	Platt R. Spencer House Preservation	\$25,000
Kent State University - Ashtabula	7034	C27017	Library Asbestos Abatement and Restroom Installation - Ashtabula	\$800,000
Total Ashtabula				\$2,322,500
Legislative Service Commission				12

CAPITAL PROJECTS BY COUNTY-ALL PROJECTS

County and Funding Agency	Fund	Line Item	Item/Project Name	Appropriations
Athens				
Ohio Facilities Construction Commission	7030	C230FM	Southeast Ohio History Center Renovation Project	\$100,000
Ohio Facilities Construction Commission	7030	C230FM	Stuart's Opera House Renovation	\$75,000
Ohio University - Main	7034	C30075	Infrastructure Improvements	\$1,535,139
Ohio University - Main	7034	C30136	Building Envelope Restorations	\$1,376,098
Ohio University - Main	7034	C30157	Building and Safety System Improvements	\$5,300,000
Ohio University - Main	7034	C30158	Academic Space Improvements	\$14,000,000
Hocking College	7034	C36321	Workforce Development and Training Center Renovation	\$755,000
Hocking College	7034	C36326	Technology Media Workforce Center	\$1,200,000
Hocking College	7034	C36327	Public Safety and Natural Resources Program Laboratory Renovation and Expansion	\$1,100,742
Total Athens				\$25,441,979
Anglaize				
Department of Natural Resources	7035	C725E2	Grand Lake Shoreline Water Quality Improvements	\$250,000
Department of Natural Resources	7035	C725E2	St. Mary's Splash Pad	\$100,000
Department of Natural Resources	7035	C725E2	New Bremen Bike Path	\$250,000
Ohio Facilities Construction Commission	7030	C230Y8	Armstrong Air and Space Museum and STEM Education Center	\$500,000
Total Anglaize				\$1,100,000
Belmont				
Department of Natural Resources	7035	C725E2	Epworth Park Walking Trail Project	\$20,000
Department of Natural Resources	7035	C725E2	Powhatan Point Marina Improvement Project	\$200,000
Ohio Facilities Construction Commission	7030	C230FM	Great Stone Viaduct Park	\$100,000
Ohio University - Main	7034	C30172	James E. Carnes Convention Center	\$200,000
Belmont Technical College	7034	C36800	Basic Renovations	\$644,054
Belmont Technical College	7034	C36809	Industrial Trades Center	\$500,000
Total Belmont				\$1,664,054
Brown				
Department of Agriculture	7026	C70022	Brown County Agricultural Facility Improvements	\$150,000
Department of Veterans Services	6040	C90076	Georgetown Equipment State	\$225,000
Department of Veterans Services	3190	C90077	Georgetown Renovation Federal	\$1,330,575
Department of Veterans Services	6040	C90078	Georgetown Renovation State	\$1,214,939
Total Brown				\$3,320,514

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CAPITAL PROJECTS BY COUNTY-ALL PROJECTS

County and Funding Agency	Fund	Line Item	Item/Project Name	Appropriations
Department of Veterans Services	6040	C90079	Georgetown Facility Addition State	\$1,346,886
Department of Veterans Services	3190	C90080	Georgetown Facility Addition Federal	\$2,501,360
Ohio Facilities Construction Commission	7030	C230FM	Gaslight District Renovation Project	\$250,000
Total Brown				\$7,018,760
Butler				
Department of Natural Resources	7035	C725E2	Monroe Crossings Park	\$165,000
Department of Natural Resources	7035	C725E2	Miami Canal Trail Extension at Gilmore MetroPark	\$350,000
Department of Natural Resources	7035	C725E2	Voice of America Park Turf Fields	\$350,000
Ohio Facilities Construction Commission	7030	C230FM	Historic Soerg Opera House Renovation	\$250,000
Miami University - Hamilton	7034	C28502	Basic Renovations - Hamilton	\$800,000
Miami University - Middletown	7034	C28503	Basic Renovations - Middletown	\$400,000
Miami University - Main	7034	C28581	Pearson Hall Renovation	\$19,523,586
Miami University - Main	7034	C28591	Butler Tech Manufacturing Center	\$200,000
Miami University - Main	7034	C28592	Middletown Regional Airport Aviation Workforce Training Center	\$750,000
Miami University - Main	7034	C28593	Hillel Building Improvements	\$400,000
Total Butler				\$23,188,586
Carroll				
Department of Natural Resources	7035	C725E2	Carroll Community Park	\$40,000
Total Carroll				\$40,000
Champaign				
Ohio Facilities Construction Commission	7030	C230FM	Champaign Aviation Museum Work & Education Space	\$350,000
Total Champaign				\$350,000
Clark				
Ohio Facilities Construction Commission	7030	C230FM	Springfield Museum of Art Improvements	\$250,000
Clark State Community College	7034	C38520	Springfield Downtown Parking Facility	\$800,000
Clark State Community College	7034	C38527	Rhodes Hall and Applied Science Center Renovation	\$2,562,895
Clark State Community College	7034	C38528	Clark State Performing Arts Center and Conference Center	\$400,000
Clark State Community College	7034	C38530	Precision Agriculture Land Laboratory	\$200,000
Total Clark				\$4,212,895

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CAPITAL PROJECTS BY COUNTY--ALL PROJECTS

County and Funding Agency	Fund	Line Item	Item/Project Name	Appropriations
Clermont				
Department of Natural Resources	7035	C725E2	Pierce Park Learning and History Trail Improvements	\$275,000
Department of Natural Resources	7035	C725E2	Valley View Outdoor Classroom	\$125,000
Ohio Facilities Construction Commission	7030	C230FM	Milford Leming House Improvements	\$60,000
University of Cincinnati - Main	7034	C266A7	Empower Youth Long Barn Renovations	\$50,000
Cincinnati State Technical and Community College	7034	C36142	Mercy Health Dental Residency Operation Rooms	\$500,000
Department of Mental Health and Addiction Services	7033	C58001	Child Focus Opiate Addiction Supervised Visitation Facility at Batavia	\$30,000
Total Clermont				\$1,060,000
Clinton				
Department of Agriculture	7026	C70022	Clinton County Agricultural Facility Improvements	\$250,000
Department of Natural Resources	7035	C725E2	Clinton County to Little Miami Scenic Trail Connector	\$250,000
Department of Natural Resources	7035	C725E2	Wilmington Parks	\$250,000
Ohio Facilities Construction Commission	7030	C230FM	Clinton County Police and Fire Memorial	\$250,000
Ohio Facilities Construction Commission	7030	C230FM	Murphy Theatre Improvements	\$750,000
Southern State Community College	7034	C32219	Clinton-Warren Joint Fire District Building	\$200,000
Southern State Community College	7034	C32221	Laurel Oaks Career Campus	\$1,500,000
Sinclair Community College	7034	C37735	Clinton County Airport Equipment and Facilities Complex	\$1,000,000
Total Clinton				\$4,450,000
Columbiana				
Department of Rehabilitation and Correction	7027	C50100	Columbiana County Jail	\$250,000
Kent State University - East Liverpool	7034	C27018	Purinton Hall Roof Replacement - East Liverpool	\$650,000
Kent State University - Salem	7034	C27019	Main Classroom Building Partial Roof Replacement - Salem	\$400,000
Total Columbiana				\$1,300,000
Coshocton				
Department of Natural Resources	7015	C725L9	Dam Rehabilitation	\$6,200,000
Department of Mental Health and Addiction Services	7033	C58001	Coshocton County First Step Family Violence Intervention Services Building	\$50,000
Legislative Service Commission				
Total Coshocton				\$6,250,000

CAPITAL PROJECTS BY COUNTY--ALL PROJECTS

County and Funding Agency	Fund	Line Item	Item/Project Name	Appropriations
Total Coshocton				\$6,250,000
Crawford				
Department of Natural Resources	7035	C725E2	Schines Park Stage	\$125,000
Department of Natural Resources	7035	C725E2	The REC at Crawford Commons Facility	\$500,000
Ohio Facilities Construction Commission	7030	C230FM	Bucyrus Bicentennial Arch Project	\$25,000
Total Crawford				\$650,000
Cuyahoga				
Department of Developmental Disabilities	7033	C59063	Villa San Bernardo Renovations	\$250,000
Department of Natural Resources	7035	C725E2	Fairview Park Indoor Pool & Aquatics Center	\$100,000
Department of Natural Resources	7035	C725E2	James Day Park Splash Pad	\$50,000
Department of Natural Resources	7035	C725E2	Cuyahoga Franklin Hill Stabilization	\$2,500,000
Department of Natural Resources	7035	C725E2	Michael A. Reis Park Playground	\$35,000
Department of Natural Resources	7035	C725E2	Maple Heights Recreation Improvements	\$100,000
Department of Natural Resources	7035	C725E2	Solon-Chagrin Falls Multi-purpose Trail	\$300,000
Department of Natural Resources	7035	C725E2	Chagrin Falls Chagrin River Retaining Walls	\$200,000
Department of Natural Resources	7035	C725E2	Cahoon Memorial Park Improvements	\$130,000
Department of Youth Services	7028	C47025	Cuyahoga Housing Replacement	\$6,981,385
Ohio Facilities Construction Commission	7030	C230FM	Lake Erie Nature and Science Center Improvements	\$15,000
Ohio Facilities Construction Commission	7030	C230FM	Mayfield Civic Center Theater Renovation	\$100,000
Ohio Facilities Construction Commission	7030	C230FM	Lake View Cemetery Garfield Memorial Preservation	\$350,000
Ohio Facilities Construction Commission	7030	C230FM	Glenville Arts Campus	\$300,000
Ohio Facilities Construction Commission	7030	C230FM	Frostville Museum Schoolhouse Redevelopment	\$50,000
Ohio Facilities Construction Commission	7030	C230FM	LaSalle Arts & Media Center Redevelopment	\$300,000
Ohio Facilities Construction Commission	7030	C230FM	Cozad-Bates House Interpretive Center and Cultural Park Renovations	\$150,000
Ohio Facilities Construction Commission	7030	C230FM	Karamu House	\$700,000
Ohio Facilities Construction Commission	7030	C230FM	Gordon Square Arts District Theatre Renovations	\$750,000
Ohio Facilities Construction Commission	7030	C230FM	El Mercado at La Villa Hispana Cultural Revitalization	\$100,000
Legislative Service Commission				

CAPITAL PROJECTS BY COUNTY-ALL PROJECTS

County and Funding Agency	Fund	Line Item	Item/Project Name	Appropriations
Ohio Facilities Construction Commission	7030	C230FM	Cleveland Museum of Art Holden Terrace	\$1,250,000
Ohio Facilities Construction Commission	7030	C230FM	Flats East Bank Performance Stage	\$500,000
Ohio Facilities Construction Commission	7030	C230FM	Cleveland Museum of Contemporary Art	\$100,000
Ohio Facilities Construction Commission	7030	C230FM	BA Yaris Huntington Playhouse Improvements	\$100,000
Ohio Facilities Construction Commission	7030	C230FM	Levi Scofield Mansion Transformation	\$100,000
Ohio Facilities Construction Commission	7030	C230FM	Rose Hill Museum Repairs	\$62,000
Ohio Facilities Construction Commission	7030	C230FM	2018 North Royalton Cemetery Improvements	\$100,000
Ohio Facilities Construction Commission	7030	C230FM	Cleveland Museum of Natural History Phase II	\$2,500,000
Ohio Facilities Construction Commission	7030	C230FM	Lilly Weston House Improvements	\$200,000
Ohio Facilities Construction Commission	7030	C230FM	Pepper Pike Community Theater	\$50,000
Ohio Facilities Construction Commission	7030	C230FM	The Music Settlement	\$550,000
Department of Higher Education	7034	C23564	Ohio Aerospace Institute Improvements	\$150,000
Cleveland State University	7034	C26064	Engaged Learning Laboratories	\$7,341,000
Cleveland State University	7034	C26065	Main Classroom Renovation	\$5,525,000
Cleveland State University	7034	C26069	Cleveland Institute of Art Renovation	\$350,000
Cleveland State University	7034	C26078	Rhodes Tower Elevator Modernization	\$1,425,000
Cleveland State University	7034	C26079	Rhodes Tower Restroom Renovation	\$1,150,000
Cleveland State University	7034	C26080	University Hospitals Harrington Heart and Vascular Institute	\$350,000
Cleveland State University	7034	C26081	Bay Village Emergency Boat Shelter	\$32,500
Kent State University - Main	7034	C270F3	Severance Hall Improvements	\$1,250,000
Kent State University - Main	7034	C270J4	Notre Dame College Performing Arts Center Renovations	\$200,000
Cuyahoga Community College	7034	C37838	Structural Concrete Repairs	\$13,500,000
Cuyahoga Community College	7034	C37844	Rock and Roll Hall of Fame Museum 2.0	\$400,000
Cuyahoga Community College	7034	C37852	East Campus Exterior Plaza	\$1,918,405
Cuyahoga Community College	7034	C37853	CWRU Dental Clinic Relocation	\$200,000
Cuyahoga Community College	7034	C37854	Health Record System Modernization	\$150,000
Cuyahoga Community College	7034	C37855	Harvard Community Services Center Improvements	\$75,000

Legislative Service Commission

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CAPITAL PROJECTS BY COUNTY-ALL PROJECTS

County and Funding Agency	Fund	Line Item	Item/Project Name	Appropriations
Cuyahoga Community College	7034	C37856	MetroHealth West 25th Street Corridor Revitalization	\$750,000
Cuyahoga Community College	7034	C37857	Playhouse Square Theater Improvements	\$850,000
Lorain County Community College	7034	C38319	North Olmstead Fiber Ring	\$200,000
Department of Mental Health and Addiction Services	7033	C58001	Opiate Treatment Center at Western Reserve Area on Aging	\$300,000
Department of Mental Health and Addiction Services	7033	C58001	Bellefaire JCB Expansion	\$1,000,000
Department of Mental Health and Addiction Services	7033	C58001	Cuyahoga County Mental Health Jail Diversion Facility	\$700,000
Department of Mental Health and Addiction Services	7033	C58001	Applewood Jones Home Renovation	\$350,000
Department of Mental Health and Addiction Services	7033	C58001	Comerstone of Hope - Cuyahoga County	\$500,000
Department of Mental Health and Addiction Services	7033	C58001	Stella Maris Expansion	\$750,000
Total Cuyahoga				\$58,390,290
Darke				
Department of Natural Resources	7035	C725E2	Greenville Parks Projects	\$100,000
Department of Natural Resources	7035	C725E2	Versailles Poultry Days Amphitheater	\$275,000
Edison Community College	7034	C39024	Arcanum Butler Agricultural Education Initiative	\$150,000
Total Darke				\$525,000
Defiance				
Department of Agriculture	7026	C70022	Defiance County Agricultural Facility Improvements	\$30,000
Ohio Facilities Construction Commission	7030	C230FM	AuClaize Village Mansfield Museum	\$75,000
Total Defiance				\$105,000
Delaware				
Department of Natural Resources	7035	C725E2	Concord Township History and Community Trail	\$100,000
Department of Natural Resources	7035	C725E2	Ohio to Erie Trail Land Acquisition	\$300,000
Ohio Facilities Construction Commission	7030	C230FM	Columbus Zoo - Elephant Habitat Enhancements	\$500,000
Ohio Facilities Construction Commission	7030	C230FM	Delaware Arts Castle Improvements	\$225,000
Ohio Facilities Construction Commission	7030	C230FM	Historical Stratford Barn Restoration	\$250,000
Ohio Facilities Construction Commission	7030	C230FM	Columbus Zoo - Orangutan Habitat and Indoor Facility	\$500,000
Columbus State Community College	7034	C38440	Delaware Entrepreneurial Center at Ohio Wesleyan	\$100,000

Legislative Service Commission

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CAPITAL PROJECTS BY COUNTY-ALL PROJECTS

County and Funding Agency	Fund	Line Item	Item/Project Name	Appropriations
Total Delaware				\$1,975,000
Eric				
Department of Natural Resources	7035	C725E2	Jackson Street Pier and Shoreline Drive Revitalization Project	\$75,000
Department of Veterans Services	6040	C90073	Sandusky Equipment State	\$395,600
Department of Veterans Services	3190	C90074	Sandusky Renovation Federal	\$4,079,070
Department of Veterans Services	6040	C90075	Sandusky Renovation State	\$3,725,642
Ohio Facilities Construction Commission	7030	C230FM	Sandusky State Theater Improvements	\$125,000
Bowling Green State University - Firelands	7034	C24001	Basic Renovations - Firelands	\$200,000
Bowling Green State University - Main	7034	C24060	Firelands Regional Medical Center School of Nursing	\$250,000
Bowling Green State University - Main	7034	C24061	Firelands Symphony Orchestra Relocation	\$50,000
Bowling Green State University - Main	7034	C24062	BGSU Hospitality Program	\$800,000
Total Eric				\$9,690,312
Fairfield				
Department of Natural Resources	7035	C725E2	Buckeye Lake Feeder Channel Restoration	\$400,000
Ohio Facilities Construction Commission	7030	C230FM	AHA! Children's Museum STEM/Nature Play Area	\$50,000
Total Fairfield				\$450,000
Fayette				
Department of Natural Resources	7035	C725E2	Jefferson Park Recreation Upgrades	\$50,000
Department of Rehabilitation and Correction	7027	C50100	Fayette County Adult Detention Facility	\$225,000
Ohio Facilities Construction Commission	7030	C230FM	Morris-Sharp Estate Restoration Project	\$75,000
Total Fayette				\$350,000
Franklin				
Adjutant General	7026	C74543	Rickenbacker Air Cargo Terminal 5 Ramp Expansion	\$2,000,000
Capitol Square Review and Advisory Board	2080	C87402	Capitol Square Repair/Improvements	\$1,730,000
Capitol Square Review and Advisory Board	7026	C87406	Statehouse Grounds Repair/Improvements	\$770,000
Capitol Square Review and Advisory Board	7026	C87407	Statehouse Repair/Improvements	\$500,000
Department of Administrative Services	7026	C10020	North High Building Complex Renovations	\$8,500,000
Legislative Service Commission				19

CAPITAL PROJECTS BY COUNTY-ALL PROJECTS

County and Funding Agency	Fund	Line Item	Item/Project Name	Appropriations
Department of Administrative Services	7026	C10036	Rhodes Tower Renovations	\$50,000,000
Department of Developmental Disabilities	7033	C59064	Heinzlering Community Facilities	\$350,000
Department of Natural Resources	7026	C725DS	Fountain Square Building and Telephone Improvement	\$2,000,000
Department of Natural Resources	7035	C725E2	Prairie Township Artificial Turf Soccer Fields	\$500,000
Department of Natural Resources	7035	C725E2	Quarry Trails Project	\$1,250,000
Department of Natural Resources	7035	C725E2	Jeffrey Mansion Expansion Project	\$250,000
Department of Natural Resources	7035	C725E2	Grove City Ganiz Park Improvements	\$300,000
Department of Natural Resources	7035	C725E2	Bridges Park Center	\$1,000,000
Department of Natural Resources	7035	C725E2	Harrisburg Baseball Complex	\$150,000
Department of Natural Resources	7035	C725E2	John F. Wolfe Palm House Renovation and Improvements	\$600,000
Department of Natural Resources	7035	C725E2	Hilliard Miracle Field	\$150,000
Department of Natural Resources	7035	C725E2	Upper Arlington Multi-modal Transportation Project	\$100,000
Department of Public Safety	5TM0	C76035	Alum Creek Facility Renovations and Upgrades	\$1,500,000
Department of Public Safety	5TM0	C76036	Shipley Building Renovations and Improvements	\$1,500,000
Department of Public Safety	5TM0	C76045	OSHP Academy Renovations and Improvements	\$1,250,000
Department of Public Safety	7026	C76049	EMA Building Renovations and Improvements	\$250,000
Broadcast Educational Media Commission	7034	C37406	Network Operations Center Upgrades	\$412,459
Broadcast Educational Media Commission	7034	C37412	OGT Facilities and Equipment	\$150,180
Expositions Commission	7026	C72305	Facility Improvements and Modernization	\$6,000,000
Expositions Commission	7026	C72312	Renovations and Equipment Replacement	\$1,000,000
Ohio Facilities Construction Commission	7030	C23023	OHS - Ohio History Center Exhibit Replacement	\$500,000
Ohio Facilities Construction Commission	7030	C23032	OHS - Ohio Historical Center Rehabilitation	\$1,000,000
Ohio Facilities Construction Commission	7030	C23057	OHS - Online Portal to Ohio's Heritage	\$750,000
Ohio Facilities Construction Commission	7030	C230ED	OHS - Historical Center/Ohio Village Buildings	\$390,000
Ohio Facilities Construction Commission	7030	C230EN	OHS - Collections Storage Facilities Expansion	\$15,000,000
Legislative Service Commission				20

CAPITAL PROJECTS BY COUNTY-ALL PROJECTS

County and Funding Agency	Fund	Line Item	Item/Project Name	Appropriations
Ohio Facilities Construction Commission	7030	C230EO	Poindexter Village Museum	\$247,000
Ohio Facilities Construction Commission	7030	C230FM	Ohio Aviation Hall of Fame	\$550,000
Ohio Facilities Construction Commission	7030	C230FM	Renovations of the Palace Theater	\$750,000
Ohio Facilities Construction Commission	7030	C230FM	North Market Grand Atrium	\$1,000,000
Ohio Facilities Construction Commission	7030	C230FM	King Arts Complex Renovations	\$500,000
Ohio Facilities Construction Commission	7030	C230FM	COSI Redevelopment	\$5,000,000
Ohio Facilities Construction Commission	7030	C230FM	BalletMet Renovation and Building Connector	\$1,000,000
Ohio Facilities Construction Commission	7030	C230FM	Upper Arlington Veterans Memorial	\$200,000
Ohio Facilities Construction Commission	7030	C230FM	Westerville Police Memorial	\$500,000
Ohio Facilities Construction Commission	7030	C230FM	Motts Military Museum - New 9/11 Building	\$50,000
Department of Higher Education	7034	C23501	Ohio Supercomputer Center	\$6,105,076
Department of Higher Education	7034	C23560	HEI Critical Maintenance and Upgrades	\$2,500,000
The Ohio State University - Main	7034	C315BR	Emergency Generators	\$1,440,000
The Ohio State University - Main	7034	C315DM	Roof Repair and Replacements	\$3,990,000
The Ohio State University - Main	7034	C315DN	Fire System Replacements	\$4,020,000
The Ohio State University - Main	7034	C315DP	HVAC Repair and Replacements	\$6,570,679
The Ohio State University - Main	7034	C315DQ	Elevator Safety Repairs and Replacements	\$3,960,000
The Ohio State University - Main	7034	C315DS	Building Envelope Repair	\$410,000
The Ohio State University - Main	7034	C315DT	Plumbing Repair	\$510,000
The Ohio State University - Main	7034	C315DU	Road/Bridge Improvements	\$2,130,000
The Ohio State University - Main	7034	C315FD	Electrical Repairs	\$2,010,000
The Ohio State University - Main	7034	C315GA	Celeste Lab Renovation	\$25,000,000
The Ohio State University - Main	7034	C315GB	Hamilton Hall Renovation	\$15,000,000
The Ohio State University - Main	7034	C315GC	Newton Hall Renovation/Addition	\$7,000,000
The Ohio State University - Main	7034	C315GN	PAST Innovation Lab Renovation Project	\$300,000
The Ohio State University - Main	7034	C315GO	Canine Companions Regional Training Facility	\$750,000
The Ohio State University - Main	7034	C315GP	Smart Columbus Experience Center	\$500,000
The Ohio State University - Main	7034	C315GQ	Dublin Smart Community Connect Project	\$150,000
Columbus State Community College	7034	C38435	Student Success Renovations	\$7,000,000
Columbus State Community College	7034	C38436	Building Repairs	\$3,500,000
Columbus State Community College	7034	C38437	Building Infrastructure Repairs	\$2,000,000

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CAPITAL PROJECTS BY COUNTY-ALL PROJECTS

County and Funding Agency	Fund	Line Item	Item/Project Name	Appropriations
Columbus State Community College	7034	C38438	Accessibility Upgrades	\$1,099,099
Columbus State Community College	7034	C38439	Academic/Student Space Upgrades	\$1,000,000
Columbus State Community College	7034	C38441	Freedom Café Project	\$100,000
Columbus State Community College	7034	C38442	The Point at Otterbein University	\$275,000
Columbus State Community College	7034	C38443	Central Ohio Job Skills and WorkForce Developmental Center in Whitehall	\$400,000
Columbus State Community College	7034	C38444	CCAD Animation Center Renovation	\$250,000
Department of Job and Family Services	4A90	C60009	Central Office Improvements	\$200,000
Judiciary/Supreme Court	7026	C00502	General Building Renovations	\$513,000
Department of Mental Health and Addiction Services	7033	C58001	Alvis House Opiate Addiction Treatment Center	\$300,000
Department of Mental Health and Addiction Services	7033	C58001	Maryhaven's Addiction Stabilization Center	\$125,000
Department of Mental Health and Addiction Services	7033	C58001	Concord Counseling Services Facility and Operations Expansion at Westerville	\$250,000
Department of Mental Health and Addiction Services	7033	C58047	TVBH Campus Redevelopment	\$112,000,000
Ohio State School for the Blind	7026	C22616	Renovations and Improvements	\$225,500
Ohio School for the Deaf	7026	C22107	Renovations and Improvements	\$237,050
Total Franklin				\$321,470,043
Fulton				
Department of Developmental Disabilities	7033	C59065	Wauson Triangular Processing Annex	\$150,000
Department of Natural Resources	7035	C725E2	Swanton Village Memorial Park Pavilion Improvements	\$45,000
Ohio Facilities Construction Commission	7030	C230FM	Sauder Village Walk Through Time	\$200,000
Northwest State Community College	7034	C38219	Building B Renovations	\$2,329,873
Total Fulton				\$2,724,873
Gallia				
Department of Natural Resources	7035	C725E2	McIntyre Park Bike Path	\$125,000
Ohio Facilities Construction Commission	7030	C230FM	French Art Colony Renovations	\$15,000
Ohio Facilities Construction Commission	7030	C230FM	Gallipolis Railroad Freight Station Museum Restoration	\$125,000
Rio Grande Community College	7034	C35600	Basic Renovations	\$1,303,085
Department of Mental Health and Addiction Services	7033	C58001	Field of Hope Prevention Center Renovations at Gallipolis	\$250,000
Total Gallia				\$1,818,085

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CAPITAL PROJECTS BY COUNTY-ALL PROJECTS

County and Funding Agency	Fund	Line Item	Item/Project Name	Appropriations
Geauga				
Department of Natural Resources	7035	C725E2	Chardon Mt Harder Park Improvements	\$250,000
Ohio Facilities Construction Commission	7030	C230FM	The Historic Mary Modroo Family Farm	\$325,000
Kent State University - Geauga	7034	C27011	Main Classroom Building Window Replacement - Geauga	\$350,000
Northeast Ohio Medical University	7034	C30538	University Hospitals Geauga Medical Center	\$900,000
Total Geauga				\$1,825,000
Greene				
Department of Natural Resources	7035	C725E2	Clifton to Yellow Springs Bike Trail Enhancements	\$20,000
Department of Natural Resources	7035	C725E2	Fairborn Fairfield Park	\$50,000
Ohio Facilities Construction Commission	7030	C230FM	Fairborn Military Veterans Memorial	\$25,000
Central State University	7034	C25520	Campus Security Update	\$1,150,000
Central State University	7034	C25521	Classroom Technology Upgrades	\$1,150,000
Central State University	7034	C25522	ADA Upgrades	\$950,000
Central State University	7034	C25523	HVAC and Chiller Renewal	\$901,278
Wright State University - Main	7034	C27570	Envelope Repairs	\$700,000
Wright State University - Main	7034	C27578	University Safety Initiative	\$4,000,000
Wright State University - Main	7034	C27579	Pedestrian Tunnel Renewal	\$650,000
Wright State University - Main	7034	C27580	Campus Roof Renewal and Replacement	\$3,750,000
Wright State University - Main	7034	C27581	Wireless Infrastructure Upgrade	\$1,295,366
Wright State University - Main	7034	C27582	Campus Paving and Grounds	\$700,000
Wright State University - Main	7034	C27583	Dunbar Library Deferred Maintenance	\$600,000
Wright State University - Main	7034	C27584	Dunbar Library Modernization	\$500,000
Wright State University - Main	7034	C27585	Campus Energy Efficiency and Controls	\$1,378,773
Wright State University - Main	7034	C27586	Fairborn Fiber Expansion Project	\$75,000
Clark State Community College	7034	C38531	Greene County Career Center Take Flight Initiative	\$850,000
Total Greene				\$18,745,417
Guernsey				
Zane State College (Muskingum Area Technical College)	7034	C30220	Muskingum Valley Health Centers - Cambridge	\$750,000
Total Guernsey				\$750,000
Legislative Service Commission				

CAPITAL PROJECTS BY COUNTY-ALL PROJECTS

County and Funding Agency	Fund	Line Item	Item/Project Name	Appropriations
Hamilton				
Department of Administrative Services	7026	C10034	Aronoff Center - Systems/Capital Replacement	\$750,000
Department of Developmental Disabilities	7033	C59066	Children's Home Autism Building	\$1,000,000
Department of Developmental Disabilities	7033	C59067	LADD Forever Home Improvements	\$300,000
Department of Natural Resources	7035	C725E2	Blue Ash Summit Park Nature Playscape	\$100,000
Department of Natural Resources	7035	C725E2	Deer Park Community Center Renovation & Trailhead	\$100,000
Department of Natural Resources	7035	C725E2	Delhi Township Bicentennial Pavilion	\$62,000
Department of Natural Resources	7035	C725E2	Fairfax Ziegler Park Improvements	\$100,000
Department of Natural Resources	7035	C725E2	Green Township Great Miami Watershed Improvements	\$100,000
Department of Natural Resources	7035	C725E2	Symmes Township Home of the Brave Phase 2	\$300,000
Department of Natural Resources	7035	C725E2	Stanbery Park Pavilion	\$360,000
Department of Natural Resources	7035	C725E2	Sharonville Sharon Woods Park Improvements	\$175,000
Department of Natural Resources	7035	C725E2	Mill Creek Valley Conservancy District Corridor Revitalization	\$150,000
Department of Natural Resources	7035	C725E2	Montgomery Gateway Keystone Park	\$250,000
Department of Natural Resources	7035	C725U5	The Banks	\$2,000,000
Department of Rehabilitation and Correction	7027	C50100	Hamilton County Justice Center Capacity & Recovery Expansion	\$2,500,000
Ohio Facilities Construction Commission	7030	C230FM	Riverbend Music Center Capital Improvements	\$500,000
Ohio Facilities Construction Commission	7030	C230FM	Silverton Park Art District Improvement Project	\$50,000
Ohio Facilities Construction Commission	7030	C230FM	Cincinnati Contemporary Arts Center Learning Center Renovation Facility Renovation	\$500,000
Ohio Facilities Construction Commission	7030	C230FM	Cincinnati Shakespeare Company Facility Renovation	\$250,000
Ohio Facilities Construction Commission	7030	C230FM	Cincinnati Art Museum Building Envelope Improvements	\$1,000,000
Ohio Facilities Construction Commission	7030	C230FM	Cincinnati Playhouse in the Park Theater Project	\$1,200,000
Ohio Facilities Construction Commission	7030	C230FM	Evendale Cultural Arts Center ADA Compliance	\$125,000
Ohio Facilities Construction Commission	7030	C230FM	Cincinnati Museum Center STEM and Space Galleries	\$2,000,000
Ohio Facilities Construction Commission	7030	C230FM	FC Cincinnati Stadium	\$4,000,000
Legislative Service Commission				

CAPITAL PROJECTS BY COUNTY-ALL PROJECTS

County and Funding Agency	Fund	Line Item	Item/Project Name	Appropriations
Ohio Facilities Construction Commission	7030	C230FM	Center for Holocaust & Humanity Center Expansion & Relocation	\$500,000
University of Cincinnati - Blue Ash	7034	C26678	Muntz Hall - Blue Ash	\$12,400,000
University of Cincinnati - Main	7034	C26697	Vontz Center Roof, Panel, and Window Replacements	\$7,750,000
University of Cincinnati - Main	7034	C266A5	Rieveschl Hall Laboratory Renovations	\$9,750,000
University of Cincinnati - Main	7034	C266A6	Kettering Exhaust Manifold and Roof Replacement	\$7,534,027
University of Cincinnati - Main	7034	C266A8	People Working Cooperatively Campus Safety Systems	\$75,000
Cincinnati State Technical and Community College	7034	C36128	Cincinnati Compton Road Health Center Facility	\$200,000
Cincinnati State Technical and Community College	7034	C36140	Main Building Renovations	\$4,327,010
Cincinnati State Technical and Community College	7034	C36141	IT System Upgrades	\$2,300,000
Department of Mental Health and Addiction Services	7033	C38001	Hamilton County First Step Home Improvements	\$350,000
Department of Mental Health and Addiction Services	7033	C38001	Cincinnati Center for Addiction Treatment Facility Improvements	\$450,000
Department of Mental Health and Addiction Services	7033	C38001	Talbert House Glenway Outpatient Treatment Center Renovations	\$75,000
Total Hamilton				\$63,583,037
Hancock				
Department of Natural Resources	7035	C725E2	Findlay Miracle Field Upgrades	\$100,000
Ohio Facilities Construction Commission	7030	C230FM	Mazza Museum S.T.E.(A.)M. Exhibit Gallery	\$350,000
Total Hancock				\$450,000
Harrison				
Department of Agriculture	7026	C70022	Harrison County Agricultural Facility Improvements	\$200,000
Department of Natural Resources	7035	C725E2	Sally Buffalo Park Playground Improvement	\$100,000
Ohio Facilities Construction Commission	7030	C230FM	Clark Gable Elevator Installation Project	\$50,000
Total Harrison				\$350,000
Henry				
Department of Natural Resources	7035	C725E2	Napoleon Buckeye Trail Connections	\$50,000
Department of Mental Health and Addiction Services	7033	C38001	Henry County Communications Project	\$110,000
Total Henry				\$160,000
Legislative Service Commission				

CAPITAL PROJECTS BY COUNTY-ALL PROJECTS

County and Funding Agency	Fund	Line Item	Item/Project Name	Appropriations
Highland				
Department of Developmental Disabilities	7033	C59068	Kamp Dovehill Improvements	\$150,000
Department of Natural Resources	7035	C725E2	Rocky Fork State Park Water and Electrical Upgrade	\$50,000
Department of Natural Resources	7035	C725E2	Moberly Branch Connector Trail-Pedestrian Bridge	\$150,000
Ohio Facilities Construction Commission	7030	C230FM	Leesburg Historic B & O Rail Depot	\$100,000
Ohio Facilities Construction Commission	7030	C230FM	Lynchburg Covered Bridge	\$350,000
Southern State Community College	7034	C32200	Basic Renovations	\$282,802
Southern State Community College	7034	C32218	Health Science Center Renovation	\$1,500,000
Southern State Community College	7034	C32220	Highland County Community Action Agency Renovations	\$135,000
Total Highland				\$2,717,802
Hocking				
Department of Natural Resources	7035	C725E2	Hocking Hills Scenic Trail	\$250,000
Total Hocking				\$250,000
Holmes				
Department of Natural Resources	7035	C725E2	Holmes County Rails to Trails Maintenance Building	\$75,000
Ohio Facilities Construction Commission	7030	C230FM	Holmes County Center for the Arts Facility	\$600,000
Ohio Facilities Construction Commission	7030	C230FM	Holmes County Historical Society Museum Upgrades	\$30,000
University of Akron - Main	7034	C25086	Ashland County-West Holmes Career Center Workforce Development Center	\$300,000
Total Holmes				\$1,005,000
Huron				
Department of Natural Resources	7035	C725E2	Norwalk Park & Rec Ernsthausen Pickleball Court	\$100,000
Department of Natural Resources	7035	C725E2	Monroeville Clark Park - North Coast Inland Trail Connection	\$33,000
Department of Natural Resources	7035	C725E2	Willard Reservoir Recreation and Safety Upgrades	\$150,000
Total Huron				\$283,000
Jackson				
Department of Natural Resources	7035	C725E2	Jackson Manpower Park Improvements	\$75,000
Ohio Facilities Construction Commission	7030	C230FM	Wellston Pride Park Depot	\$225,000
Ohio Facilities Construction Commission	7030	C230FM	Salt Lick Village Restoration	\$25,000
Legislative Service Commission				

CAPITAL PROJECTS BY COUNTY-ALL PROJECTS

County and Funding Agency	Fund	Line Item	Item/Project Name	Appropriations
Total Jackson				\$325,000
Jefferson				
Department of Natural Resources	7035	C725E2	Steubenville Ohio River Marina Improvement Project	\$100,000
Department of Natural Resources	7035	C725E2	Sam Kerr Campground Expansion	\$25,000
Ohio Facilities Construction Commission	7030	C230FM	Grand Theater Restoration Project	\$150,000
Eastern Gateway Community College	7034	C38620	Safety, Security, and Accessibility Upgrade	\$1,511,607
Total Jefferson				\$1,786,607
Lake				
Department of Natural Resources	7035	C725E2	Merrick Hutchinson Memorial Park	\$150,000
Department of Natural Resources	7035	C725E2	Manny Park Exercise Trail Improvements	\$50,000
Department of Natural Resources	7035	C725E2	Chagrin Riverbank Stabilization	\$400,000
Department of Natural Resources	7035	C725E2	Eastlake Field and Press Box	\$225,000
Ohio Facilities Construction Commission	7030	C230FM	Unionville Tavern Restoration Structural Rehabilitation	\$185,000
Ohio Facilities Construction Commission	7030	C230FM	Willoughby Fine Arts Association	\$75,000
Lakeland Community College	7034	C37919	Engineering Building Renovations	\$4,000,000
Lakeland Community College	7034	C37920	Student Success Center	\$379,265
Lakeland Community College	7034	C37921	Wickliffe Family Resource Center	\$250,000
Department of Mental Health and Addiction Services	7033	C58001	Lake County Painesville Addiction Recovery Center	\$160,000
Department of Mental Health and Addiction Services	7033	C58001	Lake County Extended Housing Wellness Center Renovation	\$200,000
Total Lake				\$6,074,265
Lawrence				
Rio Grande Community College	7034	C35614	Lawrence EMS Services and Senior Center	\$1,000,000
Total Lawrence				\$1,000,000
Licking				
Department of Agriculture	7026	C70007	Building and Grounds	\$1,500,000
Department of Agriculture	7026	C70024	Building #22 Renovation	\$660,000
Department of Agriculture	7026	C70026	EPA Warehouse Facility	\$872,000
Department of Commerce	5460	C80023	SFM Renovations and Improvements	\$1,497,500
Department of Commerce	5460	C80034	Fire Training Apparatus	\$1,675,000
Department of Natural Resources	7035	C725E2	Buckeye Lake Public Pier	\$400,000
Ohio Facilities Construction Commission	7030	C230FM	Louis Sullivan Building of Newark Restoration and Adaptive Reuse	\$250,000
Total Licking				\$6,764,500
Legislative Service Commission				

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CAPITAL PROJECTS BY COUNTY-ALL PROJECTS

County and Funding Agency	Fund	Line Item	Item/Project Name	Appropriations
Ohio Facilities Construction Commission	7030	C230FM	Weatheravne Playhouse Improvements	\$60,000
The Ohio State University - Newark	7034	C315GL	Founders Hall Renovations - Newark	\$1,450,000
The Ohio State University - Newark	7034	C315GM	Pavement Renovations - Newark	\$250,000
The Ohio State University - Main	7034	C315GR	Health Port Authority Primary Standards Lab	\$250,000
Central Ohio Technical College	7034	C36920	COTC Pataskala Campus Renovation Planning/Design	\$2,565,770
Central Ohio Technical College	7034	C36922	Pavement Resurfacing - Newark	\$250,000
Central Ohio Technical College	7034	C36923	Licking County Family YMCA Renovation and Expansion	\$250,000
Total Licking				\$11,930,270
Lorain				
Department of Natural Resources	7035	C725E2	Sheffield Regional Watershed Initiative	\$450,000
Department of Natural Resources	7035	C725E2	Avon Veterans Park Gazebo	\$50,000
Department of Natural Resources	7035	C725E2	Mill Creek Conservation and Flood Control Area in North Ridgeville	\$400,000
Department of Natural Resources	7035	C725E2	Sheffield Walking Trails	\$250,000
Department of Natural Resources	7035	C725E2	Avon Veterans Memorial and Ice Rink	\$200,000
Ohio Facilities Construction Commission	7030	C230FM	Lorain Carnegie Center Exhibits	\$125,000
Ohio Facilities Construction Commission	7030	C230FM	Lorain County Law Enforcement and Firefighters Memorial	\$100,000
Ohio Facilities Construction Commission	7030	C230FM	LaGrange Township Fire Station Restoration	\$65,000
Ohio Facilities Construction Commission	7030	C230FM	Beach Park Railway Museum Improvements	\$175,000
Ohio Facilities Construction Commission	7030	C230FM	Lorain County Historical Society	\$112,000
Lorain County Community College	7034	C38318	IT Upgrades	\$6,009,260
Lorain County Community College	7034	C38320	South Lorain Boys and Girls Club Education and Wellness Center	\$75,000
Lorain County Community College	7034	C38321	Mercy Regional Behavioral Health Access Center	\$325,000
Department of Mental Health and Addiction Services	7033	C58001	Lorain County Recovery One Center Renovation	\$500,000
Total Lorain				\$8,836,260
Lucas				
Department of Natural Resources	7035	C725E2	Danny Thomas Park Renovation	\$400,000
Department of Natural Resources	7035	C725E2	City of Sylvania SOMO Project	\$100,000
Total Lucas				\$500,000
Legislative Service Commission				

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CAPITAL PROJECTS BY COUNTY-ALL PROJECTS

County and Funding Agency	Fund	Line Item	Item/Project Name	Appropriations
Department of Public Safety	5TM0	C76044	OSHP Headquarters/Post Renovations and Improvements	\$2,000,000
Ohio Facilities Construction Commission	7030	C230FM	SeaGate Convention Centre Renovation	\$500,000
Ohio Facilities Construction Commission	7030	C230FM	Toledo Museum of Art	\$1,000,000
Ohio Facilities Construction Commission	7030	C230FM	Valentine Theatre Symphonic Acoustical Enhancement	\$400,000
Ohio Facilities Construction Commission	7030	C230FM	Great Lakes Museum of Natural History	\$200,000
Ohio Facilities Construction Commission	7030	C230FM	Wolcott House Heritage Center	\$200,000
Ohio Facilities Construction Commission	7030	C230FM	National Museum of the Great Lakes Expansion	\$500,000
Ohio Facilities Construction Commission	7030	C230FM	Imagination Station Theater Experience	\$1,000,000
University of Toledo	7034	C34072	Building Automation System Upgrades	\$2,000,000
University of Toledo	7034	C34073	Mechanical System Improvements	\$2,000,000
University of Toledo	7034	C34080	Building Envelope/Weatherproofing	\$2,000,000
University of Toledo	7034	C34089	Research Laboratory Renovations	\$1,500,000
University of Toledo	7034	C34094	Electrical System Enhancements	\$2,000,000
University of Toledo	7034	C34095	Underground Steam/Condensate Infrastructure Improvements	\$2,000,000
University of Toledo	7034	C34096	Savage Arena Pedestrian Bridge Replacement	\$1,000,000
University of Toledo	7034	C34097	North Engineering Lab/Classroom Renovations	\$3,000,000
University of Toledo	7034	C34098	Classroom Renovations	\$1,500,000
University of Toledo	7034	C34099	University of Toledo/Ohio State Highway Patrol Public Safety	\$1,200,000
University of Toledo	7034	C340A1	Network Access Control and Micro Segmentation	\$2,000,000
University of Toledo	7034	C340A2	Virtual Laboratory Expansion	\$700,000
University of Toledo	7034	C340A3	Application Security	\$123,073
Northwest State Community College	7034	C38220	Mercy College Learning Commons and Classroom Expansion	\$200,000
Total Lucas				\$37,323,073
Madison				
Attorney General	7026	C05521	BCI London Renovations	\$969,752
Department of Natural Resources	7035	C725E2	London Access Cowling Playground	\$200,000
Total Madison				\$1,169,752

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CAPITAL PROJECTS BY COUNTY-ALL PROJECTS

County and Funding Agency	Fund	Line Item	Item/Project Name	Appropriations
Maioning				
Department of Commerce	7026	C80038	Maioning County Live Fire Training Facility	\$375,000
Youngstown State University	7034	C34552	Meskel Hall Renovations	\$2,250,000
Youngstown State University	7034	C34554	Maioning Valley Innovation and Commercialization Center	\$4,000,000
Youngstown State University	7034	C34556	Cushiwa Hall Physical Therapy Renovations/Expansion	\$2,300,000
Youngstown State University	7034	C34557	Ward Beecher Science Hall Structural Improvements	\$1,750,000
Youngstown State University	7034	C34558	Fedor Hall Renovations	\$1,000,000
Youngstown State University	7034	C34559	Pedestrian Bridge Renovations	\$1,500,000
Youngstown State University	7034	C34560	Campus Roof Replacements	\$1,100,000
Youngstown State University	7034	C34561	Building Envelope Renovations	\$684,003
Eastern Gateway Community College	7034	C38621	Maioning Valley Community Healthcare Training Center	\$100,000
Stark State College of Technology	7034	C38932	Campbell Community Literacy Workforce and Cultural Center	\$300,000
Department of Job and Family Services	4A90	C60005	Youngstown Office Improvements	\$202,703
Total Maioning				\$15,561,706
Marion				
Department of Natural Resources	7035	C725E2	Lincoln Park Stadium and Field Restoration	\$400,000
Ohio Facilities Construction Commission	7030	C23031	OHS - Harding Home State Memorial	\$1,565,000
The Ohio State University - Marion	7034	C315GH	Alber Student Center Renovation - Marion	\$750,000
The Ohio State University - Marion	7034	C31SGI	Alber Cooling System Replacement - Marion	\$200,000
The Ohio State University - Marion	7034	C31SGJ	Asphalt Paving Renovations - Marion	\$350,000
The Ohio State University - Marion	7034	C315OK	Building Envelope & Walk Renovations - Marion	\$400,000
The Ohio State University - Main	7034	C315GS	Boys and Girls Club Marion County Teen Center Improvements	\$50,000
Marion Technical College	7034	C35912	Bryson Hall Renovations	\$310,736
Marion Technical College	7034	C35913	Alber Student Center Renovations	\$750,000
Marion Technical College	7034	C35914	Alber Cooling System Replacement	\$200,000
Marion Technical College	7034	C35915	Roadway and Parking Lot Repeating	\$350,000
Total Marion				\$5,325,736

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CAPITAL PROJECTS BY COUNTY-ALL PROJECTS

County and Funding Agency	Fund	Line Item	Item/Project Name	Appropriations
Medina				
Department of Natural Resources	7035	C725E2	Montville Township Park Improvements	\$150,000
Department of Natural Resources	7035	C725E2	Brunswick Hills Township Park	\$100,000
Department of Natural Resources	7035	C725E2	Seville Memorial Park Public Restroom Facilities	\$15,000
Department of Natural Resources	7035	C725E2	Wadsworth City Park	\$300,000
Department of Natural Resources	7035	C725E2	Medina County Rocky River Trail West Branch	\$150,000
Department of Natural Resources	7035	C725E2	Hinsley Township Park	\$13,000
Department of Natural Resources	7035	C725E2	Plum Creek Recreation, Conservation, and Flood Control Project	\$200,000
Department of Natural Resources	7035	C725E2	Westfield Center Village Park Improvements	\$100,000
Department of Public Safety	7026	C76059	Medina County Driving Skills Pad	\$250,000
Department of Public Safety	7026	C76060	Medina County Safety Services Complex	\$400,000
Ohio Facilities Construction Commission	7030	C230FM	Medina Town Square Improvements	\$250,000
Ohio Facilities Construction Commission	7030	C230FM	Medina Twin Tower Memorial	\$25,000
Ohio Facilities Construction Commission	7030	C230FM	Medina Vietnam Veterans Memorial	\$60,000
Ohio Facilities Construction Commission	7030	C230FM	Medina County and Brunswick Historical Societies Project	\$200,000
Ohio Facilities Construction Commission	7030	C230FM	Seville Vietnam War Memorial	\$5,000
Ohio Facilities Construction Commission	7030	C230FM	Medina Historical Society - John Smart Museum	\$65,000
Northeast Ohio Medical University	7034	C30539	Cleveland Clinic Children's Outpatient Therapy Services Medina	\$750,000
Total Medina				\$3,033,000
Meigs				
Department of Agriculture	7026	C70022	Meigs County Agricultural Society Open Class Domestic Arts Building Project	\$25,000
Department of Natural Resources	7035	C725E2	Racine Star Mill Park Splash Pad	\$100,000
Total Meigs				\$125,000
Miami				
Department of Natural Resources	7035	C725E2	Piqua Great Miami River Trail Bridge Replacement Project	\$300,000
Ohio Facilities Construction Commission	7030	C230FM	Bradford Rail Museum Tower Exhibits	\$25,000
Edison Community College	7034	C39000	Basic Renovations	\$350,000
Legislative Service Commission				31

CAPITAL PROJECTS BY COUNTY-ALL PROJECTS

County and Funding Agency	Fund	Line Item	Item/Project Name	Appropriations
Edison Community College	7034	C39015	IT Upgrades	\$420,000
Edison Community College	7034	C39016	Roof Repair and Replacements	\$310,000
Edison Community College	7034	C39018	HVAC Repair and Replacements	\$149,401
Edison Community College	7034	C39019	Parking Lot Resurfacing	\$450,000
Edison Community College	7034	C39020	Security Cameras	\$125,000
Department of Mental Health and Addiction Services	7033	C58001	Tri-County One Wellness Place Troy Facility	\$450,000
Total Miami				\$2,579,401
Monroe				
Department of Agriculture	7026	C70022	Monroe County Agricultural Education Complex Classroom	\$100,000
Total Monroe				\$100,000
Montgomery				
Department of Natural Resources	7035	C725E2	Dayton Webster Station Landing	\$200,000
Department of Natural Resources	7035	C725E2	Meadowbrook and Clayton Community Center Renovations	\$100,000
Ohio Facilities Construction Commission	7030	C230FM	Kettering Rosewood Arts Center Renovation	\$450,000
Ohio Facilities Construction Commission	7030	C230FM	Wright Factory Unit - Dayton	\$175,000
Ohio Facilities Construction Commission	7030	C230FM	Dayton Art Institute Historic Stair and Hillside Preservation	\$750,000
Ohio Facilities Construction Commission	7030	C230FM	Victoria Theater Arts Annex	\$350,000
Ohio Facilities Construction Commission	7030	C230FM	Dayton Society of Natural History Bronshtoff Exhibit Space	\$250,000
Ohio Facilities Construction Commission	7030	C230FM	The Funk Music Hall of Fame & Exhibition Center	\$100,000
Ohio Facilities Construction Commission	7030	C230FM	Dayton Arcade Innovation Hub	\$1,000,000
Central State University	7034	C25524	Historic YWCA Dayton Building Renovation	\$725,000
Wright State University - Main	7034	C27587	Dayton Children's Hospital Center for Community Health and Advocacy Facility	\$200,000
Sinclair Community College	7034	C37729	Electrical Grid Replacement	\$3,500,000
Sinclair Community College	7034	C37730	Air Handler and Temperature Control Device Replacements	\$2,300,000
Sinclair Community College	7034	C37731	Generator Replacements	\$1,200,000
Sinclair Community College	7034	C37732	Biology Laboratory Renovations	\$1,000,000
Sinclair Community College	7034	C37733	Security Infrastructure Upgrades	\$800,000
Sinclair Community College	7034	C37734	Elevator Refurbishments and Window Replacements	\$1,529,218
Legislative Service Commission				32

CAPITAL PROJECTS BY COUNTY--ALL PROJECTS

County and Funding Agency	Fund	Line Item	Item/Project Name	Appropriations
Sinclair Community College	7034	C37736	Gem City Market	\$200,000
Sinclair Community College	7034	C37737	Southern Miami Valley Shared Community Fiber Network Project	\$125,000
Sinclair Community College	7034	C37738	Dayton Hope Center for Families	\$725,000
Department of Mental Health and Addiction Services	7033	C58001	Dayton Regional Crisis Stabilization Unit and Detox Center	\$800,000
Total Montgomery				\$16,479,218
Muskingum				
Department of Natural Resources	7035	C725E2	The Wilds - Visitors Center, Overlook Facilities & Cheetham Facility Expansion	\$700,000
Ohio Facilities Construction Commission	7030	C230FM	Zanesville Performing Arts Theater Preservation	\$250,000
Ohio Facilities Construction Commission	7030	C230FN	John and Annie Glenn Museum Improvements	\$25,000
Ohio University - Regional Campuses	7034	C30170	Building Interior Improvements - Regional Campuses	\$1,045,543
Zane State College (Muskingum Area Technical College)	7034	C36218	Zanesville Campus Renovations	\$1,050,000
Zane State College (Muskingum Area Technical College)	7034	C36223	Health Science Roof Replacement	\$650,000
Zane State College (Muskingum Area Technical College)	7034	C36224	IT Infrastructure	\$289,153
Total Muskingum				\$4,009,696
Ottawa				
Adjutant General	7026	C74528	Camp Perry Improvements	\$1,739,934
Department of Natural Resources	7035	C725E2	Ottawa Corridor Improvements	\$150,000
Ohio Facilities Construction Commission	7030	C230FM	Village of Genoa Civic Theater Renovations	\$150,000
Total Ottawa				\$2,039,934
Perry				
Department of Natural Resources	7035	C725E2	Village of Roseville Park Improvements	\$20,000
Ohio Facilities Construction Commission	7030	C230FM	Jacob Miller's Tavern Renovation	\$100,000
Ohio Facilities Construction Commission	7030	C230FM	Shavnee Development/Tecumseh Theater Restoration	\$100,000
Total Perry				\$220,000
Pickaway				
Department of Agriculture	7026	C70022	Pickaway County Agricultural Facility Improvements	\$400,000
Legislative Service Commission				
Total				\$33

CAPITAL PROJECTS BY COUNTY--ALL PROJECTS

County and Funding Agency	Fund	Line Item	Item/Project Name	Appropriations
Southern State Community College	7034	C32222	OCU Business Innovation Center Regional IT Training Lab	\$150,000
Total Pickaway				\$550,000
Pike				
Department of Agriculture	7026	C70022	Pike County Agricultural Facility Improvements	\$230,000
Department of Natural Resources	7035	C725E2	Waverly Canal Park	\$20,000
Total Pike				\$250,000
Portage				
Ohio Facilities Construction Commission	7030	C230FM	Mantua Township Historic Building Upgrades	\$75,000
Kent State University - Main	7034	C270G3	Campus Fire Alarm System Replacements	\$860,000
Kent State University - Main	7034	C270I1	Design Innovation Center	\$15,000,000
Kent State University - Main	7034	C270I2	Rockwell Hall Roof Replacement	\$1,500,000
Kent State University - Main	7034	C270I3	Research Laboratory Build-outs	\$1,000,000
Kent State University - Main	7034	C270I4	Henderson Hall HVAC and ADA Improvements	\$1,000,000
Kent State University - Main	7034	C270I5	White Hall Rehabilitation	\$1,000,000
Kent State University - Main	7034	C270J3	Elevator Modernization	\$1,095,612
Kent State University - Main	7034	C270I5	Hiram College Learning and Technology Collaborative	\$250,000
Northeast Ohio Medical University	7034	C30533	Air Handling Unit #3 (Building B) Replacement	\$600,000
Northeast Ohio Medical University	7034	C30534	Chiller-Cooling Tower Replacement and Upgrade	\$400,000
Northeast Ohio Medical University	7034	C30535	Electrical Panels Infrastructure Replacement and Upgrade	\$100,000
Northeast Ohio Medical University	7034	C30536	Air Handling Units #4 & #5 (Building E) Replacement	\$728,644
Department of Mental Health and Addiction Services	7033	C58001	Portage County Detoxification and Residential Treatment Center	\$400,000
Total Portage				\$23,949,256
Preble				
Department of Agriculture	7026	C70022	Preble County Agricultural Facility Improvements	\$50,000
Department of Natural Resources	7035	C725E2	Village of New Paris Community Park Splash Pad Development	\$200,000
Ohio Facilities Construction Commission	7030	C230FM	Lewisburg Bicentennial Museum	\$25,000
Ohio Facilities Construction Commission	7030	C230FM	Preble County Art Association Historic Renovation	\$250,000
Legislative Service Commission				
Total				\$34

CAPITAL PROJECTS BY COUNTY-ALL PROJECTS

County and Funding Agency	Fund	Line Item	Item/Project Name	Appropriations
Total Preble				\$525,000
Putnam				
Department of Natural Resources	7035	C725E2	Leipsic Parks Tennis Courts and Boat Deck	\$75,000
Ohio Facilities Construction Commission	7030	C230FM	Downtown Ottawa's "Paul's Lot"	\$65,000
Ohio Facilities Construction Commission	7030	C230FM	The Arthur-Lugbill Community Center Restoration	\$100,000
Total Putnam				\$240,000
Richland				
Department of Natural Resources	7035	C725E2	Crestline Park Lighting	\$25,000
Department of Natural Resources	7035	C725E2	Plymouth Game Room and Spray Park	\$60,000
Ohio Facilities Construction Commission	7030	C230FM	Mansfield Art Center Art Rising	\$750,000
Ohio Facilities Construction Commission	7030	C230FM	Ohio State Reformatory Fire Suppression and ADA Upgrades	\$200,000
The Ohio State University - Mansfield	7034	C315GG	Conard Hall Chemistry Labs Renovation - Mansfield	\$1,700,000
The Ohio State University - Main	7034	C315GT	Raemellon Therapeutic Equestrian Center Greenhouse Project	\$90,000
North Central State College	7034	C380I0	Keohoe Center Infrastructure Renovation	\$1,200,000
North Central State College	7034	C380I4	IT Data Infrastructure Upgrade Project	\$326,246
North Central State College	7034	C380I9	Kee Hall Renovation	\$195,000
Total Richland				\$4,546,246
Ross				
Department of Natural Resources	7035	C725E2	Camp Sherman Park	\$50,000
Ohio Facilities Construction Commission	7030	C230FM	Sugarloaf Mountain Amphitheatre Improvements	\$70,000
Ohio Facilities Construction Commission	7030	C230FM	Yocangee Park Historic Armory	\$250,000
Ohio Facilities Construction Commission	7030	C230FM	Majestic Theater	\$500,000
Total Ross				\$870,000
Sandusky				
Department of Natural Resources	7035	C725E2	Fremont Upland Reservoir Trail	\$123,000
Department of Natural Resources	7035	C725E2	Sandusky County North Inland Trail Hub	\$25,000
Department of Natural Resources	7035	C725E2	Sandusky River Sand Dock	\$78,000
Department of Natural Resources	7035	C725E2	Chudzinski Jolannsen Conservancy Park Improvements	\$300,000
Terra Community College	7034	C364I1	Student Success Center - Building B	\$1,477,717
Legislative Service Commission				35

CAPITAL PROJECTS BY COUNTY-ALL PROJECTS

County and Funding Agency	Fund	Line Item	Item/Project Name	Appropriations
Terra Community College	7034	C364I4	Northwest Ohio Community Technology Learning Center	\$50,000
Terra Community College	7034	C364I7	Ohio Partnership for Water, Industrial, and Cyber Security	\$1,000,000
Total Sandusky				\$3,053,717
Scioto				
Department of Natural Resources	7035	C725E2	Earl Thomas Conley Splash Pad	\$100,000
Shawnee State University	7034	C32400	Basic Renovations	\$1,203,428
Shawnee State University	7034	C32432	Advanced Technology Center/Technology and Industrial Buildings Rehabilitation	\$2,000,000
Shawnee State University	7034	C32434	Kircker Innovation Hub	\$500,000
Shawnee State University	7034	C32436	Southern Ohio Medical Center Hospice Inpatient Center	\$350,000
Total Scioto				\$4,153,428
Seneca				
Department of Natural Resources	7035	C725E2	Tiffin Recreation, Arts and Learning Park	\$300,000
Department of Natural Resources	7035	C725E2	Roger Young & Biggs Kettner Parks Tennis Courts	\$50,000
Ohio Facilities Construction Commission	7030	C230FM	Tiffin History Museum Improvements	\$50,000
Total Seneca				\$400,000
Shelby				
Department of Agriculture	7026	C70022	Shelby County Agricultural Facility Improvements	\$100,000
Department of Natural Resources	7035	C725E2	Redskin Memorial Park Playground	\$145,000
Department of Mental Health and Addiction Services	7033	C38001	Sidney STAR Transitional Treatment House	\$325,000
Total Shelby				\$570,000
Stark				
Department of Natural Resources	7035	C725E2	Waynesburg Park	\$200,000
Department of Natural Resources	7035	C725E2	North Canton Parks Upgrades	\$750,000
Department of Natural Resources	7035	C725E2	Jackson Township North Park Activity Complex	\$500,000
Department of Natural Resources	7035	C725E2	Canal Fulton Community Park	\$750,000
Department of Natural Resources	7035	C725E2	Sandy Valley Park Trails	\$250,000
Ohio Facilities Construction Commission	7030	C230FM	Renaissance of Duncan Plaza	\$750,000
Ohio Facilities Construction Commission	7030	C230FM	Massillon Museum Improvements	\$250,000
Ohio Facilities Construction Commission	7030	C230FM	1893 Genoa Schoolhouse Renovation	\$12,000
Legislative Service Commission				36

CAPITAL PROJECTS BY COUNTY-ALL PROJECTS

County and Funding Agency	Fund	Line Item	Item/Project Name	Appropriations
Ohio Facilities Construction Commission	7030	C230FM	Canton Market Square Enhancement	\$500,000
Ohio Facilities Construction Commission	7030	C230FM	Glamorgan Castle Improvements	\$150,000
Ohio Facilities Construction Commission	7030	C230FM	Canton Cultural Center for the Arts	\$500,000
Ohio Facilities Construction Commission	7030	C230FM	McKinley Presidential Library and Museum Enhancements	\$250,000
Kent State University - Stark	7034	C270I6	Main Hall Elevator Replacement - Stark	\$800,000
Northeast Ohio Medical University	7034	C30540	Pro Football Hall of Fame Center of Excellence	\$1,000,000
Stark State College of Technology	7034	C38924	Parking Lot Resurfacing	\$1,513,141
Stark State College of Technology	7034	C38931	Storefront Renovations	\$950,000
Stark State College of Technology	7034	C38935	Roof Replacements	\$1,200,000
Department of Mental Health and Addiction Services	7033	C58001	Massillon Recovery Campus Renovations	\$1,000,000
Total Stark				\$10,425,141
Summit				
Attorney General	7026	C05525	Richfield HVAC	\$2,644,000
Department of Developmental Disabilities	7033	C59069	United Disability Services Improvements	\$75,000
Department of Natural Resources	7035	C725E2	Hinton/Humiston Fitness Park	\$50,000
Department of Natural Resources	7035	C725E2	Finish Line Park	\$100,000
Department of Rehabilitation and Correction	7027	C50100	Barberton Municipal Jail	\$500,000
Ohio Facilities Construction Commission	7030	C230FM	Stan Hywet Hall & Gardens Campus Improvement Plan	\$550,000
Ohio Facilities Construction Commission	7030	C230FM	Case-Barlow Farm Restoration	\$50,000
Ohio Facilities Construction Commission	7030	C230FM	Cuyahoga Valley Scenic Railroad Parking Lot	\$50,000
Ohio Facilities Construction Commission	7030	C230FM	Akron Civic Theater Restoration and Expansion	\$675,000
Ohio Facilities Construction Commission	7030	C230FM	Hale Farm & Village Capital Improvement Project	\$250,000
Ohio Facilities Construction Commission	7030	C230FM	Peninsula Grand Army of the Republic Hall Improvements	\$200,000
Ohio Facilities Construction Commission	7030	C230FM	Blossom Music Center	\$1,300,000
Ohio Facilities Construction Commission	7030	C230FM	Restoration of John Brown House	\$400,000
Ohio Facilities Construction Commission	7030	C230FM	Akron Zoological Park Pride of Africa and Wild Asia	\$500,000
University of Akron - Main	7034	C25000	Basic Renovations - Main	\$6,932,650

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CAPITAL PROJECTS BY COUNTY-ALL PROJECTS

County and Funding Agency	Fund	Line Item	Item/Project Name	Appropriations
University of Akron - Main	7034	C25055	Auburn Science and Engineering Center	\$1,200,000
University of Akron - Main	7034	C25065	Akron Battered Women's Shelter	\$500,000
University of Akron - Main	7034	C25069	Campus Hardscape	\$1,000,000
University of Akron - Main	7034	C25079	Campus Infrastructure Improvements	\$3,000,000
University of Akron - Main	7034	C25080	Whitby Hall Air Handler and Roof Replacement	\$1,200,000
University of Akron - Main	7034	C25081	Buckingham Building Renovations	\$1,100,000
University of Akron - Main	7034	C25082	Crouse/Ayer Hall Consolidation	\$4,000,000
University of Akron - Main	7034	C25083	University of Akron AMES	\$850,000
University of Akron - Main	7034	C25085	Glendora House for Homeless Families with Children	\$250,000
University of Akron - Main	7034	C25087	AxeSpine Community Health Center	\$100,000
Stark State College of Technology	7034	C38929	Akron Center for Education and Workforce	\$2,867,000
Stark State College of Technology	7034	C38933	Greater Akron CDL Training Center	\$350,000
Stark State College of Technology	7034	C38934	Barberton Headstart Expansion	\$200,000
Total Summit				\$30,893,650
Trumbull				
Department of Commerce	7026	C80039	Weathersfield Township Multi-jurisdictional Center	\$150,000
Department of Natural Resources	7035	C725E2	Western Reserve Greenway Bike Trail	\$75,000
Ohio Facilities Construction Commission	7030	C230FM	Cortland Veterans Memorial Project	\$25,000
Kent State University - Trumbull	7034	C270I2	Link Building Windows and Tech Building Partial Roof - Trumbull	\$500,000
Eastern Gateway Community College	7034	C38622	Eastwood Field Improvements	\$200,000
Total Trumbull				\$950,000
Tuscarawas				
Department of Natural Resources	7035	C725E2	Dover Riverfront Trailhead Connector	\$350,000
Department of Natural Resources	7035	C725E2	New Philadelphia South Side Community Park	\$400,000
Department of Rehabilitation and Correction	7027	C50100	Tuscarawas County Jail	\$200,000
Kent State University - Tuscarawas	7034	C270H2	Founders Hall HVAC Upgrades - Tuscarawas	\$500,000
Kent State University - Main	7034	C270I6	Buckeye Career Center Energy Operations Classroom Facility Renovation	\$350,000

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CAPITAL PROJECTS BY COUNTY-ALL PROJECTS

County and Funding Agency	Fund	Line Item	Item/Project Name	Appropriations
Total Tuscarawas				\$1,800,000
Union				
Department of Natural Resources	7035	C725E2	Richwood Beach and Shelter House	\$100,000
Ohio Facilities Construction Commission	7030	C230FM	Avalon Uptown Theatre Restoration	\$50,000
The Ohio State University - Main	7034	C315GU	Union County Automotive and Mobility Center	\$1,500,000
Total Union				\$1,650,000
Van Wert				
Department of Natural Resources	7035	C725E2	Van Wert County Park District Trail Improvements	\$13,000
Department of Natural Resources	7035	C725E2	Delphos Swimming Pool Renovations	\$25,000
Department of Natural Resources	7035	C725E2	Van Wert Jubilee Park Improvements	\$50,000
Department of Natural Resources	7035	C725E2	Miami Erie Canal Towpath Trail	\$25,000
Department of Natural Resources	7035	C725E2	Middle Point Ballpark Improvements	\$150,000
Department of Natural Resources	7035	C725E2	Smiley Park Ball Field Updates	\$75,000
Department of Natural Resources	7035	C725E2	Van Wert Rotary Athletic Complex Improvements	\$50,000
Department of Natural Resources	7035	C725E2	Ohio City Warrior Trail Extension Phase 2	\$22,000
Ohio Facilities Construction Commission	7030	C230FM	Van Wert County Niswonger Performing Arts Center	\$200,000
Total Van Wert				\$610,000
Vinton				
Rio Grande Community College	7034	C35615	Vinton County Rio Grande Branch Campus	\$200,000
Total Vinton				\$200,000
Warren				
Department of Agriculture	7026	C70022	Warren County Fairgrounds Event Center	\$400,000
Department of Natural Resources	7035	C725E2	Mason Common Ground Park	\$400,000
Department of Natural Resources	7035	C725E2	Lebanon Countryside YMCA Trail Realignment	\$100,000
Department of Natural Resources	7035	C725E2	Little Miami State Park / Little Miami Trail	\$200,000
Department of Public Safety	7026	C76061	Warren County Drug Task Force Headquarters	\$500,000
Department of Rehabilitation and Correction	7027	C50100	Warren County Jail Interceptor Center	\$750,000
Department of Mental Health and Addiction Services	7033	C58001	Building Franklin's Hope Project	\$150,000
Legislative Service Commission				
Total Warren				\$3,000,000

CAPITAL PROJECTS BY COUNTY-ALL PROJECTS

County and Funding Agency	Fund	Line Item	Item/Project Name	Appropriations
Total Warren				\$2,500,000
Washington				
Department of Natural Resources	7035	C725E2	Muskingum Township River Road Streambank Stabilization	\$100,000
Department of Natural Resources	7035	C725E2	Little Hocking Riverfront Park Enhancements	\$50,000
Department of Natural Resources	7035	C725E2	Westward Ho National Monument	\$500,000
Ohio Facilities Construction Commission	7030	C230FM	Marietta Army Revitalization	\$100,000
Washington State Community College	7034	C35800	Basic Renovations	\$1,237,451
Total Washington				\$1,987,451
Wayne				
Department of Natural Resources	7035	C725E2	Rails to Trails of Wayne County	\$100,000
Department of Natural Resources	7035	C725E2	Wooster Venture Boulevard Park Project	\$300,000
Department of Natural Resources	7035	C725E2	Or-Pool Bathhouse Renovations	\$25,000
Department of Natural Resources	7035	C725E2	Fairlawn Gully Water Quality Basins	\$125,000
Ohio Facilities Construction Commission	7030	C230FM	Kister Water Mill and Education Center Improvements	\$350,000
The Ohio State University - OARDC	7034	C315DX	Thorne Hall - Wooster	\$6,000,000
Total Wayne				\$6,900,000
Williams				
Department of Natural Resources	7035	C725E2	Montpelier Rails to Trails	\$325,000
Department of Public Safety	7026	C76063	Williams County MARCS Tower	\$400,000
Total Williams				\$725,000
Wood				
Department of Natural Resources	7035	C725E2	Miracle League of Northwest Ohio Restroom & Concession Building	\$75,000
Bowling Green State University - Main	7034	C24059	Technology Building Renovation	\$16,703,731
Bowling Green State University - Main	7034	C24063	Center for the Future of Forensic Science	\$200,000
Bowling Green State University - Main	7034	C24064	Wood County Senior Center	\$1,600,000
Bowling Green State University - Main	7034	C24065	Perrysburg Heights Community Center	\$450,000
Owens Community College	7034	C38826	College Hall Renovation	\$2,150,000
Owens Community College	7034	C38832	Advanced Manufacturing/STEM Renovation	\$2,909,958
Owens Community College	7034	C38833	IT Campus Security Upgrades	\$500,000
Owens Community College	7034	C38834	HVAC Renovation and Replacement	\$400,000
Owens Community College	7034	C38835	Roof Renovations	\$300,000
Legislative Service Commission				

CAPITAL PROJECTS BY COUNTY-ALL PROJECTS

County and Funding Agency	Fund	Line Item	Item/Project Name	Appropriations
Owens Community College	7034	C38836	Science Lab Humidity Control Renovation	\$350,000
Owens Community College	7034	C38837	Center for Emergency Preparedness	\$200,000
Department of Mental Health and Addiction Services	7033	C58001	The Cocoon Center for Victims of Domestic and Sexual Violence	\$375,000
Total Wood				\$26,213,689
Wyandot				
Department of Natural Resources	7035	C725E2	Upper Sandusky Bicentennial Park	\$50,000
Total Wyandot				\$50,000
				\$2,625,867,084



For Immediate Release:

February 14, 2018

Rep. Bill Reineke Introduces Legislation Aligning Ohio's Education System with Workforce Needs

House Bill makes state more accountable in preparing students for demands of 21st century economy

COLUMBUS—During a press conference at the Ohio Statehouse, State Representative Bill Reineke (R-Tiffin) unveiled legislation aimed at better aligning Ohio's public education system with the state's workforce needs, as well as making the state more accountable for achieving results.

Reineke's proposal would create a new cabinet level agency called the Ohio Department of Learning and Achievement (DLA), which will consist of the Ohio Department of Education, Ohio Department of Higher Education and the Governor's Office of Workforce Transformation. This structural change is not expected to have a direct impact on local school boards or school districts.

"Education is one of the states' most important tasks and this legislation aligns our education systems to better prepare our workforce for the needs of today and tomorrow," Reineke said. "I look forward to discussing this bill further with the education and workforce community with the goal of working together to ensure that Ohio's students are ready and prepared for the future."

By forming a unified, cohesive department to oversee all education and workforce development policy, Ohio will be more fluid and flexible in preparing the state's 1.7 million students to succeed both educationally and professionally, as well as to meet the workforce needs of the rapidly changing 21st century economy.

The changes contained in the legislation closely resemble similar reforms made in 2007 to the state's higher education model, in which oversight of state-supported colleges and universities transitioned from a nine-member Board of Regents to the Chancellor of the University System of Ohio.

Several education and workforce development leaders from Seneca and Sandusky counties joined Rep. Reineke, as well as a number of other House lawmakers supportive of the proposal.

Gary Barber, Superintendent of Tiffin City Schools, emphasized how the legislation can lead to long-term success by helping students prioritize both education and career readiness.

"This will help set a higher bar for career preparation programs, enabling all students to earn meaningful postsecondary degrees or credentials," Barber said. "This will continue to challenge our K-12 systems to be simultaneously focused on curriculum and our students' aspirational career goals."

"I can clearly and confidently tell you that I support the principles and spirit of this new workforce and education restructuring bill, and the intent to create a Department of Learning and Achievement, which brings together K-12 education policy, the Ohio Department of Higher Education, and the Governor's Office of Workforce Transformation," said David Zak, President and CEO of Seneca Industrial & Economic Development Corp. "It brings together two of the most important producers of talent—K-12, higher education, and the largest user of talent—growing private sector businesses represented by the Office of Workforce Transformation."

Greg Edinger, Superintendent of Vanguard-Sentinel Career & Technology Centers, expressed support for the proposal and explained how it can prepare Ohio's workforce for the demands of tomorrow.

"There can be great value in multiple agencies working under one umbrella with the goal of developing policy to align the education systems," Edinger said. "This focus on workforce and career preparedness at an early age aligns with the goals of our district and is essential for moving forward and addressing the critical workforce demands our state is seeing."

Jim Lahoski, Superintendent and CEO of the North Central Ohio Educational Service Center, said the bill will "enhance opportunities for all students to be prepared for success."

"The bill further aligns to the Ohio State Board of Education's vision for all Ohio pre-K-12 students to graduate with the knowledge, skills and behaviors necessary to successfully continue their education and/or be workforce-ready and successfully participate in the global economy as productive citizens," Lahoski said.

Under the legislation, which Reineke introduced today, the director of the DLA will be appointed by the governor with consent of the Senate. The director will have the authority to appoint deputy directors where deemed appropriate for purposes of streamlining pre-K-12 through workforce policy development and implementation.

The legislation makes no membership changes to the State Board of Education, but brings its duties more in line with other state boards and commissions and keeps its functions consistent with the state constitution. That includes primarily quasi-judicial responsibilities, such as regulating teacher licensure and educator misconduct. The State Board also will continue to appoint a State Superintendent.

Furthermore, the State Board of Education, State Superintendent and Ohio Department of Education staff will maintain the authority to:

- Revoke a district and/or school charter
- Issue educator licenses
- Establish payments in lieu of transportation determinations
- Make territory transfer determinations
- Supervise and administer Ch. 119 administrative proceedings regarding community schools and sponsors
- Determine the permanent exclusion of students
- Sponsor community schools in accordance with state law
- Oversee the state schools for the deaf and blind
- Administer other miscellaneous Ch. 119 administrative law proceedings

Having just been introduced, the bill will soon receive a number and be assigned to a House standing committee for further review.

Full footage of today's press conference is available here: <http://ohiochannel.org/video/press-conference-education-bill-announcement>



OHIO HOUSE OF REPRESENTATIVES

Majority Communications Department

Aligning Ohio's Public Education System with 21st Century Workforce Needs

Creates the Ohio Department of Learning and Achievement (DLA)

- A new cabinet level agency comprised of the Ohio Department of Education, Ohio Department of Higher Education and the Governor's Office of Workforce Transformation

Forms a unified structure to oversee education and workforce development policy

- Under a new streamlined system, Ohio will be more fluid and flexible in helping teachers prepare the state's 1.7 million students to succeed both educationally and professionally, as well as meet the workforce needs of the rapidly changing 21st century economy

Increases accountability and responsiveness to education and workforce needs

- The Director of the DLA, appointed by the governor with consent of the Ohio Senate, will be directly responsible to the governor as a member of the cabinet

Resembles similar reforms made a decade ago to Ohio's higher education model

- Those reforms transitioned oversight of state-supported colleges and universities from the nine-member Board of Regents to the Chancellor of the University System of Ohio

Keeps the role of the State Board of Education consistent with the state constitution

- It makes no changes to the membership of the State Board of Education, but instead brings its duties more in line with other state boards and commissions, including quasi-judicial responsibilities such as regulating teacher licensure and educator misconduct

Creates clear lines of authority and a common mission to education policy

- The bill is designed to improve oversight and service-delivery in Ohio's pre-K through college and workforce readiness system

Does not impact operations at the local level

- This bill makes structural changes at the state level and does not interfere or directly impact the policy or authority of local school boards or individual schools, classrooms and campuses

February 13, 2018

State Education Governance Reform
Key Points

Education is probably the most important issue state government works on, yet it is managed in the most dysfunctional way. Partnering with locally elected school boards to prepare Ohio students for the future is probably state government's most important job. Yet, of all its duties, Ohio manages this responsibility in the most dysfunctional way: via a part-time board of elected politicians and appointed members who earn around \$5,000 a year for a two-day meeting once a month. These members together hire and manage a superintendent who runs the Department of Education. In simpler times this loose, hands-off, distributed oversight model may have worked, but the complexity, size (1.7 million students), cost of education (\$23 billion per year) and changing economy demand a modern management structure with clear accountability to ensure better outcomes.

Unclear roles lead to confusion, duplication, inaction and poor results. Despite the General Assembly's authority to set education policy, the State School Board frequently revisits, questions and seeks to revise the laws it passes. This not only produces confusion for educators on the frontlines in our local schools, it has historically distracted the Department of Education from its actual purpose – implementing Ohio's education laws. Continued frustration with funding issues, poor-performing schools, controversies over education alternatives and constant complaints over testing have plagued Ohio for years. Could better progress have been made in resolving these difficulties if Ohio had a more modern, accountable and clearly defined management structure for education?

A modern management structure for state education duties, aligned with higher education and workforce efforts, will better serve students. The policy implementation work of the Department of Education should be transferred from oversight by the part-time Board to full-time, professionals accountable to the governor. They would work side-by-side with Ohio's experts on higher education and workforce development in a single Cabinet agency (the new Department of Learning and Achievement). This would give students and workers the benefit of a single, dedicated team working to advance their interests beginning in preschool and progressing through elementary school, high school, college and on to workforce training—all with the goal of preparing them for success.

Freeing up the Board to oversee the education profession will improve quality. The Ohio Constitution creates a State School Board that hires a superintendent and gives the General Assembly the authority to prescribe their duties. By refocusing the State School Board, superintendent and Department of Education on the regulation and licensing of educators, Ohio will see new, valuable support given to the teaching profession.

Predictable opposition will come from those only looking out for themselves: Some education special interests, have already voiced opposition to the bill, worrying that their individual clout will somehow be diminished by the coordination the new structure would provide. While it is predictable for some to defend the status quo and only look out for their own, narrow interests, does anyone really think those issues are more important than advancing the needs of students and workers and strengthening the Ohio?

Bottom Line: One of the state's most important duties demands a modern, accountable management system, not a centuries-old, dysfunctional approach. Aligning higher education, workforce development and pre-K-12 efforts, will provide Ohio students and job creators the benefits of a single, dedicated team working together on their behalf toward the same goal – preparing students for the future. Providing this team with a clear hierarchy and making them accountable to the state's executive, will help ensure that students, parents and educators receive the high performance they need and deserve.



Media statement on proposed education governance changes

COLUMBUS (OH) – Today, Representative Bill Reineke (R-Tiffin) announced that he'll be introducing legislation to significantly change the way Ohio governs public schools. The proposal calls for the creation of the Ohio Department of Learning and Achievement, which will focus on aligning Ohio's education system to better prepare the workforce of tomorrow. The new agency will absorb the Governor's Office of Workforce Transformation and most of the responsibilities of both the Ohio Department of Education and the Ohio Department of Higher Education. The leader of the Department of Learning and Achievement would be a cabinet-level official and appointed by the governor.

"While the most important part of education happens every day in classrooms across Ohio, state leaders bear the responsibility of providing support and clear guidance to assist school districts in implementing education law," said Chad L. Aldis, vice president for Ohio policy and advocacy at the Thomas B. Fordham Institute. "By creating an agency under the direct oversight of the governor, the legislature would ensure that governors are unambiguously responsible—and accountable to the people—for executing Ohio education laws."

The soon to be introduced legislation shifts the focus of the state board of education away from its current role, which is to create administrative rules and implement laws passed by the legislature, and to a narrower scope focused primarily on educator licensure. Their role would be similar to the various state licensing boards that focus on professional standards.

"The introduction of this legislation well before the general election shows that the House is serious about holding the governor accountable for educational progress, whoever he or she may be," Aldis added. "As gubernatorial candidates talk about their visions for education, these changes would ensure that our next governor will truly have the ability to shape the direction of education and should result in more coherent policies and greater continuity."

The Thomas B. Fordham Institute is the nation's leader in advancing educational excellence for every child through quality research, analysis, and commentary, as well as on-the-ground action and advocacy in Ohio.

For further comment, please contact Chad Aldis at caldis@edexcellence.net or by phone at 614-404-9309 (mobile).



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Emily E. Wendel

S.B. 220

132nd General Assembly
(As Introduced)

Sens. Hackett and Bacon

BILL SUMMARY

- Creates an affirmative defense to any tort action against a covered entity because of a data breach of personal information, if the entity is accused of failing to implement reasonable information security controls to prevent the breach and the entity has a cybersecurity program that meets the bill's requirements.

Definitions

- Defines "covered entity" as a business or nonprofit entity operating in Ohio that accesses, maintains, communicates, or handles personal information.
- Specifies that "personal information" has the same meaning as in the Consumer Protection Law, and gives "data breach" the same meaning as "breach of the security of the system" in the Consumer Protection Law.

Requirements to qualify for the affirmative defense

- Requires a covered entity, in order to be eligible to use the affirmative defense, to create, maintain, and comply with a written cybersecurity program that contains certain safeguards for the protection of personal information that complies with an industry cybersecurity framework approved by the bill.
- Specifies several requirements for the design, scale, and scope of the cybersecurity program.
- Requires the cybersecurity program to be in substantial compliance with one of several listed industry and government cybersecurity frameworks, including the National Institute of Standards and Technology (NIST) Cybersecurity Framework.

Other provisions

- Specifies that the bill does not provide a private right of action that would allow a person to sue a covered entity for failing to follow the bill's cybersecurity requirements.
- Specifies that the bill's provisions are severable.
- States that the bill is intended to encourage improved cybersecurity through voluntary action and not to create a minimum cybersecurity standard that must be achieved.

CONTENT AND OPERATION

The bill creates an affirmative defense to any tort action against a covered entity because of a data breach of personal information, if the entity is accused of failing to implement reasonable information security controls to prevent the breach. To be eligible to use the affirmative defense, the entity must have a cybersecurity program that meets the bill's requirements. The bill refers to the affirmative defense as a "safe harbor."

(A tort action is a civil lawsuit for a legal wrong or injury, such as negligence, for which the person bringing the lawsuit seeks compensation for damages. An affirmative defense is a factor that, if proven by the defendant, makes the defendant not liable for the damages.)

Definitions

Covered entities

Under the bill, a "covered entity" is a business that accesses, maintains, communicates, or handles personal information. "Business" means any limited liability company (LLC), limited liability partnership (LLP), corporation, sole proprietorship, nonprofit corporation, or unincorporated nonprofit association that operates in Ohio.¹

Personal information

The bill specifies that "personal information" has the same meaning as in Ohio's Consumer Protection Law. Under that law, personal information means an individual's name, consisting of the individual's first name or first initial and last name, in combination with and linked to any one or more of the following data elements, when

¹ R.C. 1354.01(A) and (B).



the data elements are not encrypted, redacted, or altered by any method or technology to make them unreadable:

- The individual's Social Security number;
- The individual's driver's license or state identification card number;
- The individual's account number or credit or debit card number, in combination with and linked to any required security code, access code, or password that would permit access to the individual's financial account.

Personal information does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records or any of the following media that are widely distributed:

- Any news, editorial, or advertising statement published in any bona fide newspaper, journal, or magazine, or broadcast over radio or television;
- Any gathering or furnishing of information or news by any bona fide reporter, correspondent, or news bureau to those news media;
- Any publication designed for and distributed to members of any bona fide association or charitable or fraternal nonprofit corporation;
- Any type of media similar in nature to any of those items, entities, or activities.²

Data breach

Under the bill, "data breach" has the same meaning as "breach of the security of the system" in the Consumer Protection Law. That term means unauthorized access to and acquisition of computerized data that compromises the security or confidentiality of personal information owned or licensed by a person and that causes, reasonably is believed to have caused, or reasonably is believed will cause a material risk of identity theft or other fraud to the person or property of an Ohio resident.

For purposes of that definition, good faith acquisition of personal information by an employee or agent of the person for purposes of the person is not a breach of the security of the system, provided that the personal information is not used for an unlawful purpose or subject to further unauthorized disclosure. And, acquisition of personal information pursuant to a search warrant, subpoena, or other court order, or

² R.C. 1354.01(G). See also R.C. 1349.19(A)(7), not in the bill.



pursuant to a subpoena, order, or duty of a regulatory state agency, is not a breach of the security of the system.³

Requirements to qualify for the affirmative defense

To be eligible to use the bill's affirmative defense, a covered entity must create, maintain, and comply with a written cybersecurity program that contains administrative, technical, and physical safeguards for the protection of personal information that complies with an industry cybersecurity framework approved by the bill.⁴

Cybersecurity program requirements

The bill requires a covered entity's cybersecurity program to be designed to do all of the following:⁵

- Protect the security and confidentiality of personal information;
- Protect against any anticipated threats or hazards to the security or integrity of personal information;
- Protect against unauthorized access to and acquisition of personal information that is likely to result in a material risk of identity theft or other fraud to the individual to whom the information relates.

The scale and scope of a covered entity's cybersecurity program is considered appropriate if it is based on all of the following factors:⁶

- The entity's size and complexity of the covered entity;
- The nature and scope of the entity's activities;
- The sensitivity of the personal information to be protected;
- The cost and availability of tools to improve information security and reduce vulnerabilities;
- The resources available to the entity.

³ R.C. 1354.01(C). See also R.C. 1349.19(A)(1), not in the bill.

⁴ R.C. 1354.02(A) and (D).

⁵ R.C. 1354.02(B).

⁶ R.C. 1354.02(C).



Approved cybersecurity frameworks

Under the bill, a covered entity's cybersecurity program also must be in substantial compliance with one of the following industry cybersecurity frameworks:⁷

- The National Institute of Standards and Technology (NIST) Cybersecurity Framework, which is the framework developed by the Institute for improving critical infrastructure cybersecurity, as updated from time to time;
- NIST Special Publication 800-171;
- NIST Special Publications 800-53 and 800-53a;
- The Federal Risk and Authorization Management Program;
- Center for Internet Security Critical Security Controls;
- International Organization for Standardization/International Electrotechnical Commission 27000 Family – Information Security Management Systems.

If the covered entity is regulated by the state and the federal government, the entity instead may be in substantial compliance with the entirety of any of the following:⁸

- The security requirements of the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), which governs healthcare;
- Title V of the federal Gramm-Leach-Bliley Act of 1999, which applies to financial institutions;
- The Federal Information Security Modernization Act of 2014, which generally covers federal agencies.

After an update to any of those cybersecurity frameworks, a covered entity has a one-year period from the effective date of the updated framework to comply with the update.⁹

⁷ R.C. 1354.01(E) and 1354.03(A).

⁸ R.C. 1354.03(B).

⁹ R.C. 1354.02(D).



Other provisions

No private right of action

The bill specifies that it does not provide a private right of action, including a class action, with respect to any act or practice regulated under those sections. In other words, the bill does not allow a person to sue a covered entity for failing to follow the bill's cybersecurity requirements, unless another law would allow the person to do so.¹⁰

Severability

The bill specifies that if any of its provisions or the application of those provisions to a covered entity is ruled invalid, the remainder of those provisions and their application to other entities is not affected. (The Revised Code provides generally that this principle of severability applies to all Ohio statutes.)¹¹

Legislative intent

The bill states that its purpose is to establish a legal safe harbor to be pled as an affirmative defense, as described above. It also states that the bill is intended to be an incentive and to encourage businesses to achieve a higher level of cybersecurity through voluntary action. It does not, and is not intended to, create a minimum cybersecurity standard that must be achieved, nor may it be read to impose liability upon businesses that do not obtain or maintain practices in compliance with the cybersecurity frameworks referenced in the bill.¹²

HISTORY

ACTION	DATE
Introduced	10-17-17

S0220-I-132.docx/ts

¹⁰ R.C. 1354.04.

¹¹ R.C. 1354.05. See also R.C. 1.50, not in the bill.

¹² Section 2 of the bill.





Kirk M. Herath
VP, Chief Privacy Officer, Associate General Counsel

January 10, 2018

The Honorable Bill Coley
Ohio Senate
Chairman, Ohio Senate Government Oversight and Reform Committee
VIA ELECTRONIC SUBMISSION

Re: SB 220 (Hackett, Bacon) Provide legal safe harbor if implement cybersecurity program

Dear Chairman Coley,

On behalf of Nationwide, thank you for the opportunity to provide a letter in support of the Data Protection Act (SB 220). Nationwide, a Fortune 100 company based in Columbus, Ohio, is proud to provide 15,000 jobs in the state and 1.25 million policies to Ohio residents. SB 220 provides a simple incentive to Ohio businesses to establish or enhance data security to protect the personal information of Ohio consumers from potentially harmful cyber-attacks. Protecting confidential customer and business information is extremely important to Nationwide and its customers.

It's no secret that cyber-attacks happen and are doing so with greater frequency. Unfortunately, there is no single, perfect information security system in existence today that would allow consumers to reap the benefits of digital technologies, while preventing every potential cyber-attack. With ever more sophisticated and constantly evolving tools and methods at their disposal, cyber criminals are proving to be a formidable foe for both the public and private sectors. Therefore, the most appropriate way to protect sensitive customer and business information from cyber-attacks is to utilize a reliable and recognized information security framework. The Data Protection Act does exactly this.

SB 220 promotes the use of the National Institute of Standards and Technology's Cybersecurity Framework ("the NIST CSF"), as well as other nationally and internationally recognized and proven information security frameworks and standards. The NIST CSF was created through collaboration between government and the private sector to address and manage cybersecurity risk in a cost-effective way, based on business needs, without placing additional regulatory requirements on businesses. Furthermore, it enables businesses – regardless of size, degree of cybersecurity risk, or cybersecurity sophistication – to apply the most up-to-date and effective standards, guidelines and best practices of cyber risk management.

Information security frameworks (e.g., the NIST CSF, ISO/IEC 27000 series, COBIT 5, NIST SP 800-53, etc.) are very useful in creating an effective and scalable organization-wide information security program. To be effective, a security program must be comprised of many layers (e.g. logical, administrative and physical protection mechanism; procedures; business processes; and people) that all work together to provide reasonable protection for information assets. Frameworks like the NIST CSF provide companies with risk-based solutions to cybersecurity challenges and use risk management processes to enable organizations to inform and prioritize decisions regarding cybersecurity.

Companies conducting business in Ohio that utilize frameworks, such as NIST CSF, and other recognized statutory standards encouraged by SB 220, will without a doubt implement stronger and more sustainable cybersecurity programs, which will result in the better protection of the personal information of Ohio consumers and businesses. And, when such companies ultimately experience a data security breach, they will be better prepared to respond, recover and mitigate any potentially harmful effects to Ohio consumers. Again, thank you for your consideration of SB 220.

Sincerely,

Kirk M. Herath
VP, Chief Privacy Officer, Associate General Counsel

Cc: Ohio Senate Government Oversight and Reform Committee
Senator Bacon and Senator Hackett

Union money now fuels GOP legislative campaigns in Ohio

By [Jim Siegel](#)
The Columbus Dispatch

Ohio has increasingly become an island among states that have passed a right-to-work law — an initiative strongly opposed by labor unions.

The law that says workers cannot be required to pay certain union dues has been approved in every adjoining state except Pennsylvania. Every state south of Ohio and east of the Mississippi River has passed it, as have nine of 12 Midwestern states.

Ohio House Speaker Cliff Rosenberger, R-Clarksville, has said he supports the law. Senate President Larry Obhof, R-Medina, voted in 2011 for Senate Bill 5, essentially a right-to-work bill for public employee unions.

But even with record Republican majorities in each chamber, it hasn't passed.

Gov. John Kasich, who watched unions crush Senate Bill 5 at the ballot in 2011, has not strayed from his position in recent years that Ohio doesn't need the law.

Ohio's labor unions are working to keep it that way.

Continuing a trend that has grown more pronounced each election cycle, union money poured into Republican legislative campaigns in 2017. In fact, four of the GOP's top five political action committee donors were unions: operating engineers (\$502,600), affiliated construction trades (\$264,800), laborers (\$214,750), and plumbers and pipefitters (\$196,000).

Add in carpenters, building and construction trades, and electrical workers unions, and they make up seven of the top 20 PAC donors to legislative Republicans.

Those unions also gave to minority Democrats, the party that traditionally attracts labor backing, but in far smaller amounts.

"Being active politically helps give construction workers voice in Columbus with both Republicans and Democrats," said Matt Szollosi, executive director of the Affiliated Construction Trades of Ohio and a former Democratic lawmaker.

"We really don't ask for anything. Our members want the opportunity to go to work and our partner contractors want the ability to compete for projects."

In addition to right-to-work, unions also don't want to get hosed on a restructuring of Ohio's unemployment compensation fund, nor do they want to see Ohio do away with prevailing wage requirements for union-scale pay or the use of project labor agreements — issues that resurface nearly every session.

"The unions are playing it smart, funding Republican candidates," said Rep. John Becker, R-Cincinnati, who recently introduced a package of proposed constitutional amendments focused

on right-to-work, prevailing wage and project labor agreements that establish terms and conditions of construction projects before they begin.

“Obviously, all politicians take funding into consideration when making decisions. It is a factor,” he said. “I don’t know how much of a factor — it’s different for different people — but anyone who tells you money is not a factor is lying.”

The union money adds to an already huge fundraising advantage for legislative Republicans.

Money follows power at the Statehouse, especially when one party has long dominated and legislative districts are drawn to keep it that way. Republicans raised \$13.1 million in disclosed donations in 2017, compared with \$2.7 million for legislative Democrats.

The outpouring of union money to Republicans is not a new phenomenon, though it has grown more pronounced each two-year legislative election cycle. Senate President Obhof and two members of his leadership team each took in more than \$140,000 from unions last election cycle.

Union money also is playing into the House speaker’s race, where Rep. Larry Householder, R-Glenford, a former speaker who returned to office in 2017, is engaged in a fierce fight with Rep. Ryan Smith, R-Bidwell, to take over leadership of the chamber in 2019.

Householder last year raised about \$222,000 from union PACs, mostly from building trades, compared with \$20,000 to Smith.

“They recognize that we share a lot of the same values that those who use their hands and backs every day share,” Householder said. He pointed out that a strong majority of trade union members voted for Donald Trump in 2016. That’s a shift over the past 15 years, and he welcomes their support, Householder said.

“I see them as part of the Republican Party.”

Smith has criticized Householder’s union totals.

“I’m looking to the future with an open mind to see what direction the caucus wants to take. Clearly, I think he’s staked out some positions already,” Smith said.

Householder responded: “I think he should quit whining.”

Most House Republicans would probably favor legislation like right-to-work, but there is a pro-union faction as well.

“Part of being a leader is allowing the discussion to go on and see where it takes itself,” Smith said.

Householder said campaign donations don’t equate to whether legislation passes or not.

“The only thing I can give people is a fair opportunity to make their pitch in the legislature.”

Becker said he doubts union money will be much of a factor in the speaker’s race. He said he has talked to both Householder and Smith about union issues.

“I don’t get a warm feeling from either one of them that they are going to be leaders to make Ohio a right-to-work state,” Becker said. “I think the labor unions are going to be equally happy with either candidate.”

The ability to raise money is a key quality for anyone who wants to lead the House or Senate, and both Smith and Householder have been proficient fundraisers. Smith said he isn’t sure how the union money issue will affect the race.

“Clearly, some of our members are not on that side of things, and I’d think they’d be influenced by that,” Smith said.

Most major contributors appear to be picking sides in the Householder-Smith fight.

Of the 25 who gave Householder at least \$12,500, only five also gave at least \$5,000 to Smith — and 18 gave zero.

Meanwhile, of the 13 who gave Smith at least \$12,000, just three gave Householder at least \$5,000, while six gave zero.

jsiegel@dispatch.com



Ohio and Federal Contribution Limits, Campaign Finance Reporting Calendars and Lobbyist Reporting Deadlines

OHIO CAMPAIGN CONTRIBUTION LIMITS (effective through February 24, 2019)

From To	Per Election Period unless otherwise footnoted	INDIVIDUAL Must be 7 years of age or older	PACs PCEs	COUNTY PARTY State Candidate Fund	COUNTY PARTY Other Account ⁸	STATE PARTY State Candidate Fund	LEGISLATIVE CAMPAIGN FUND	CAMPAIGN COMMITTEE (includes local)
Statewide		\$12,707.79	\$12,707.79	\$317,694.81 ¹²	\$3,176.95 ⁹	\$716,719.49 ⁷	PROHIBITED	\$12,707.79
Senate		\$12,707.79	\$12,707.79	\$12,707.79 ¹ \$142,962.66 ²	\$3,176.95 ⁹	\$142,962.66 ⁷	\$71,163.64 ⁶ \$142,962.66 ⁶	\$12,707.79
House		\$12,707.79	\$12,707.79	\$12,707.79 ¹ \$71,163.64 ²	\$3,176.95 ⁹	\$71,163.64 ⁷	\$36,860.93 ⁶ \$71,163.64 ⁶	\$12,707.79
State Party State Candidate Fund		\$38,123.38 ³	\$38,123.38 ³	No Limit	PROHIBITED	No Limit	No Limit	\$38,123.38 ⁵
Legislative Campaign Fund		\$19,061.69 ³	\$19,061.69 ³	No Limit	PROHIBITED	No Limit	PROHIBITED	\$19,061.69 ⁵
County Party State Candidate Fund		\$12,707.79 ¹⁰	PROHIBITED	PROHIBITED	PROHIBITED	No Limit	No Limit	\$12,707.79 ⁴
PACs/PCEs		\$12,707.79 ³	\$12,707.79 ¹³	\$12,707.79 ¹¹	\$12,707.79 ¹¹	\$12,707.79 ¹¹	PROHIBITED	\$12,707.79 ³

This chart is intended to be a general guide and does not include every statutory provision relating to contribution limits.

¹ These limits apply to contributions given to a campaign committee which is not a 'designated state campaign committee.'

² These limits apply to cash or cash equivalents, not in-kind. The campaign committee of a House or a Senate candidate which is a 'designated state campaign committee' may accept, in aggregate, from any one or a combination of state candidate funds of county political parties \$63,538.96 and \$127,122.53, respectively, in an election period.

³ These limits are per calendar year.

⁴ This limit is per calendar year and may only be made if the campaign committee's candidate will appear on a ballot in that county or is an officeholder representing any part of that county.

⁵ These limits are per calendar year and do not apply to contributions given by a 'designated state campaign committee.'

⁶ These limits apply to cash or cash equivalents, not in-kind. The smaller limit is for the primary election period and the larger limit is for the general election period.

⁷ These limits apply to cash or cash equivalents, not in-kind.

⁸ These limits apply to political parties in counties having a population of less than 150,000 that do not establish a State Candidate Fund. 'Other Account' does not include an account that contains moneys received from the Ohio Political Party Fund (Restricted Fund).

⁹ Recipients of county party non-State Candidate Fund contributions must be campaign committees for statewide candidates or a 'designated state campaign committee.'

¹⁰ This limit is per calendar year. Contributions to a County Party SCF are restricted to individuals residing in the county or 'designated state campaign committees' of the County Party SCF.

¹¹ These limits are per calendar year and apply to the aggregate of contributions given by the national, state and county level of a political party.

¹² A campaign committee for a statewide candidate may accept not more than this amount, in aggregate, from any one or a combination of state candidate funds of county political parties in an election period.

¹³ This limit is per calendar year and does not apply to contributions made to or received by one or more PACs that are affiliated.

2018 STATE OF OHIO CAMPAIGN FINANCE REPORTING CALENDAR

Report Type	Due Date	Reporting Period
Pre-Primary	April 26, 2018	Through April 18, 2018
Post-Primary	June 15, 2018	Through June 8, 2018
Semiannual	July 31, 2018	Through June 30, 2018
Pre-General	October 25, 2018	Through October 17, 2018
Post-General	December 14, 2018	Through December 7, 2018
2018 Annual	January 31, 2019	Through December 31, 2018

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OHIO JUDICIAL CONTRIBUTION LIMITS

Court	Individual		Organization		Political Party	
	Primary	General	Primary	General	Primary	General
Supreme Court	\$3,800	\$3,800	\$7,000	\$7,000	\$189,500	\$347,600
Court of Appeals	\$1,300	\$1,300	\$3,800	\$3,800	\$37,900	\$75,900
Common Pleas, Municipal and County Court	\$600	\$600	\$3,800	\$3,800	\$37,900	\$75,900
Court with a population of 750,000 or less	\$600	\$600	\$3,800	\$3,800	\$31,600	\$63,600

Please note that primary limits apply only if the judicial candidate has a contested primary. If there is no contested primary, the general election limits apply throughout the permissible fundraising period.

2017–2018 FEDERAL CONTRIBUTION LIMITS

Donors	Candidate Committee	PAC ¹ (SSF-Nonconnected)	State/District/Local Party Committee	National Party Committee	Additional National Party Committee Accounts ²
Individual	\$2,700* per election	\$5,000 per year	\$10,000 per year (combined)	\$33,900* per year	\$101,700* per account, per year
Candidate Committee	\$2,000 per election	\$5,000 per year	Unlimited transfers	Unlimited transfers	
PAC Multicandidate	\$5,000 per election	\$5,000 per year	\$5,000 per year (combined)	\$15,000 per year	\$45,000 per account, per year
PAC Nonmulticandidate	\$2,700 per election	\$5,000 per year	\$10,000 per year (combined)	\$33,900* per year	\$101,700* per account, per year
State/District/Local/Party Committee	\$5,000 per election (combined)	\$5,000 per year (combined)	Unlimited transfers	Unlimited transfers	
National Party Committee	\$5,000 per election ³	\$5,000 per year	Unlimited transfers	Unlimited transfers	

* Indexed for inflation in odd-numbered years.

¹ "PAC" here refers to a committee that makes contributions to other federal PACs. Independent-expenditure-only PACs, sometimes called super PACs, may accept unlimited contributions, including from corporations and labor organizations.

² The limits in this column apply to a national party committee's accounts for (i) the presidential nominating convention; (ii) election recounts and contests and other legal proceedings; and (iii) national party headquarters building. A party's national committee, Senate campaign committee and House campaign committee are each considered separate national party committees with separate limits. Only a national party committee, not the parties' national congressional campaign committees, may have an account for the presidential nominating convention.

³ Additionally, a national party committee and its Senatorial campaign committee may contribute up to \$47,000 combined per campaign to each Senate candidate.

2018 FEDERAL CAMPAIGN FINANCE REPORT CALENDAR FOR PACS

Report Type	Due Date
Quarterly Reports	April 15, July 15 and October 15, 2018; January 31, 2019
Pre- and Post-Election Reports	October 25 (depending on activity) and December 6, 2018
Special Election Reports* (12th Congressional District)	April 26, July 26, and September 6, 2018

* Federal PACs contributing to candidates seeking to fill the vacancy created by Representative Tiberi's resignation are encouraged to work closely with their FEC analysts in 2018 to ensure compliance with all Special Election filing requirements.

2018 OHIO LOBBYIST/EMPLOYER OF LOBBYISTS REPORTING CALENDAR

Report Type	Due Date	Reporting Period
January–April 2018	May 31, 2018	January 1–April 30, 2018
May–August 2018	October 2, 2018	May 1–August 31, 2018
September–December 2018	January 31, 2019	September 1–December 31, 2018

FEDERAL LOBBYIST REPORTING CALENDAR

Report Type	Due Date	Reporting Dates/Period
Quarterly Activity Reports	April 20, 2018 First Quarter	January 1–March 31, 2018
	July 20, 2018 Second Quarter	April 1–June 30, 2018
	October 20, 2018 Third Quarter	July 1–September 30, 2018
	January 22, 2019 Fourth Quarter	October 1–December 31, 2018
Contribution Reports	July 31, 2018 Mid-Year	January 1–June 30, 2018
	January 30, 2019 Year-End	July 1–December 31, 2018

For more information, contact Maria Armstrong at 614.227.8821 or marmstrong@bricker.com
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MEMORANDUM

TO: Ohio Manufacturers' Association
Government Affairs Committee

FROM: Bricker & Eckler LLP

DATE: March 7, 2018

RE: March 2018 OMA Government Affairs Committee Meeting

I. March 2018 Government Affairs Committee Counsel Report.

Please find below several political, legislative and judicial efforts we have been monitoring for the OMA.

II. Statewide Ballot Issues Overview. The General Assembly-initiated congressional redistricting constitutional amendment will appear on the May 2018 ballot as Issue 1. Additionally, many different ballot issue committees are currently circulating petitions to gather signatures with the hopes of getting their issue on the November 2018 ballot. Please find an overview of proposed ballot issues below.

Congressional Redistricting Proposal. The Fair Districts = Fair Elections Coalition submitted a proposal for the November 2018 ballot to amend the Ohio Constitution to create the bipartisan Ohio Redistricting (for Ohio congressional districts) Commission, the same entity created in 2015 to oversee state legislative redistricting. Proponents are collecting signatures needed for the 2018 ballot and as of February 2018, had collected 200,000 verified signatures since June 3, 2017. The coalition will need to collect a total of 309,521 signatures to make it on the November 8, 2018 ballot. However, with the General Assembly's initiated constitutional amendment (discussed below), the campaign now views its proposal as an insurance policy in case S.J.R. 5 fails to pass in May 2018.

S.J.R. 5. Based on the Fair Districts = Fair Elections Coalition's proposal, a legislative working group surrounding congressional redistricting was formed in September 2017 to deliberate on whether the legislature or a separate entity should determine congressional redistricting. Representative Kirk Schuring (R-Canton) was the Chair of the working group. Senator Matt Huffman (R-Lima), Representative Jack Cera (D-Bellaire) and Senator Vernon Sykes (D-Akron) were also members.

The working group held two meetings in October and November 2017 to solicit public feedback regarding the current redistricting process. On January 16, 2018, Senator Matt Huffman (R-Lima) introduced S.J.R. 5 which would

OMA Government Affairs Committee – Counsel Report

March 7, 2018

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amend the Ohio Constitution to provide for a process for congressional redistricting. The resolution had six hearings in the Senate Government Oversight & Reform Committee. The proposal went through many different drafts until a compromise was finally reached between Democratic and Republican lawmakers and the Fair Districts=Fair Elections coalition. The proposal was amended with a substitute version the same day the Senate voted on the resolution. The Senate passed S.J.R. 5 (31-0) on February 5, 2018. The House passed the resolution the following day on February 6, 2018 (83-10). The Ohio Ballot Board certified the General Assembly-initiated constitutional amendment as Issue 1 for the May 2018 Primary Ballot.

If approved by the voters in May, the proposal establishes a three-tiered process where the General Assembly will get the first attempt at drawing a 10-year map. This map is required to keep 65 counties whole within congressional districts and could only divide up to 18 counties once and up to five counties twice. The proposed map must be approved by a supermajority of both chambers, including 50% of the minority party.

If the General Assembly fails to pass a congressional map with bipartisan support, the Ohio Redistricting Commission is able to draw a second draft of a map. The Ohio Redistricting Commission is composed of seven members. If the map cannot get two minority party members' approval, the General Assembly receives the opportunity to draw another draft map. If the Ohio General Assembly fails to get one-third of the minority party to approve the map, it is only good for four years instead of 10 and must adhere to stricter rules for splitting counties.

Ohio Community Rights Amendment. This constitutional amendment would grant a constitutional right to local community self-government for the “health, safety and welfare of community members.” This amendment is supported by the Ohio Community Rights Network and the Community Environment Legal Defense Fund. This effort in addition to the Initiative and Referendum Amendment for Counties and Townships outlined below were drafted to address what proponents feel is an increased influence from the Ohio Statehouse on local, community decisions. Attorney General Mike DeWine certified the petition for the Ohio Community Rights Amendment on November 27, 2017, which means that the proposal had the required 1,000 valid signatures from registered Ohio voters and that they presented a “fair and truthful” summary of the proposed amendment.

Initiative and Referendum Amendment for Counties and Townships. This constitutional amendment would give county and townships the ability to engage in the initiative and referendum process. This amendment is also supported by the Ohio Community Rights Network and the Community Environment Legal Defense Fund. Colorado and Oregon have passed similar measures in recent years. Attorney General Mike DeWine certified the petition for the Initiative and Referendum Amendment for Counties and Townships on November 27, 2017. On December 5, 2017, the Ohio Ballot Board certified the Ohio Community Rights Amendment and

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the Initiative and Referendum Amendment for Counties and Townships each as containing single issues.

Kidney Dialysis Patient Protection Amendment. Kidney Patients Deserve Better is a group that is seeking to place a constitutional amendment proposal on the November 2018 Ballot to limit dialysis corporations' revenues to 15% above the amount they spend on patient care. This proposal was certified by the Ohio Ballot Board as a single issue on February 20, 2018. The group will now begin gathering signatures. Two similar proposals are also being pushed in California by the Service International Employees Union, United Healthcare Workers West, which will need to collect 365,880 signatures to qualify for the November 2018 Ballot in California.

Right to Work Resolutions. Representatives Craig Riedel (R-Defiance) and John Becker (R-Union Twp.) introduced multiple House Joint Resolutions relating to right-to-work and prevailing wage issues. The two legislators introduced H.R.J. 7, 8, 9, 10, 11, and 12. The General Assembly must pass the resolutions by three-fifths majority in order for the proposals to be on the 2020 ballot. H.J.R. 7 and 8 would ban any laws, rules or agreements requiring public and private sector employees to join or pay union dues and prohibit unions from representing non-members in employment matters. H.J.R. 9, 10, 11, and 12 would do the following: (1) prevent public authorities from requiring prevailing rate of wages; (2) forbid certain requirements or prohibitions regarding labor agreements in government contracts; (3) subject any public employee collective bargaining representative to an annual election to remain certified as the exclusive representative; and (4) prohibit dues from being deducted from the payroll check of a public employee. The sponsors and the Legislative Services Commission are still trying to work out whether or not the resolutions are in violation of federal labor and employment law.

H.J.R. 5—Ballot Issues. Representative Niraj Antani (R-Miamisburg) is sponsoring House Joint Resolution 5, which proposes several amendments to the Ohio Constitution that will modify the requirements for proposing and adopting constitutional amendments and proposed laws. It was introduced on November 1, 2017. The resolution had its first hearing in the House Government Accountability & Oversight Committee on January 10, 2018. H.J.R. 5 increases the number of petition signatures needed, signatures of 12.5 percent of electors are required for proposed constitutional amendments and signatures of 3.75 percent of electors for proposed laws. H.J.R. 5 also requires 60 percent of affirmative votes for passage for both constitutional amendments and proposed laws, and bans the monetary compensation of petition gatherers. Representative Antani's proposal is not too dissimilar from the statewide ballot initiative discussions and/or possible proposals of the Ohio Constitutional Modernization Commission in 2015-2017. The business trade associations, including the OMA, viewed the OCMC discussions seriously, but noted the discussions likely lacked the substantive changes necessary to meaningfully alter the ease with which out of state entities continue to seek changes to Ohio statutory schemes and the Ohio Constitution. Despite initial discussions on the OCMC challenges, Representative Antani

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did not seek input for his proposal or have initial discussions with the business community prior to the introduction of H.J.R. 5.

III. Tort Reform.

Speaker Cliff Rosenberg (R-Clarksville) has mentioned that he is interested in additional potential tort reform measures. As a result, the Ohio Alliance for Civil Justice members, including the OMA, began having conversations on the following matters and bills.

Statute of Repose. On July 26, 2017, the Fire Ball ride at the Ohio State Fair broke apart, killing one person and injuring seven others. Conversations surrounding altering the statute of repose, which currently sets a 10-year limit on a manufacturer's liability for a product's defect, had increased after the tragic fair accident. Select trial lawyers and the Ohio Association for Justice have been particularly outspoken about extending the current statute of repose.

KMG the Netherlands-based manufacturer of the Fire Ball ride would likely be protected by the statute of repose's limit, as no cause of action based on a product-liability claim shall accrue against the manufacturer or supplier of a product later than 10 years from the date that the product is delivered to its first purchaser or lessee. The OMA has defended the current statute of repose and noted that the law does not prevent victims from seeking legal remedies such as holding those in control of the product responsible for any subsequent harm.

On February 16, 2018, the victims at the Ohio State and the state reached a settlement. The settlement's terms include no money coming from the state treasury and the plaintiffs fully releasing the state and the expositions commission from liability. The lawsuit must be filed and the settlement approved by the state Court of Claims for the deal to move forward. The conversations surrounding extending the current status of repose will likely subside due to the settlement.

H.B. 20—Compensatory Damages. This bill is sponsored by Representatives Anne Gonzales (R-Westerville) and Representative Kristin Boggs (D-Columbus). It will remove the cap on the amount of compensatory damages that represents damages for noneconomic loss that is recoverable in a tort action when the tort action is brought by a victim of rape, felonious assault, aggravated assault, assault, or negligent assault. H.B. 20 was introduced on February 1, 2017. It was referred to the House Government Accountability and Oversight Committee. It has not yet had a hearing.

H.B. 271—Accessibility Laws. Representatives Rob McColley (R-Napoleon) and Jeff Rezabek (R-Clayton) are sponsoring this bill. H.B. 271 will authorize an alleged aggrieved party to provide a notice of an alleged accessibility law violation in advance of filing a civil action. The

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bill also establishes the circumstances under which an alleged aggrieved party is entitled to attorney's fees in a civil action based on the violation.

The bill was introduced on June 12, 2017 and was referred to the House Civil Justice Committee. It has had four committee hearings. Supporters of the bill say that it will protect businesses from predatory lawsuits filed for minor or technical violations of the Americans with Disabilities Act ("ADA"). Representative McColley offered several amendments to the original version of the bill in October. First, the window to cure a problem of noncompliance with the ADA would be reduced from 90 to 60 days. Additionally, an amendment also clarifies that existing housing discrimination laws are not included in the notification requirement provision of the bill.

On January 31, 2018, the sponsors introduced a substitute bill, which harmonizes the language of the amendments that were adopted previously and specify that the delivery of notices would be optional. The substitute bill generally prohibits attorney's fees if such a notice isn't provided.

IV. Pending Legislation (2017-2018).

H.B. 2 – Civil Rights Laws. Representative Bill Seitz (R-Cincinnati) sponsored H.B. 2. The bill was introduced in the House on February 1, 2017 and referred to the House Economic Development, Commerce & Labor Committee. H.B. 2 has had six committee hearings. On May 9, 2017, the House Committee voted (9-5) the substitute version of the bill out of the Committee. The OMA, Ohio Alliance for Civil Justice, Ohio Chamber of Commerce and NFIB submitted written proponent testimony to the House Economic Development, Commerce & Labor Committee on February 21 and 28, 2017.

The substitute bill requires one to file a charge of discrimination before the Ohio Civil Rights Commission before filing a lawsuit. The substitute bill also extends the previously proposed one-year statute of limitations for such claims to two years. Sub. H.B. 2 prohibits the filing of a lawsuit unless one (1) has received a notice of the right to sue from the OCRC, or (2) has requested a notice and the commission fails to issue the notice within 45 days after the required date, or after the panel determines it is probable that discrimination took place in that case. Additionally, the bill permits a person to file a lawsuit without notice of the right to sue if the person seeks only injunctive relief or the person has filed a charge with both the OCRC and the federal Equal Employment Opportunity Commission.

Sub. H.B. 2 restores individual liability compared to the introduced version by permitting a person to file a lawsuit or Ohio Civil Rights Commission charge alleging an individual who is not the employer retaliated against the victim or aided the discriminatory behavior. The bill removes supervisory liability but aligns the Ohio definition of "agent of the state, political subdivision or person" to federal code. Sub. H.B. 2 codifies affirmative defenses for sexual harassment claims to match federal law.

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This bill has been a business community objective since it was not included as a part of Senate Bill 80 decades ago but the self-described supporter of the business community has never found the time to push the bill across the line. Additional efforts will be made to try to get this to a positive resolution.

H.B. 160 – Discrimination. This bill, which is sponsored by Representative Nickie Antonio (R-Lakewood), will enact the Ohio Fairness Act to prohibit discrimination on the basis of sexual orientation or gender identity or expression. The bill seeks to add mediation to the list of informal methods by which the Ohio Civil Right Commission may use to induce compliance with Ohio’s Civil Rights Law before instituting a formal hearing. The bill also will uphold existing religious exemptions under Ohio Civil Rights Law.

It was introduced on May 28, 2017 and has had two hearings in House Government Accountability & Oversight Committee. The bill has received strong support from the business community. Many business groups are supportive of the bill because they recognize the importance of diversity in the workplace and believe that improvements should be made to protect against discrimination of any type.

H.B. 187 – Employee Hiring Information. Representative Jonathan Dever (R-Madeira) is sponsoring H.B. 187, which will regulate the collection, use, and retention of certain information obtained from an applicant during the employee selection process. The bill was introduced in the House on April 24, 2017 and was referred to the House Community & Family Advancement Committee. H.B. 187 has had three hearings.

V. 2018 Political Update.

U.S. Senate. In January 2018, Ohio Treasurer Josh Mandel unexpectedly exited the race for family reasons. This led former gubernatorial candidate and current U.S. Congressman Jim Renacci to enter the race. Congressman Renacci received the Ohio Republican Party endorsement in February 2018. Cleveland investment banker Mike Gibbons, Marysville business owner Melissa Ackison, Northeast Ohio businessman Dan Kiley, and former Legislative Service Commission staffer Don Elijah are all campaigning for the Republican nomination to face incumbent U.S. Senator Sherrod Brown, who is seeking his third U.S. Senate term in 2018.

U.S. Congress. Republican Congressman Pat Tiberi retired from Congress at the end of January to lead the Ohio Business Roundtable. Several state lawmakers are running for the 12th U.S. Congressional District seat. The following will appear on the May 2018 Primary ballot for the Republican nomination: Senator Kevin Bacon (R-Minerva Park), Senator Troy Balderson (R-Zainesville), Delaware County Prosecutor Carol O’Brien, Jon Halverstadt, John Adams, Gary Chiero, Lawrence Cohen, Tim Kane, Melanie Leneghan, Pat Manley, and Mick Shoemaker Jr..

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On the Democratic side, Ed Albertson, John Peters and Doug Wilson, former Franklin County Sheriff Zach Scott, John Russell, Jackie Patton, and Franklin County Recorder Danny O’Conner are all seeking the Democratic nomination.

There will be special primary election for the unexpired term and a primary election for the new term on May 8, 2018. There will be a special general election on August 7, 2018. There will also be a November general election for the new term on November 6, 2018.

The 16th U.S. Congressional District seat is also open as Congressman Renacci is running for Senate. There are three candidates seeking the Republican nomination: former Ohio State and NFL Football player Anthony Gonzales, Representative Christina Hagan (R-Alliance) and Michael Grusenmeyer. Physicist and first-time candidate Aaron Godfrey, Mark Dent, Grant Goodrich, TJ Mulloy, Susan Moran Palmer, John Wilson are seeking the Democratic nomination.

Governor. Currently, two Republicans are seeking the nomination in the 2018 Ohio Gubernatorial race: Lt. Governor Mary Taylor and Attorney General Mike DeWine. Secretary of State Jon Husted ended his gubernatorial bid and joined Attorney General Mike DeWine’s campaign at the end of November 2017. As mentioned above Congressman Renacci ended his campaign to run for U.S. Senate.

Democratic contenders include: State Senator Joe Schiavoni; former Ohio Supreme Court Justice Bill O’Neill; former Consumer Financial Protection Bureau director Richard Cordray; Larry Ealy; former Congressman Dennis Kucinich, and Paul Ray, all of whom filed to run for Governor in 2018 Primary. Constance Gadell-Newton will appear on the May Ballot to run for the Green Party’s nomination for Governor.

Secretary of State. State Senator Frank LaRose (R-Copley) is seeking the Republican nomination for Secretary of State.

Ohio State Representative Kathleen Clyde (D-Kent) is currently the only Democrat in the race.

Attorney General. Current State Auditor David Yost is running to become the Ohio Attorney General in 2018.

Former U.S. District Attorney Steve Dettelbach is also running for Attorney General and is the only Democratic challenger.

Auditor. Republican State Representative Keith Faber, previously the President of the Ohio Senate, is running for the office of Auditor of State.

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Former U.S. Congressman Zach Space (D-Dover) is seeking the Democratic nomination.

Treasurer. State Representative Robert Sprague (R-Findlay) announced that he is running for Ohio State Treasurer. Sandra O'Brien also filed to run for the Republican nomination. The Ohio Republican Party endorsed Representative Sprague in the race.

Democrat Rob Richardson Jr., a former Cincinnati mayoral candidate, is running for state Treasurer as well.

Supreme Court. The Ohio Republican Party recently endorsed Judge Craig Baldwin of the Fifth District Court of Appeals and Seventh District Court of Appeals Justice Mary DeGenaro for the two open seats on the Ohio Supreme Court. Governor Kasich appointed Judge DeGenaro to fulfill Justice O'Neill's unexpired term in January 2018. However, she will have to run for the full term in November. Both Judge Baldwin and Justice DeGenaro have filed to run for the two open seats on the Ohio Supreme Court.

Democrats, Judge Mike Donnelly of the Cuyahoga County Common Pleas Court and Judge Melody Stewart of the Eighth Appellate District Court, will be on the May 2018 Primary ballot for the Ohio Supreme Court.

Judges Donnelly and Baldwin will run against each other for the full Ohio Supreme Court term commencing on January 1, 2019 and Judge Stewart and Justice DeGenaro will race each other for the full term commencing on January 2, 2019.

General Assembly. The Ohio Senate voted to appoint former Representative Rob McColley (R-Napoleon) to fill the Senate's 1st District vacancy left by Senator Cliff Hite's (R-Findlay) resignation. The Ohio House appointed Riordan McClain, son of former Representative Jeff McClain, to fill former Representative Goodman's seat for the 87th House District, which consists of Morrow, Crawford, Wyandot and parts of Marion and Seneca counties. The Ohio House also appointed former state representative Jim Hoops to succeed Senator Rob McColley in the 81st House District, which includes Henry, Putnam, and Williams Counties, in addition to Fulton County's southeast corner.

VII. Litigation and Amicus Activity Update.

State of Ohio v. Du Pont de Nemours and Co., Washington County Common Pleas Court, No. 180T32

On February 8, 2018, Ohio Attorney General Mike DeWine filed a lawsuit against DuPont and the Chemours Company in the Washington County Common Pleas Court alleging that the company released perfluorooctanoic acid (PFOA) from its 1,200 acre facility on the Ohio River

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for decades, all while knowing the harms the toxic chemical posed to people and the environment.

The complaint cites a 2017 University of Cincinnati study that found residents of the Mid-Ohio River Valley had elevated levels of PFOA. The state further alleges that at least 150,000 pounds of the chemical used to manufacture Teflon products was put into the Ohio River in the 1980s and an additional 350,000 pounds was discharged into the river in the 1990s. The complaint alleges that DuPont negligently caused environment contamination and created a public nuisance through its release of PFOA in the air, soil, and water. The state is asking for (1) a declaration of DuPont's duty to compensate the state for expenses related to the contamination from the chemical; (2) damages for injury to the state's natural resources; (3) an award of present and future costs to clean up the contamination; and (4) restitution damages for profits DuPont obtained through the conduct alleged in the complaint.

State of Ohio v. Purdue Pharma L.P., et al., Ross County Common Pleas Court, No. 17CI000261

On May 31, 2017, Ohio Attorney General Mike DeWine filed an action in Ross County Common Pleas Court against several manufacturers of opioids, including Purdue Pharma (which sold OxyContin) and Endo Health Solutions (which sold Percocet). The lawsuit alleges that the defendant drug companies violated the Ohio Consumer Sales Practices Act and created a public nuisance by disseminating false and misleading statements about the benefits and risks of opioids. The suit alleges that the defendant drug companies' conduct increased the prescription of opioids and fueled Ohio's opioid crisis. Among other remedies, the State seeks an injunction to stop continued misrepresentations and damages for the money the State spent on opioids.

The drug company defendants have moved to dismiss the complaint and have sought a stay of discovery. The motions to dismiss are fully briefed. The deadline for briefing on the motion to stay is March 15, 2018. The court denied the defendants' request for an oral hearing on the motion to stay.

State of Ohio v. McKesson Corporation, et al., Madison County Common Pleas Court, No. CVH20180055

On February 26, 2018, Ohio Attorney General Mike DeWine filed an action in Madison County Common Pleas Court against the following distributors of opioids: McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Drug Corporation, and Miami-Luken, Inc. The lawsuit alleges, among other things, that these distributors acted irresponsibly in oversupplying the market in and around Ohio with opioids and failed to report suspicious orders to the U.S. Drug Enforcement Agency and the Ohio Board of Pharmacy. The suit alleges that these

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companies should have known that the volume of opioids supplied far exceeded what could responsibly be used in Ohio, thereby fueling Ohio’s opioid epidemic.

The State seeks a number of remedies, including punitive damages and compensatory damages for increased costs Ohio incurred for criminal justice, healthcare, social services, and education related to the opioid epidemic.

Nationwide Mutual Insurance Company v. Lucarell, Ohio Sup. Ct. No. 2016-0585

Nationwide filed a discretionary appeal from a decision of the Seventh District Court of Appeals (Mahoning County) and sought amicus support from the OMA and other business interest groups in asking the Court to accept Nationwide’s appeal. After the Court agreed to accept the appeal, the OMA filed an amicus brief with other business groups, urging the Court to reverse and find that:

- (1) An award of punitive damages is not available for breach of contract and is instead limited to independent claims based on tort.
- (2) Prevention of performance is not an available defense to a fully executed release absent some other nonperformance-related contract defense that would make the release unenforceable.

On January 4, 2018, in a lengthy opinion by Justice O’Donnell, the Ohio Supreme Court reversed and remanded.

The opinion makes clear that when a breach of contract involves conduct that also constitutes a tort, punitive damages may be awarded only for the tort – not for the breach of contract – and any such award is subject to the punitive damage caps in R.C. 2315.21. This holding is important to all businesses because it makes clear (1) when punitive damages can be awarded and when they cannot be awarded, and (2) that Ohio’s punitive damage caps statute must be applied to any award of punitive damages.

The Court also rejected Plaintiff’s argument that she was not bound by the release she executed because Nationwide prevented her from performing it. In this regard, the Court held: “[W]hen a party signs and delivers a release, that party relinquishes all claims encompassed within it and has no other contractual or other duties to perform.” Simply put, the prevention of performance doctrine is not a defense to a fully-executed release of liability. While the prevention of performance doctrine had not been used frequently to get out of settlement agreements, if this part of the Seventh District’s decision had not been reversed, it is likely that use of this doctrine to avoid obligations under executed settlement agreements would have increased, thereby making the binding effect of settlement agreements less certain.

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Schwartz v. Honeywell International, Inc., Ohio Sup. Ct. No. 2016-1372

Kathleen Schwartz was a mother of four minor children and in her 40s when she died of mesothelioma. The lawsuit alleged that she was exposed to asbestos brought home on her father's clothing and that she helped her mother do the laundry until she moved out of the house when she turned 18.

Schwartz's father's job regularly exposed him to asbestos. But, the defendants involved with her father's work resolved the claims against them before trial.

Her father also claimed that he got asbestos fibers on his clothing as a result of brake jobs he did on the family autos. He claimed that on four occasions he used Bendix brake pads to repair the family autos' brakes. (Honeywell is responsible for Bendix asbestos brake pads in this case.)

The jury awarded more than \$20,000,000 to the Plaintiffs, and found that Honeywell was 5% liable. The Eighth District Court of Appeals affirmed, rejecting all of Honeywell's arguments.

Honeywell appealed to the Ohio Supreme Court and sought the OMA's support as amicus curiae. The issue before the Court was what constitutes a "substantial factor" in the context of asbestos related litigation. Plaintiffs relied on what is commonly referred to as the "each and every fiber theory of liability" or cumulative exposure liability. Under this theory, every exposure to asbestos is significant since it adds to the cumulative exposure (which is what causes mesothelioma).

This issue was important to the OMA because it involved an important provision of Ohio's asbestos litigation reform law (Am.Sub. House Bill 292) – R.C. 2307.96. This statute defines what constitutes a "substantial factor" and it was added to the Revised Code so that plaintiffs cannot keep defendant manufacturers in a case if they assert only a brief, insignificant exposure to asbestos from that manufacturer's product. Ohio courts been ignoring this provision and holding manufacturers liable even for brief, insignificant claimed exposures.

The issue in this case is being litigated across the country and has implications in many areas outside asbestos litigation, such as chemical exposures, radiation exposures, ingestion of food additives, etc.

The Court accepted the appeal and oral argument was held on October 17, 2017.

On February 8, 2018, the Ohio Supreme Court reversed the Eighth District's decision. The Court held that causation based only on a plaintiff's cumulative exposure to various asbestos products is insufficient to demonstrate that exposure to asbestos from a particular defendant's product was a substantial factor in causing plaintiff's asbestos-related disease.

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Justice DeWine authored the opinion, with Justice Fischer concurring in judgment only and Justice O’Neill dissenting. The majority opinion thoroughly analyzes the history of Ohio’s asbestos litigation reform law and the “substantial factor” requirement included in R.C. 2307.96.

Turner v. Union Carbide Corp., Ohio Sup. Ct. No. 2017-0004

This case involves a lung cancer claim under Ohio’s asbestos litigation statutes.

Bobby Turner alleged that he developed lung cancer asbestos exposure during his employment. Union Carbide moved to administratively dismiss the action pursuant to R.C. 2307.92 and R.C. 2307.93, which require a “smoker” to provide prima facie evidence that the lung cancer was caused by asbestos exposure. Under R.C. 2307.91(DD), a “smoker” is defined as “a person who has smoked the equivalent of one-pack year, as specified in the written report of a competent medical authority pursuant to [R.C. 2307.92 and 2307.93], during the last fifteen years.” (Emphasis added).

Rather than submit the report of a competent medical authority to show that he was a non-smoker, Turner submitted his own self-serving affidavit and affidavits from his friends and family stating that they had not “seen” him smoke. Other evidence, contradicted these affidavits, including Turner’s medical records which indicated that Turner had smoked cigars for 40 years and was still smoking cigars at the time of treatment for lung cancer.

The trial court ruled that Turner did not need to submit “a written report from competent medical authority” and then concluded Turner was not a smoker. As a result, he was not required to submit prima facie evidence that his lung cancer was caused by asbestos exposure. The Eighth District affirmed.

Union Carbide appealed and sought the support of the OMA and other organizations in urging the Ohio Supreme Court to accept the discretionary appeal. This case is of import to the OMA because it involves an important provision of Ohio’s asbestos litigation reform law (enacted in 2004). There are approximately 10,000 new lung cancer cases diagnosed in Ohio each year. This provision is designed to screen out lung cancer cases not caused by exposure to asbestos, so that Ohio does not again become a haven for dubious asbestos case filings.

The Court accepted the appeal. Oral argument was heard on February 13, 2018 and the parties are awaiting a decision.



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MEMORANDUM

TO: Ohio Manufacturers' Association
FROM: Bricker & Eckler LLP
DATE: March 7, 2018
RE: Proposed Gun Legislation.

I. Introduction.

The Ohio General Assembly has introduced a series of gun-related bills that could negatively impact employer's and other property owners' ability to control weapons on their property. The OMA and other business groups have submitted letters to both Senate and House leadership urging the legislature to either not move forward with these bills or to narrow the bills' broad language. Please find an overview of the various gun bills in the 132nd General Assembly below.

II. 132nd General Assembly's Proposed Gun Legislation.

H.B. 233 (Rep. John Becker R-Union Township). The bill was introduced in the House of Representatives ("House") on May 18, 2017 in the midst of the FY18-19 Biennial Budget ("H.B. 49") process. The bill was referred to the House Federalism & Interstate Relations Committee. The OMA submitted written opponent testimony to the Committee on July 5, 2017. The House passed H.B. 233 on July 6, 2017 (64-31), largely along party lines. The bill was referred to the Senate Government Oversight & Reform Committee. It has received no hearings thus far.

H.B. 233 is part of a series of bills that several members of the General Assembly have introduced since the 131st General Assembly Lane Duck Session to relax gun restrictions in Ohio. The OMA opposed the inclusion of language in H.B. 49 that created a private cause of action against a property owner who prohibits or effectively prohibits the "injured" individual's ability to have a concealed handgun in a motor vehicle where that motor vehicle would otherwise be permitted to be. Although this language was amended, the cause of action remained a part of H.B. 49.

H.B. 233 Overview. H.B. 233 allows a concealed handgun license holder or qualified military member to avoid charges for entering a gun-free zone with a firearm. Under current law, entering a gun-free zone with a firearm is a fifth-degree felony subject to up to 12 months in prison and a \$2,500 fine. However, this bill substantially relaxes penalties. Individuals discovered carrying a weapon in such a location may only be charged with a crime if he

or she refuses to leave, or knowingly returns, within 30 days with a deadly weapon.

The bill allows a concealed handgun license holder to knowingly enter a gun-free zone without a criminal penalty. H.B. 233 does nothing to deter an individual from entering a gun-free zone with a concealed handgun. To the contrary, the bill insulates such individuals from receiving any penalty for knowingly ignoring a restriction by a property owner to keep guns off the premises.

Even if a property owner, including a business owner or manufacturer, posted “no guns allowed” signs, a concealed handgun licensee could still bring a hidden loaded handgun onto the property and the property owner would have little legal recourse against the individual.

H.B. 233’s scope is extremely broad and affects any private “land or premises”, even with a posting of “no guns allowed”. Meaning an employee could still enter the workplace with a loaded concealed handgun and not face a criminal charge.

S.B. 180 and H.B. 228 Overview. S.B. 180 was introduced in the Senate on August 15, 2017 and is sponsored by Senators Joe Uecker (R-Loveland) and Jay Hottinger (R-Newark). It has had two hearings in the Senate Judiciary Committee. This bill eliminates a person’s duty to retreat before acting in self-defense, defense of another, or defense of a person’s residence if that person is in a place in which the person lawfully has a right to be.

H.B. 228 is the companion bill to S.B. 180. It is sponsored by Representatives Terry Johnson (R-McDermott) and Sarah LaTourette (R-Chagrin Falls). The bill was introduced on May 16, 2017 and was referred to the House Federalism & Interstate Relations Committee. The bill has had one hearing on June 20, 2017.

Governor Kasich recently noted that he will not sign this bill in the wake of the tragic school shooting in Parkland, Florida.

H.B. 201 and S.B. 142 Overview. This bill is likely the most comprehensive relaxation of gun regulations that this General Assembly has considered. H.B. 201 is sponsored by Representatives Ron Hood (R-Ashville) and Tom Brinkman (R-Mt. Lookout). The bill was introduced on May 3, 2017. It was referred to the House Federalism & Interstate Relations Committee where it received four hearings. The bill expands the definition of “concealed handgun” license.

S.B. 142 is the companion bill to H.B. 201. This bill is sponsored by Senator Kris Jordan (R-Ostrander). It was introduced and referred to the Senate Judiciary Committee in May 2017.

A firearm means “any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant.” R.C. 2923.11(B)(1). A “restricted firearm” is defined under the proposed law as a “firearm that is dangerous ordnance or that is a

firearm that any law of this state, or the United States, prohibits the subject person from possessing, having, or carrying.”

H.B. 201 allows a person who is 21 years old or older, and is not otherwise prohibited from possessing or receiving a firearm, to carry a concealed firearm that is not a restricted firearm without obtaining a concealed handgun license. The bill prohibits law enforcement or any agent of the state, a county, a municipal corporation, or a township from conducting any search, seizure, or detention, “no matter how temporary in duration” because a person is carrying or possessing a firearm with or without a concealed handgun license.

H.B. 253 and S.B. 208 Overview. This bill is sponsored by Representatives Laura Lanese (R-Grove City) and Larry Householder (R-Glendale). The language allows an off-duty police officer to carry firearms in areas that are otherwise prohibited for CCW permit holders. It was introduced in May 2017 and has received three hearings in the House Federalism & Interstate Relations Committee. Business groups have been outspoken regarding their concern with H.B. 253, which would supersede business owners’ rights to prohibit guns on their properties.

Senator Lou Terhar (R-Cincinnati) is sponsoring S.B. 208, which is the companion bill to H.B. 253. This bill was introduced in the Senate on October 3, 2017 and has had three hearings in the Senate Judiciary Committee.

S.B. 219 and H.B. 395 Overview. This bill prohibits any person from importing, manufacturing, selling, transferring, or possessing a trigger crank, a bump-fire device, or any part, combination of parts, component, device, attachment, or accessory that is designed or functions to accelerate the rate of fire of a semi-automatic firearm but not convert the semi-automatic firearm into an automatic firearm. The bill is sponsored by Senator Thomas (D-Cincinnati) and it was introduced on October 17, 2017. It has not yet been referred to a committee.

H.B. 395 is the companion bill to S.B. 219. It is sponsored by Representative Bill Patmon (D-Cleveland). H.B. 395 was introduced on October 26, 2017 and has had one hearing in the House Federalism & Interstate Relations Committee.

H.B. 305 Overview. Representatives Nickie Antonio (D-Lakewood) and Janine Boyd (D-Cleveland Hts.) are sponsoring this bill that requires a court that issues a protection order to determine if the respondent is prohibited from carrying or possessing a firearm. The language requires a court to determine whether an offender who has been convicted of specified offenses is prohibited from carrying or possessing a firearm. The bill also requires a respondent or offender who the court determines is prohibited from carrying or possessing a firearm to transfer all firearms in the person’s possession to a law enforcement agency or a federally licensed firearms dealer. H.B. 305 was introduced on July 18, 2017 and has had one hearing in the House Federalism & Interstate Relations Committee on January 31, 2018.

III. Governor Kasich’s Gun Policy Proposals.

On March 1, 2018, Governor John Kasich unveiled six proposals to curb gun violence while also protecting citizens' Second Amendment rights. The proposals were crafted by an eight-member group that consisted of former Representative Ron Maag, former Attorney General Betty Montgomery, former U.S. Congresswoman Deborah Pryce, former Senator Nina Turner, Jim Tobin of the Catholic Conference of Ohio, former Senate Presidents Doug White and Tom Neihaus, and law enforcement chief at the Department of Natural Resources.

The first proposal creates a new gun violence protection order (“GVPO”) to allow certain people defined by law to petition a court to require a person to temporarily relinquish their firearms if it is determined by clear and convincing evidence that they are a threat to themselves or others. The second proposal would prohibit anyone convicted of a domestic violence crime or subject to a domestic violence protection order, or others prohibited under federal law from buying or possessing a firearm. The third proposal requires agencies to report convictions, sentencing records, and public mental health records as quickly as possible so that background checks of firearm purchasers are as complete and accurate as possible.

The fourth proposal prohibits the purchase of firearms for third parties (except as a gift), even if the third party is legally allowed to buy or own a firearm. The fifth proposal prohibits the sale of armor-piercing ammunition. The sixth proposal requires Ohio law to incorporate any future federal regulations that regulate bump stocks.

Governor Kasich released the proposals in the wake of a mass school shooting in Florida that left 17 people dead and the recent shooting deaths of two Westerville police officers. Senate President Larry Obhof (R-Medina) indicated that he is not sure where lawmakers will land on the protection order proposal. Speaker Cliff Rosenberger (R-Clarksville) also said that Ohio House is open to finding ways to keep schools and communities safe, while continuing to defend and protect Ohioans' Second Amendment rights. However, both Senate President Obhof and Speaker Rosenberger said that the Ohio General Assembly will need to vet and confer on any potential policy changes before anything is formally introduced.

IV. Conclusion.

The General Assembly has continued to introduce sweeping gun legislation. The various legislative items are likely to have additional hearings in the Ohio House and Ohio Senate during the remainder of the General Assembly. However, Governor Kasich's recent statements regarding gun legislation indicate that he will not be as willing to legislate expanding guns rights as he has previously throughout his tenure as Governor. We will update the OMA on these ongoing issues and provide any guidance helpful for these proposals to help best protect the OMA and its members. Please let us know if we can answer any specific questions regarding the proposed gun legislation.

To: OMA Government Affairs Committee
From: Ryan Augsburger & Rob Brundrett
Re: Energy Policy Report
Date: March 7, 2018

Overview

Significant energy policy activity has occurred over the past quarter. Federal government actions eclipse the ongoing legislative and regulatory state subsidy proposals. The OMA has been active in all three theaters. The Ohio Supreme Court also rendered an important decision further justifying the need for PUCO reform legislation sponsored by State Representative Mark Romanchuk (R-Mansfield).

FERC Acts to Protect Customers / Markets: DOE NOPR

Reflecting Ohio's leading role in the genesis of the Department of Energy (DOE) proposed rule to impose additional customer charges to pay for "grid resiliency," U.S. Secretary of Energy Rick Perry announced his Notice of Proposed Rule Making (NOPR) in Ohio last September. Ohio utility and coal interests were known to have lobbied for the proposal. In late January, FERC ruled against the DOE proposal but asked regional transmissions organizations such as PJM to consider pricing for grid resiliency.

Federal Tax Reform Driving Down Electric Prices, But Not in Ohio

Following passage of the sweeping federal tax reform, electric distribution utilities (EDUs) in many states promptly announced they would be passing the tax windfall savings on to customers. In contrast Ohio EDU's announced they would not follow suit. The OMA has been a vocal critic of the move at both the PUCO and at the General Assembly. More to come. See included resource materials.

Protecting Competitive Electric Markets

In 1999, with the passage of Senate Bill 3, Ohio began a transition to deregulated generation. That transition which has taken over a decade, has delivered customer choice, cost-savings and innovation. One of the main tenets of deregulation was forcing then-integrated utility companies to sell or spin-off their generation. "Stranded costs" and other above-market surcharge constructs enabled the utilities to have their generation paid for by Ohioans for a second time. If approved in some form, the subsidy cases and Nuke bailout legislation would represent yet another above-market payment to utilities by customers who realize no benefit.

The OMA has been a proponent of markets, supporting the original deregulation legislation and opposing utility profit subsidy schemes that distort the market and result in new above-market charges on manufacturers.

Several noteworthy studies have demonstrated how the market delivers lower prices, choice and innovation without compromising reliability (ask staff for the studies). The opportunity to advance legislative reform to protect competitive markets has arrived. The OMA has been working with other customer groups to support House Bill 247 introduced by Representative of Mark Romanchuk from the Mansfield area. OMA members Brad Belden of Belden Brick and Luke Harms of Whirlpool provided proponent testimony on behalf of the OMA and their companies on November 28. Their testimony is included. Earlier this month OMA Energy Counsel Kim Bojko provided proponent testimony rebutting opponent testimony offered by AEP, Duke and DP&L in December.

Manufacturers can engage policymakers and support a campaign to support the reform. Please contact OMA staff to learn how you can support the cause.

OVEC Bailout

Companion legislation is pending both the House and Senate since last May but has not yet advanced. HB 239 is sponsored by Representatives Ryan Smith and Rick Carfagna, while SB 155 is sponsored by Senators Lou Terhar and Bob Peterson.

The legislation provides over one hundred million dollars per year to the owners of aging coal plants (one in Ohio and one in Indiana) operated by the Ohio Valley Electric Corporation (OVEC). The bailout subsidies would be added to customer bills until 2030 and sets up the possibility for continued customer payment after 2030.

The OMA opposes this bailout that will impose new above-market customer charges. OMA Energy Counsel Kim Bojko provided opponent testimony in the Senate early this year

Zero Emissions Credit (ZEC) STILL = Nuke Bailout

After being panned by dozens of important stakeholders, legislation to subsidize the uneconomical nuclear power plants stalled out over the summer. During the autumn, House Bill 381 was introduced by Representative Anthony DeVitis of Summit County and several other bipartisan co-sponsors. Similar legislation in the Senate has been amended to mirror the new House Bill. The OMA strongly opposes the legislation and is working with other opponents to coordinate advocacy. Community activists are now leading the charge to prevent the plants from closing. See attached cost-impact model on Lake County where the Perry power plant is located.

To Levy kWh Tax On-Site Generation: HB 143

The Ohio Department of Taxation is sending out tax bills to third parties operating on-site generation, be it wind, solar or onsite gas generation. The Department contends that a customer who generates power should pay generation tax same as a utility. The Department's basis for collecting the tax is tenuous at best. House Bill 143 has been introduced by state representative Robert Sprague of Findlay. The OMA supports the bill and whatever other common sense solutions can prevail to encourage, not to discourage customer self-help opportunities.

OMA Appeals Utility Subsidies

Late last year the OMA Energy Group (OMAEG) filed appeals at the Supreme Court of Ohio challenging customer charges in the FirstEnergy ESP case and in the AEP ESP case. In both cases, the PUCO granted the utilities improper customer charges. These are big ticket cost items for energy-intensive customers.

Energy Standards Legislation

The last time the General Assembly sent a bill to Governor Kasich that would weaken alternative energy standards, the Governor vetoed the bill. Just over one year ago, the Ohio House introduced HB 114 and subsequently approved the measure with over 50 co-sponsors. The bill has been stalled in the Senate ever since. Ask staff for a technical analysis.

Senate President Obhof has commented frequently that HB 114 was a priority for Senate action early in 2018. Some speculate the Senate may use the bill as a vehicle to address the wind set-back siting requirements. The issue is deterring some new investment in large-scale wind farms.

Financial Integrity Bailouts

In Spring of 2016, we reported on favorable Supreme Court decisions that protect customers from inappropriate utility overcharges. The Court decisions pertained to both AEP and DP&L but also established precedent. In late 2016 Dayton Power & Light developed a legislative proposal to reverse Supreme Court decision that fairly protects customers from transition charges. The legislative proposal would authorize PUCO to impose riders on customers' electric bills to fund a utility bailout any time a utility claims their "financial integrity" is threatened. No action but customers need to be vigilant of similar legislative proposals re-emerging.

Re-Monopolization

AEP and other investor-owned utilities have been calling for legislation to *re-monopolize* aspects of utility-owned generation. In spite of assurances made to investors that legislation would be introduced during the term, no such bill has been introduced. Meanwhile utilities are seeking to own certain alternative energy generation. As a state that deregulated generation, the OMA takes a dim view of proposals that provide utility control over any form generation.

Natural Gas Infrastructure

The OMA continues to express industry support for the Rover Pipeline and Nexus Pipeline. Billions of dollars of pipeline investment are underway by several different developers. The OMA has been working with the NAM to promote gas infrastructure and increased market utilization. Please contact staff to learn more about opportunities for supportive manufacturers to engage.

Energy

Manufacturers Decry Utility Effort to Keep Federal Tax Savings

March 2, 2018

OMA members at this week's OMA Energy Committee decried the actions of Ohio electric utilities that have announced they intend to keep federal tax reform savings rather than passing them on to customers. Monopoly electric distribution utility companies in most states have acted voluntarily to pass the tax savings on to customers.

The Public Utilities Commission of Ohio (PUCO) has opened an investigation into the propriety of Ohio's utilities passing tax savings along to customers, but Ohio's investor-owned electric distribution utilities (AEP-Ohio, Duke Energy, FirstEnergy, and Dayton Power & Light) are challenging this PUCO directive.

The **OMA Energy Group** has intervened to support immediate rate reductions stemming from the tax savings. Here's an **analysis of the actions taken by other states** by OMA energy counsel, Kim Bojko of Carpenter Lipps & Leland, in a memo to the OMA Energy Group.

Cleveland Plain Dealer energy reporter John Funk **reports that** FirstEnergy says a major reduction in the company's overall delivery rates or a refund of money to customers to reflect the new 21 percent federal tax rate is out of the question. *3/1/2018*

OMA Energy Committee Reviews Energy Market Forecasts

March 2, 2018

At its quarterly meeting this week, the OMA Energy Committee heard gas and electricity energy market forecasts.

These forecasts, useful for planning, are available to you as an OMA member. Read the **gas forecast** and the **electric forecast**. *3/1/2018*



PUCO Commissioner Dan Conway was a guest of OMA's Energy Committee. He's pictured here with Committee Chair, Brad Belden, VP, Administration, The Belden Brick Company.

Tax Reform Drops Electric Rates in 39 States, but Not Ohio

February 26, 2018

This from Speaker Paul Ryan's office this week: Recently enacted federal tax reform is resulting in electricity rate reductions in 39 states, but not in Ohio.

Contact **your state legislators** to ask why. **Read more here.** *2/22/2018*

FirstEnergy Solutions Bankruptcy is Said to be Imminent

February 26, 2018

During FirstEnergy's investor call this week, FirstEnergy's CEO Chuck Jones predicted an imminent bankruptcy of affiliate FirstEnergy Solutions (FES). He also expressed disappointment that state and federal officials have not provided customer-funded subsidies to prop up the company that owns several unprofitable nuclear and coal power plants.

Respected energy industry trade press, **RTO Insider reported** that Jones remarked that FE has cut ties with FES and that he expects the subsidiary will not survive the winter.

The article quotes Jones as saying, "I'm personally disappointed that the endeavors haven't resulted in a meaningful legislative or regulatory support, given the importance of these plants to grid resiliency, reliable and affordable power and the region's economy." *2/22/2018*

Electric Utilities Object to Customer Refunds
February 16, 2018

The Public Utilities Commission of Ohio (PUCO) recently opened an investigation into whether it should order rate cuts to reflect the federal tax cut, from 35% to 21%, from which Ohio electric utilities are now benefiting. Public utilities commissions in other states are taking similar action, and most utilities appear to be cooperating in the matter. Not in Ohio.

This week, Ohio's four electric utilities joined together to produce a **raft of legal objections** to having to set aside revenue for possible refunds. Their objections are rooted in the state's faulty ratemaking statutes, statutes that need to be reformed, and would be if the legislature would act on HB 247, sponsored by Rep. Mark Romanchuk (R-Mansfield). 2/15/2018

Stop Taxing Onsite Generation!
February 16, 2018

This week the OMA joined a chorus of supporters in offering **proponent testimony** for **House Bill 143**, a bill that will prevent the state tax department from collecting kilowatt hour tax on electricity that manufacturers produce onsite by modifying the definition of "electric distribution company" for kilowatt-hour tax purposes. As manufacturers increasingly utilize renewable energy and other forms of onsite generation, the clarification of tax law that HB 143 provides supports energy innovation and manufacturing competitiveness. 2/15/2018

PUCO Sets Agenda for PowerForward
February 9, 2018

National and state energy leaders will convene in Columbus March 6-8, and March 20-22 to discuss the electric distribution system of the future and how state policy can facilitate grid enhancements that work to better customers' lives.

Here's the **agenda** for the Public Utilities Commission of Ohio's (PUCO) **PowerForward: Ratemaking and Regulation** event. PowerForward takes place at the PUCO's offices at 180 E. Broad St., Columbus. The event is free to attend and there is no registration required. PowerForward will also

broadcast live online by The Ohio Channel. 2/8/2018

What Would the Nuke Bailout Cost Lake County?
February 2, 2018

Supporters of the proposed bailouts of Ohio's two nuclear plants seek support from local elected officials based on the impact of potential plant closures.

What's not been analyzed is the impact of the bailouts on the local economies. **So, we took a look at one of the plants.** The bailouts would cost the residents and businesses in Lake County up to \$94 million! An economy punishing \$94 million. 2/1/2018

Economist Hill Testifies on Need for Utility Reg Reform
January 26, 2018

OSU economist Ned Hill **testified before the House Public Utilities Committee** this week in support of utility regulation reforms contained in HB 247 (Romanchuk, R-Mansfield). "The electricity markets are working in Ohio and benefiting consumers and employers, one for electricity generation and the other for capacity. There is no economic rationale for introducing subsidies into the electricity markets; they amount to nothing more than corporate welfare," Hill said.

These subsidies are paid through non-bypassable riders on customers' bill; those riders now exceed the cost of transmission or distribution costs for the average mercantile customer. Transmission charges are 8% of the average cost. Distribution charges are 13% of the final cost. And, PUCO approved non-bypassable charges are 14% of the bill. 1/25/2018

Supreme Court Confounds Customer Refunds
January 26, 2018

This week the Supreme Court of Ohio **issued an opinion (case summary)** finding that the PUCO cannot order the FirstEnergy power companies to refund \$43 million to customers for the "imprudent" purchase of renewable energy credits made in 2010.

“This decision negatively impacts the ability of the PUCO to protect customers against the utilities from collecting imprudent expenditures. The Court’s decision will send shockwaves through the industry, halting rider rate approvals and changing the regulatory paradigm,” wrote OMA energy counsel Kim Bojko of Carpenter Lipps & Leland in a briefing to members of the **OMA Energy Group**.

The ruling further justifies the need for regulatory reforms contained in House Bill 247 (Romanchuk, R-Mansfield) that protect customers from above-market power charges. 1/25/2018

FirstEnergy to Exit Competitive Generation, but Asks General Assembly for Nuclear Power Plant Support **January 26, 2018**

In the same week that FirstEnergy **announced** an investor group would provide \$2.5 billion to enable the company to offload unprofitable generation liabilities, the Akron-based utility appeared in a Statehouse hearing room to urge lawmakers to pass Senate Bill 128 to require Ohio customers to bailout unprofitable nuclear power plants. Sam Belcher, Chief Nuclear Officer, FirstEnergy, said in **testimony**: “The updates to the legislation offered by Senator Eklund in October balance the costs to customers of creating a clean energy jobs program with the benefits received from keeping Ohio’s nuclear plants operating. The legislation is expected to generate approximately \$180 million annually. While this is less than the original legislation and does not provide the same long-term certainty, it increases the likelihood of keeping Davis-Besse and Perry operational throughout the life of the program.” Mark Stahl, an Ottawa County Commissioner, also attended the hearing to **testify** for the bailouts in the name of fuel diversity.

The OMA opposes efforts that shift utility business risk from investors to customers. 1/25/2018

Manufacturers Urge Utility Law Reform **January 19, 2018**

The OMA and a member company this week urged the House Public Utilities Commission to reform electric utility laws that are taking billions of dollars out of consumer pocketbooks.

OMA energy counsel Kim Bojko **debunked various claims** that utilities have made to the committee over previous hearings on HB 247 (Romanchuk, R-Mansfield). She testified: “HB 247 furthers many of the original objectives of the deregulation bill passed in 1999. It promotes competitive electric markets and ensures effective competition by avoiding anticompetitive subsidies ... 10 years later, the market has developed and competition is working and saving customers billions of dollars. ... it is time to move forward and allow the markets to work without government intervention and without above-market charges imposed by regulated utilities.” Geoff Korff, President, Quaker City Castings, **urged the committee to support the bill**, saying that current law “allowed for utilities to seek and obtain approval for a whole host of above market, non-bypassable charges on customer bills. These charges are disrupting customers’ ability to save money by shopping their electric loads. My own company has seen its distribution rates increase by 34% in the past three years while my generation rates have come down. “Passing HB 247 will improve the state’s competitiveness by allowing customers to take advantage of the innovative offerings the competitive market is developing without being encumbered by various non-bypassable charges that do little to nothing to benefit customers.” 1/18/2018

PUCO Hears Arguments re. Revised Net Metering Rules **January 19, 2018**

Revised net metering rules were adopted by the Public Utilities Commission of Ohio (PUCO) in its November 8, 2017 order. On January 10, 2018, the PUCO heard oral arguments from interested parties regarding the rules.

Issues of interest to manufacturers that were raised include: 1) the form and amount of compensation available to net metering customers for excess generation; 2) the availability of net metering tariffs to shopping customers, and; 3) the rules governing which facilities qualify for net metering.

Here is a **good summary** of the arguments from Kim Bojko of Carpenter Lipps & Leland, OMA’s energy counsel.

The PUCO will take the oral arguments into consideration when rendering its decision adopting final net metering rules. 1/18/2018

Conservative Ohio Voters Support Clean Energy Policies
January 19, 2018

The Republican polling firm, Public Opinion Strategies, last month fielded a survey of Ohio voters who identify as Republican or as conservative independents regarding energy policies in the state.

According to a memo from Public Opinion Strategies: “The survey results show that conservative voters throughout the state overwhelmingly support policies that encourage greater production of renewable energy and increasing energy efficiency, including a renewable energy standard and revising wind set-back rules to better accommodate turbine siting. Moreover, they reject surcharges to shore up existing coal and nuclear power, and attempts to erode consumer options among electricity providers. Overall, seven-in-ten conservative voters would advise GOP candidates in the state to support those policies, and say that if it were up to them fully half of the state’s electricity would come from renewable energy.” Read more about the [poll results here](#). 1/18/2018

FERC Pulls Plug on Unwise Subsidy Rule
January 12, 2018

This week the Federal Energy Regulatory Commission (FERC) issued an order to terminate its proposed rulemaking that was submitted by the Secretary of the Department of Energy that would have used consumer-paid subsidies to prop up uneconomical coal and nuclear generators in the name of grid reliability and resiliency.

OMA Energy Group (OMAEG), among other customer groups, twice submitted comments to FERC opposing the proposed rule. In [this summary](#) of the FERC’s decision, OMA energy counsel [Kim Bojko](#) of Carpenter Lipps & Leland wrote: “... FERC concluded that although the goal of grid reliability and resiliency is a worthy one, the record in this case simply does not support the existence of a reliability or resiliency problem. And even if it had, the Proposed Rule did not put forth a solution that would actually solve that problem.” And, “FERC’s Order ... will benefit ... consumers by not implementing a rule that

would force consumers to fund a bailout to certain, select generators that can no longer compete in the market. The Order defined resiliency and set forth a process to explore ... whether a problem even exists. The Order also appears to be stating that if a problem does in fact exist, FERC will look for market solutions on a regional basis.” 1/11/2018

Advocates Tell Senators No to Power Plant Bailouts
January 12, 2018



OMA energy counsel Kim Bojko of Carpenter Lipps & Leland and Ohio State University economist Ned Hill

The OMA told members of the Senate Public Utilities Committee this week that manufacturers oppose bailouts of unprofitable power plants.

Testifying on behalf of the OMA, OMA energy counsel Kim Bojko of Carpenter Lipps & Leland **expressed opposition** to the most recent version of Senate Bill 155, which would provide a subsidy to maintain uneconomic power plants owned by the Ohio Valley Electric Corp. (OVEC), including a plant in Indiana. Bojko reminded lawmakers that the bill is a departure from the pro-market policies of the state regarding electric generation and competitive retail electric service.

Ohio State University economist Edward “Ned” Hill also presented **opponent testimony**. Dr. Hill said, “What the committee has before it is another attempt to subsidize uneconomic legacy electric generation resources owned by Ohio’s Investor-Owned Utilities (IOUs).” 1/11/2018

Amazon Wins Electric Discount in Ohio **January 12, 2018**

Members of the PUCO this week voted unanimously to approve an electricity discount for several newly sited Amazon data centers (Vadata). The discount is made possible by exempting Amazon's affiliate from certain distribution charges which has the effect of shifting costs to other customers, according to statements in the **Columbus Dispatch** and **Columbus Business First**. The PUCO-approved deal requires a status report after five years, specifically in response to comments from OMA Energy Group and others to ensure that Vadata is living up to its commitments.

The **OMA Energy Group** intervened in the case and met with policymakers to remind them that one customer's discount is another customer's surcharge. The final approved deal includes some consumer improvements. *1/11/2018*

Start 2018 Efficiently! Grant Funding Available for Manufacturing Energy Efficiency **January 12, 2018**

Grant funding assistance is available to Ohio manufacturers who are investigating energy-efficiency projects in 2018 through the state's **Energy Efficiency Program for Manufacturers**.

The grants can be used to identify energy efficiency recommendations or take a deep dive on specific equipment's operation and energy impact. Past grant recipients have conducted an energy assessment of their entire plant, while others have focused on improving operations of key energy-intensive equipment, like air compressors, chillers or furnaces.

The state is offering a \$1-for-\$1 match in funds, up to \$15,000 per manufacturing facility. Utility energy study funds are eligible for the manufacturers' cost share.

The grant funding is limited, and available on a first-come, first-serve basis. Please contact **John Seryak** of Go Sustainable Energy, OMA's energy engineering consultant, for more information and to apply for funding. *1/5/2018*

PUCO Plans PowerForward 2018 **January 12, 2018**

The Public Utilities Commission of Ohio (PUCO) is planning for PowerForward 2018, a series of presentations about energy rate making and regulation over six days, March 6-8 and March 20-22.

The PUCO says that through this series, it intends to chart a clear path forward for future grid modernization projects, innovative regulations and forward-thinking policies.

Here are the **topics planned to date** for March. Also, the PUCO is still calling for presentations. If you are interested in potentially presenting, **contact the PUCO here**. *1/10/2018*

Electric Transmission Charges on the Rise **January 5, 2018**

Transmission rates on electricity consumers are rising by billions of dollars across the PJM grid (which includes Ohio).

But, are consumers getting their money's worth? Not if the rate regulation process is not rigorous. And, it is not for one type of project, "supplemental transmission projects," for which determinations of necessity or prudence are not required. Nor are competitive options.

Read **more in this op-ed** by Marc Gerkin, president and CEO of American Municipal Power. *1/4/2018*

Utilities Oppose Consumer Protection Reforms **December 15, 2017**

Three of Ohio's four electricity utilities this week testified in opposition to HB 247, a bill that would reform Ohio's electric utility regulatory laws that have led to above-market charges on customers. The bill is sponsored by Rep. Mark Romanchuk (R-Mansfield).

The bill would allow customers to obtain refunds of charges overturned by the courts (refunds are currently prohibited!), would eliminate a type of rate case (Electric Security Plans) that has become the vehicle for massive non-bypassable riders on customers' bills (with no customer benefit), and would require the separation of

distribution and generation assets of the utilities (as envisioned by the electricity restructuring bill, SB 3, in 1999).

You can read the testimony from AEP [here](#), Duke [here](#) and DPL [here](#). Protect energy markets and your company and family from unwarranted and excessive utility bills; urge **your state representative** to support HB 247. 12/14/2017

Ruling Delayed on DOE Subsidy Scheme **December 15, 2017**

In the past week, two new members of the Federal Energy Regulatory Commission (FERC) took office. Among his first acts as FERC chairman, Kevin McIntyre **wrote Department of Energy Secretary Rick Perry** to request a 30-day delay in issuing final action on the “grid resiliency pricing rule” proposed by Secretary Perry in late September in an effort to prop up some coal and utility interests. Chairman McIntyre requested the delay in order to afford himself and newly appointed Commissioner Richard Glick adequate time to review the docket and weigh in on deliberations.

Secretary Perry **granted the requested delay** and set a new deadline of January 10, 2018 for final action.

The OMA filed comment and reply brief with FERC, opposing the proposed rule that equates to a new tax on energy. Stay tuned. 12/14/2017

Manufacturers Explain Why Proposed FERC Energy Tax Hurts Ohioans **December 15, 2017**



In **this op-ed** published December 10 in the Cleveland Plain Dealer, Ryan Augsburger, OMA Vice President & Managing Director of Public

Policy Services, explains why a rule change proposed by the Federal Energy Regulatory Commission (FERC) is bad for Ohioans. Augsburger wrote: “If enacted, the proposed rule change would deal a serious blow to America’s manufacturing competitiveness by requiring consumers to pay more for electricity to prop up some utilities’ uneconomic power plants owned by certain utilities looking for a bailout.” 12/13/2017

Consumers for Competitive Markets **December 8, 2017**

Customer groups and suppliers continue to line up in support of Representative Mark Romanchuk’s House Bill 247, which would protect competitive electric markets. This week members of the House Public Utilities Committee heard proponent testimony from the **Ohio Farm Bureau**, the **Northeast Ohio Public Energy Council** (NOPEC), Energy Professionals of Ohio, and competitive energy supplier **Dynegy**.

Next week, the committee is expecting to hear from opponents and interested parties. A vote could follow early in 2018. The **OMA strongly supports HB 247**. Utility companies oppose the bill because they benefit from being able to collect above-market charges from customers under current regulation. 12/7/2017

and Texas the “Ohio of the Sunbelt,” because of the states’ energy similarities: “Competition already underway, sitting amid best fuel resources, vibrant wholesale power market, diverse economic base, and a top business climate.” 12/7/2017

Customer Groups Testify in Support of Electric Markets **December 1, 2017**

Members of the **Ohio House Public Utilities Committee** this week heard from numerous important stakeholders who support House Bill 247, legislation sponsored by Rep. Mark Romanchuk (R-Mansfield) that would protect customers’ electricity costs by reforming the PUCO rate setting process in favor of markets. In his **proponent testimony**, OMA Energy Committee Chair Bradley Belden, VP-Administration, Belden Brick Company, questioned why policymakers would consider subsidies for electric generation and urged lawmakers to approve the bill to put a stop to

Energy Legislation

Prepared by: The Ohio Manufacturers' Association
Report created on March 5, 2018

- HB105 OIL AND GAS FUNDING LIMIT** (CERA J, HILL B) To limit the amount of revenue that may be credited to the Oil and Gas Well Fund and to allocate funds in excess of that amount to local governments, fire departments, and a grant program to encourage compressed natural gas as a motor vehicle fuel.
Current Status: 5/16/2017 - House Ways and Means, (Second Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-105>
- HB114 RENEWABLE ENERGY STANDARDS** (BLESSING III L) To revise the provisions governing renewable energy, energy efficiency, and peak demand reduction and to alter funding allocations under the Home Energy Assistance Program.
Current Status: 1/10/2018 - Senate Energy and Natural Resources, (Fourth Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-114>
- HB143 ELECTRIC DISTRIBUTION COMPANY DEFINITION** (SPRAGUE R) To clarify the definition of "electric distribution company" for kilowatt-hour tax purposes.
Current Status: 2/13/2018 - House Public Utilities, (Third Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-143>
- HB178 ZERO-EMISSIONS NUCLEAR PROGRAM** (DEVITIS A) Regarding the zero-emissions nuclear resource program.
Current Status: 5/16/2017 - House Public Utilities, (Third Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-178>
- HB225 ABANDONED WELL REGULATION** (THOMPSON A) To allow a landowner to report an idle and orphaned well or abandoned well, to require the Chief of the Division of Oil and Gas Resources Management to inspect and classify such a well, to require the Chief to begin plugging a well classified as distressed-high priority within a specified time period, and to authorize an income tax deduction for reimbursements paid by the state to a landowner for costs incurred to plug an idle or orphaned well.
Current Status: 2/28/2018 - Senate Energy and Natural Resources, (Second Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-225>
- HB239 ELECTRIC UTILITIES-NATIONAL SECURITY RESOURCE** (SMITH R, CARFAGNA R) To allow electric distribution utilities to recover costs for a national security generation resource.
Current Status: 10/3/2017 - House Public Utilities, (Sixth Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-239>
- HB247 ELECTRIC UTILITY CONSUMER PROTECTION** (ROMANCHUK M) To require refunds to utility customers who have been improperly charged, to eliminate electric security plans and require all electric standard service offers to be delivered through market-rate offers, and to

strengthen corporate separation requirements.

Current Status: 1/23/2018 - House Public Utilities, (Sixth Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-247>

HB249 RESIDENTIAL UTILITY RESELLING (DUFFEY M) To permit the Public Utilities Commission to adopt rules governing residential utility reselling.

Current Status: 2/20/2018 - House Public Utilities, (Fifth Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-249>

HB381 ZERO-EMISSIONS NUCLEAR RESOURCE (DEVITIS A) Regarding the zero-emissions nuclear resource program.

Current Status: 12/12/2017 - House Public Utilities, (First Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-381>

HB393 OIL AND GAS BRINE SALES (DEVITIS A, O'BRIEN M) To authorize a person to sell brine derived from an oil and gas operation that is processed as a commodity for use in surface application in deicing, dust suppression, and other applications.

Current Status: 1/30/2018 - House Energy and Natural Resources, (Fourth Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-393>

HB473 CREDIT LOCAL GOVERNMENT FUND-POWER PLANTS (YOUNG R) To credit additional amounts to the Local Government Fund to provide for payment to fire districts that experienced a 30% or more decrease in the taxable value of power plants located in the districts between 2016 and 2017 and to increase the appropriation to the Local Government Fund.

Current Status: 1/30/2018 - Referred to Committee House Ways and Means

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-473>

HCR14 PARIS CLIMATE AGREEMENT COMMITMENT (LEPORE-HAGAN M, LELAND D) To affirm the commitment of the members of the General Assembly, in accordance with the aims of the Paris Agreement, to reduce greenhouse gas emissions to 26 to 28 per cent below 2005 levels by the year 2025.

Current Status: 9/19/2017 - House Energy and Natural Resources, (First Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HCR-14>

HCR22 SUPPORT ENERGY INFRASTRUCTURE (HILL B) To express support for the importance of Ohio's energy resources and energy infrastructure in furthering Ohio's economic development.

Current Status: 1/16/2018 - Referred to Committee House Energy and Natural Resources

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HCR-22>

HR277 ENERGY GRID RULEMAKING (ARNDT S) To express support for the proposed

rulemaking by United States Secretary of Energy Rick Perry for the preservation of a secure, resilient and reliable electric grid.

Current Status: 10/17/2017 - Referred to Committee House Public Utilities

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HR-277>

- SB50** **WELL INJECTION-PROHIBITION** (SKINDELL M) To prohibit land application and deep well injection of brine, to prohibit the conversion of wells, and to eliminate the injection fee that is levied under the Oil and Gas Law.
Current Status: 2/22/2017 - Senate Energy and Natural Resources, (First Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-50>
- SB53** **NATURAL GAS RESTRICTION** (SKINDELL M) To ban the taking or removal of oil or natural gas from and under the bed of Lake Erie.
Current Status: 2/22/2017 - Senate Energy and Natural Resources, (First Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-53>
- SB65** **ENERGY STAR TAX HOLIDAY** (BROWN E) To provide a three-day sales tax "holiday" each April during which sales of qualifying Energy Star products are exempt from sales and use taxes.
Current Status: 3/22/2017 - Senate Ways and Means, (Second Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-65>
- SB128** **ZERO-EMISSION NUCLEAR PROGRAM** (EKLUND J, LAROSE F) Regarding the zero-emissions nuclear resource program.
Current Status: 1/25/2018 - Senate Public Utilities, (Sixth Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-128>
- SB155** **ELECTRIC DISTRIBUTION COST RECOVERY** (TERHAR L, PETERSON B) To allow electric distribution utilities to recover costs for a national security generation resource.
Current Status: 1/10/2018 - Senate Public Utilities, (Seventh Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-155>
- SB157** **PUBLIC UTILITY RESELLING REGULATION** (BACON K) To regulate the reselling of public utility service.
Current Status: 1/18/2018 - **SUBSTITUTE BILL ACCEPTED**, Senate Public Utilities, (Fourth Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-157>
- SB188** **WIND TURBINE SETBACK REVISIONS** (HITE C) To revise wind turbine setback provisions for economically significant wind farms.
Current Status: 10/11/2017 - Senate Energy and Natural Resources, (Second Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation->

[summary?id=GA132-SB-188](#)

SB238 **WIND TURBINE SETBACKS** (DOLAN M) Regarding wind turbine setbacks for wind farms of at least five megawatts.

Current Status: 1/10/2018 - **BILL AMENDED**, Senate Energy and Natural Resources, (First Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-238>

SCR14 **COUNTER OPEC MARKET MANIPULATION** (HOAGLAND F, COLEY W) To urge the Congress of the United States and the President of the United States to take certain actions to counter manipulation of the oil market by the Organization of Petroleum Exporting Countries (OPEC).

Current Status: 12/4/2017 - Referred to Committee House Energy and Natural Resources

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SCR-14>

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MEMORANDUM

TO: Ohio Manufacturers' Association Energy Group

FROM: Kim Bojko, Carpenter Lipps & Leland LLP

DATE: February 27, 2018

SUBJECT: Survey of State Responses to Tax Reform and Impact on Public Utilities and Ratepayers

I. INTRODUCTION

In December 2017, Congress passed, and the President signed the Tax Cuts and Jobs Act of 2017 (TCJA). Among other things, the TCJA reduces the corporate income tax rate paid by all companies, including public utilities, from 35% to 21%. The Public Utilities Commission of Ohio (PUCO) has opened an investigation into the impact of this change on rate-regulated public utilities in order to determine how to best pass the benefits of tax reform on to ratepayers in the form of reduced utility rates.

As part of its investigation, the PUCO directed the utilities to record their tax savings resulting from the TCJA as a deferred liability on their books so that they can refund customers at the conclusion of the PUCO's investigation. Ohio's investor-owned electric distribution utilities (AEP-Ohio, Duke Energy, FirstEnergy, and Dayton Power & Light) have challenged this directive by the PUCO in an attempt to thwart the PUCO's attempt to pass savings onto customers.

Meanwhile, other states have undertaken efforts to provide customers with the benefits of reduced tax obligations resulting from the TCJA. In many of those states, customers have already begun seeing benefits on their monthly bills. For the sake of comparison, a brief accounting of the actions taken voluntarily by public utilities or by the state commissions in the various states are detailed below.

II. STATE RESPONSES TO THE TCJA

- **Arizona:** Arizona Corporation Commission stated that "it is imperative that this Commission and the regulated utilities work together to pass the tax savings onto the ratepayers." Arizona ordered all public utilities to, within sixty days, file an application for tax expense adjustor mechanisms, file their intent to file a rate case within 90 days, or file any such other applications as necessary to address the ratemaking implications of the TCJA.

- **Arkansas:** Public Service Commission ordered all investor-owned utilities in Arkansas to “prepare and file an analysis of the ratemaking effects of the [Tax Cuts and Jobs Act] on its revenue requirement” and to “make adjustments to each affected entry [pending before the Commission] to incorporate changes incurred by the passing of the [Tax Cuts and Job Act].”
- **California:** California Public Utilities Commission directed all of the electric and gas utilities in California to track the savings from the tax law changes and required them to refund the savings to their customers.
- **Connecticut:** The Connecticut Public Utilities Regulatory Authority initiated a proceeding “to consider adjustments to rates that may be appropriate for Connecticut customers of regulated utilities, to account for revisions to tax laws—including corporate tax rates--contained in the recently enacted Federal Tax Cuts and Jobs Act.”
- **Delaware:** Public Service Commission of Delaware ordered each rate regulated utility to file an application “addressing the impacts of the new Tax Cuts and Jobs Act of 2017 and [to] provide any new rate schedules that may be appropriate under the revised financial circumstances of the utility.”
- **Florida:** Florida Public Service Commission established a generic docket “to investigate and adjust rates for 2018 tax savings.”
- **Hawaii:** Public Utilities Commission opened a proceeding “to investigate the impacts of the Tax Cuts and Jobs Act of 2017” on certain regulated utilities.
- **Indiana:** Indiana Utility Regulatory Commission ordered a utility company in a pending case to increase rates to “update any schedules submitted in this proceeding that are impacted by the [Tax Cuts and Jobs] Act.”
- **Iowa:** Iowa Utilities Board initiated an investigation “to gather information concerning the effect of the [Tax Cuts and Jobs Act] on utilities that are subject to rate regulation by the Board...to determine whether the retail rates of each utility are still just and reasonable.”
- **Kentucky:** Kentucky Public Service Commission ordered “investigations into the impacts of the recent corporate tax rate reduction for each of the five utilities named as parties to this case;” Louisville Gas & Electric Company and the Kentucky Utilities Company agreed to pass almost \$180 million in savings to customers.
- **Maryland:** Baltimore Gas & Electric announced plans to pass \$82 million in tax savings to customers.
- **Massachusetts:** Eversource Electric in Massachusetts agreed to pass \$56 million in savings to its 1.4 million customers, just months after the company had been approved for a \$37 million increase.

- **Michigan:** Michigan Public Service Commission ordered utilities to “apply regulatory accounting treatment, which includes the use of regulatory assets and regulatory liabilities, for all impacts resulting from the Tax Cuts and Jobs Act of 2017” and to “outline the preferred method to flow the benefits of those impacts to ratepayers.”
- **New Mexico:** New Mexico Public Regulation Commission ordered a utility to “make an adjustment to the illustrative cost of service for the [] rate increases to account for the following changes to the calculation of [] corporate income taxes and cost of debt.”
- **Oregon:** The Public Utility Commission of Oregon is receiving applications from regulated electric and natural gas utilities to provide savings to their Oregon customers due to the recently passed tax reform legislation. These filings request the Commission to authorize deferrals to track the changes in tax obligations so that future savings may be reflected in rates.
- **Utah:** Public Service Commission of Utah opened dockets “to investigate the revenue requirement impacts of the new federal tax legislation....”
- **Washington:** Washington Utilities and Transportation Commission directed “regulated companies to track federal tax savings resulting from the passage of the federal Tax Cuts and Jobs Act to ensure those savings will benefit utility customers.”
- **Wyoming:** Public Service Commission of Wyoming ordered that the “currently approved rates of each public utility and telecommunications company charged for services rendered on and after January 1, 2018, shall be subject to refund and adjustment commensurate with the difference between its federal income tax liability under the law in effect on December 31, 2017, and the law in effect on and after January 1, 2018.”

III. CONCLUSION

As the PUCO continues navigating the process of passing tax relief onto customers, OMAEG will remain updated on how similar processes are developing around the country in order to most effectively advocate for the necessity of the benefits of the TCJA being passed onto ratepayers.



THE Hannah Report

Ohio's Unmatched Leader of Statehouse News, Information & Research Since 1986

Tuesday, February 27, 2018

OMA, OCC Seek Emergency Action from PUCO on Utility Tax Cuts

The Ohio Manufacturers' Association (OMA) has joined the Ohio Consumers' Counsel (OCC) and Ohio Partners for Affordable Energy (OPAE) in asking the Public Utilities Commission of Ohio (PUCO) to move forward with its investigation into the federal Tax Cuts and Jobs Act's (TCJA) impact on utility rates. Contrary to the state's electric distribution utilities (EDU), consumer advocates say PUCO has the statutory authority to order immediate billing reductions to prevent "unreasonable, unjust, insufficient, unjustly discriminatory or unjustly preferential" charges to residential and commercial customers.

OCC recently filed to intervene in the commission-ordered investigation and this week reinforced its argument that TCJA warranted "across-the-board rate reductions for Ohio utility consumers." (See *The Hannah Report*, 2/14/18.)

"Consumers -- not utilities or their shareholders -- should reap the benefits of lower federal tax rates under the tax cut act because it is consumers who pay for utilities' tax obligations through their monthly utility bills," OCC states in Tuesday's filing opposing the EDUs' request for rehearing.

"The public would be harmed if customers were required to continue paying their utilities' taxes at a 35 percent rate while the utility is in fact only paying taxes at a rate of 21 percent. The PUCO should invoke R.C. 4909.16 to immediately order utilities to modify all rates -- including base rates and riders approved in electric security plan (ESP) cases -- to reflect the savings from the tax cut act," the consumers' counsel said last week in its initial comments to PUCO.

Under one circumstance or another, R.C. 4909.16 allows the commission to invoke an "emergency" and temporarily "alter" or "amend" an EDU's existing rate plan. OCC says that preempts utilities' request for separate ratemaking cases to determine their new tax liability. Where EDUs have already collected revenues from customers under the older, higher tax rate, OCC argues that "PUCO should order that all rates, including base rates and rider rates are subject to refund."

For their part, utilities warn against proceeding with the "generic, all-utility docket" of the commission-ordered investigation into TCJA, in the words of American Electric Power (AEP) of Ohio. It claims past and pending tax collections under the old rate are not in fact subject to a refund and can only be addressed "prospectively" through individual rate cases.

"The commission can only modify rates and riders prospectively in a rate proceeding and, in the meantime, the rates and riders are implemented using the terms and conditions that were previously approved by the commission. Once rates are established, they are not adjusted until new rates are set in a future proceeding," AEP claims.

In separate comments, Dayton Power & Light (DP&L) reinforces the case for standalone proceedings for each EDU.

"A response to a single variable [tax cuts] -- single-issue ratemaking -- is not authorized in Ohio except when explicitly authorized by statute," DP&L says.

"Using a full base rate case process to review and implement any appropriate changes to DP&L's rates also meets the legal requirements of Ohio law to have due process and the opportunity for an evidentiary hearing before a change in rates is ordered," it continues. "Under no circumstance, should the commission issue an order as the result of this investigation case that would change rates with no opportunity for DP&L to provide evidence of the appropriate adjustments that should be made in light of DP&L specific circumstances and its other costs and revenues."

On Wednesday, OMA asked the commission to deny EDUs' request for rehearing, citing the "just and reasonable" rate test of 4905.26.

"In essence, the EDUs want to realize substantial tax savings immediately as the EDUs will have reduced tax obligations beginning Jan. 1, 2018, but the EDUs claim that the commission cannot force the utilities to immediately reduce the level of tax expense collected from ratepayers in order for customers to reap those same benefits. Instead, the EDUs argue that the commission is only able to reduce their rates in accordance with separate rate proceedings at some unknown date in the future, which could not be until 2024, six years after the TCJA was enacted," OMA states. "Such a result would constitute a violation of Ohio and federal law and cause an unfair and unreasonable result to Ohio's businesses by requiring them to continue to pay unjust and unreasonable rates for electric service based upon federal tax rates that are no longer the law in this country."

As alternative to PUCO's offering immediate protection from the old tax rate, OPAE suggests that utilities' take a proactive approach and make rate adjustments on their own.

"The EDUs could avoid any issues resulting from their continued collection of unjust, unlawful and unreasonable rates and riders containing the wrong federal corporate income tax rate by immediately filing applications to reduce their rates and riders with the effective date of Jan. 1, 2018 to reflect the correct federal corporate income tax rate as of Jan. 1, 2018," OPAE says.

"The EDUs have all the information necessary to make these applications to reduce rates ... immediately in order to avoid the need for regulatory action to refund ratepayers for unjust, unlawful and unreasonable charges resulting from the utilities' use of the wrong federal corporate income tax rate as of Jan. 1, 2018. The EDUs can take responsibility and initiate their own actions to avoid any issues with refunds and deferrals. If the EDUs fail to act immediately against their unjust, unlawful and unreasonable rates and riders, they must be held accountable for their own failure to act. Their voluntary failure to act should only serve to void any argument they may make against refunds, deferrals or other regulatory actions needed to compensate ratepayers," it states.

Other intervenors in the commission-ordered investigation of TCJA include Industrial Energy Users - Ohio, Ohio Energy Group, Northeast Ohio Public Energy Council, Northwest Ohio Aggregation Coalition, IGS Energy, The Kroger Company, Securus Technologies Inc., and a long list of conservationists including the Ohio Environmental Council, among others.

Story originally published in *The Hannah Report* on February 22, 2018. Copyright 2018 Hannah News Service, Inc.

Page 95 of 193

Protect Consumers By Reforming Ohio's Electric Utility Law.

Vote Yes for House Bill 247.

Sponsored by Rep. Mark Romanchuk (R-Mansfield), House Bill 247 will reform Ohio's electric utility regulatory laws that have led to billions of dollars in above-market charges for customers. Legislative hearings for House Bill 247 have made the case, clearly and emphatically, for enhanced consumer protection and market protection. The bill will ensure that Ohio electricity customers are protected from unfair, above-market charges by reforming electric utility laws that are taking billions of dollars out of consumers' pockets.

Support for House Bill 247 has been deep and broad-based. Over the course of 6 committee hearings, 25 supportive witnesses provided testimony. Witnesses include customer groups, business groups, leading Ohio employers, competitive energy supplier and energy marketers – and spanned conservative think tanks to liberal environmentalists.

Selected Excerpts From Legislative Testimony on House Bill 247

“Above-market charges are an issue of concern for manufacturers of all sizes because they drive up energy costs without delivering any additional benefit for customers. And this is happening at a time when market prices are in decline and electric bills should be dropping.”

-- Luke Harms, Whirlpool Corporation

“With PUCO approval through an Electric Security Plan (ESP), utilities are permitted to assess non-bypassable riders to cover transmission and upkeep costs, which have been used to supplement power generation. These non-bypassable riders inhibit consumers from experiencing the full benefit of competition and keep rates higher. House Bill 247 would eliminate non-bypassable riders by removing the ability to file ESPs for utilities.”

-- Jenna Beadle, Ohio Farm Bureau Federation

“The electricity markets are working in Ohio and benefitting consumers and employers, one for electricity generation and the other for capacity. There is no economic rationale for introducing subsidies into the electricity markets; they amount to nothing more than corporate welfare.”

-- Edward (Ned) Hill, Ph.D., John Glenn College of Public Affairs, The Ohio Manufacturing Institute, The Ohio State University

“The cost of non-bypassable riders in Ohio has been rapidly rising and, as a result, they have become controversial, especially when they are used to support deregulated activities such as power generation. These riders in Ohio now represent approximately 14 percent of a consumer's cost of electricity usage.”

-- Leigh Herington, Northeast Ohio Public Energy Council

“HB 247 will restore much-needed balance and fairness to Ohio's rate-making process. Enactment of the bill will strengthen customers protections against unfair, unwarranted, above-market charges – and, in the process, will support economic growth and prosperity in our state.”

-- Bradley Belden, The Belden Brick Company

“Currently, Ohio's utilities are granted the ability to keep monies they have collected that are later deemed unlawful by the Ohio Supreme Court. House Bill 247 would reverse these provisions and return these unlawful charges back to the consumers.”

-- Jenn Klein, Ohio Chemistry Technology Council

“ . . . House Bill 247 offers Ohio the opportunity to further the transition to competitive markets. It does so in way that is targeted and direct and in a manner that attracted a wide and diverse supporter.”

-- Dean Ellis, Dynegy

“AARP Ohio supports House Bill 247 because it would create a level playing field for consumers throughout Ohio. . . . We also see the merit in House Bill 247 helping the most vulnerable seniors in Ohio.”

-- Trey Addison, AARP Ohio

The benefits of a competitive electric market are well-documented. They include billions of dollars in savings for consumers, new natural gas-fired generation and more than adequate standby capacity to met Ohio’s peak electricity needs.

House Bill 247 promotes competitive electric markets and ensures effective competition by prohibiting anti-competitive subsidies to the utilities. Enacting House Bill 247 will improve Ohio’s competitiveness by allowing customers to take advantage of the innovative offerings the competitive market is developing without being encumbered by various non-bypassable charges that do little or nothing to benefit customers.

Lower electric prices in the market should result in lower electric bills for Ohio families and businesses. Continued savings resulting from passage of House Bill 247 will spur economic growth, attract new business investment from manufacturers and benefit communities were they operate. It’s time to move forward and allow the markets to work without government intervention and without the above-market charges imposed by regulated utilities.

We urge you to pass House Bill 247.

#

**BEFORE THE
PUBLIC UTILITIES COMMITTEE
OF THE OHIO HOUSE OF REPRESENTATIVES
REPRESENTATIVE ROBERT CUPP, CHAIRMAN**

**HOUSE BILL 247
PROPONENT TESTIMONY
OF**



THE OHIO MANUFACTURERS' ASSOCIATION

**BY
KIM BOJKO, PARTNER
CARPENTER LIPPS & LELAND LLP
ENERGY COUNSEL TO THE OHIO MANUFACTURERS' ASSOCIATION**

JANUARY 16, 2018

Chairman Cupp, Vice Chairman Carfagna, Ranking Member Ashford, and members of the House Public Utilities Committee, my name is Kim Bojko. I am a partner with the law firm Carpenter Lipps & Leland LLP, and I lead the firm's energy and utilities practice.

I am testifying today on behalf of The Ohio Manufacturers' Association (OMA) in support of House Bill 247 (HB 247), which will provide much needed consumer protections for manufacturers and will enhance the competitive energy markets. OMA is a non-profit trade association with over 1,300 member companies of all different sizes and energy use profiles, most of which are Ohio retail customers.

I will address some of the concerns or claims that the Ohio utilities raised in testimony prior to the holidays. First, to be clear, generation is a competitive service that the regulated distribution utilities are not authorized to supply directly to consumers (even the default service for non-shopping customers is competitively bid and supplied by electric suppliers). Ohio's utilities provide distribution services to customers. Under deregulation, the Ohio distribution utilities cannot offer and compete on generation service as they were required to spin off their generation assets and not own those assets unless the assets are needed to support the distribution system.¹ HB 247 does not change that prohibition.

SB 3 and SB 221 required the Ohio regulated utilities to be fully separated from their unregulated affiliates who own competitive generation and who offer competitive retail electric services. Unfortunately, the bright line separation between regulated and unregulated has been blurred and is no longer recognizable. The lack of vigilant adherence to the corporate separation rules for many years has resulted in steady erosion of the intended goals of deregulation and the corporate separation mandates. The ESPs have been used to foster the erosion and HB 247 is needed to end this inequity.

¹ Although the PUCO has ordered the regulated utilities to explore ways to exit the OVEC obligation, the OVEC generation assets are still owned by three of the Ohio utilities.

For example, Ohio's regulated utilities have used or attempted to use customer dollars to subsidize their unregulated affiliates. Contrary to the Ohio utilities' claims, other states have prevented similar subsidies by protecting or restricting the activities of the regulated utilities and prohibiting customer funding from being used to support unregulated affiliates. Some states have utilized "ring-fencing" to operationally, structurally, and financially isolate regulated utilities from their unregulated parent and affiliates.² This is not anticompetitive; it is a strategy used to protect customer dollars and the financial health of regulated utilities. The provision in HB 247 regarding the Ohio regulated companies' affiliates is another way to protect customer dollars and addresses an inequity by leveling the playing field. Other generator owners that do not have regulated affiliates cannot use ratepayer monies to fund the generators' activities. Without protections in place, Ohio's regulated utilities can and have used customer dollars to fund unregulated activities by their affiliates. Placing restrictions around the Ohio regulated utilities falls within the State's purview and in no way infringes on the jurisdiction of the federal government. HB 247 does not ban "any entity from owning and operating new generation in the state" as alleged by the Ohio utilities,³ it only bans Ohio regulated utilities from being affiliated with the owners of generation capacity in Ohio. The parent companies may have an ownership interest in a company that owns

² States have implemented ring-fencing both legislatively and through their state utility commissions. For example, Wisconsin enacted several statutes governing affiliate dealings with energy utilities to effectuate successful ring-fencing strategies and requires the Public Service Commission of Wisconsin to audit public utility holding companies and report its findings to the state legislature for review. See e.g., Wis. Stat. § 196.795. The Public Service Commission of Maryland approved ring-fencing measures in response to an affiliate risk issue affecting a state utility company. See *In the Matter of the Current and Future Financial Condition of Baltimore Gas and Electric Company*, Maryland PSC Case No. 9173, Phase II, Order No. 82986 (Oct. 30, 2009). The Public Utilities Commission of Oregon instituted ring-fencing measures and approved the assessment of fines and penalties against a parent holding company and its wholly owned subsidiary, an Oregon public utility, for violations of the ring-fencing measures. See *In the Matter of the Application of ENRON CORP for an Order Authorizing the Exercise of Influence Over Portland General Electric Company*, Oregon PUC Docket UM 814, Order No. 97-196, Stipulation §21. Similarly, the New Jersey Board of Public Utilities adopted affiliate rules regarding annual audits assessing company compliance with ring-fencing measures and penalties for violations. See *Final Interim Affiliate Relations, Fair Competition and Accounting Standards and Related Reporting Requirements*, adopted *In the Matter of the Promulgation of Standards by the Board Pursuant to the Provisions of the Electric Discount and Energy Competition Act of 1999, P.L. 1999, C.23*, NJ PUC Order EX99030182 (March 15, 2000).

³ Duke Opponent Testimony on HB 247 at 8 (December 12, 2017).

generation or an affiliated company may own generation in another state, but generation assets in Ohio simply cannot be affiliated with the Ohio regulated entity. Remember, Ohio regulated utilities are already banned from owning generation and have been since the end of the market development period—that prohibition was enacted in 1999 through SB 3.

HB 247 furthers many of the original objectives of the deregulation bill passed in 1999. It promotes competitive electric markets and ensures effective competition by avoiding anticompetitive subsidies. R.C. 4928.02. If HB 247 is simply furthering many of the original objectives of the deregulation bill, why are we here? Why is HB 247 necessary? Among other reasons, HB 247 is necessary to remove a safety net that was put in place in 2008, called electric security plans or ESPs. ESPs were created in SB 221 as a customer safety net at a time when markets, at least in AEP's service territory, had not yet fully developed. In 2008, OMA absolutely supported the customer safety net as a temporary measure to protect customers while the competitive retail energy market developed. But 10 years later, the market has developed and competition is working and saving customers billions of dollars. The reasons stated for needing the safety net no longer exist and it is time to move forward and allow the markets to work without government intervention and without above-market charges imposed by regulated utilities.

Also, back in 2008 when this safety net was supported, OMA (and I doubt others) never envisioned that the utilities would propose and the Public Utilities Commission of Ohio (PUCO) would approve the number and level of above-market charges through the ESPs. And in all fairness to the customer groups that supported the temporary measure, the Supreme Court of Ohio has even ruled that many of the charges proposed and granted to the Ohio utilities are beyond the scope of what is allowed under the ESP provisions embedded in SB 221. The Court has deemed these charges to be unlawful. OMA could not have possibly envisioned that unlawful charges would have been placed on customers' bills when supporting a safety net that was intended to protect customers as the market developed. Eliminating the very thing that is authorizing the utilities to

collect excessive charges (many of which have been later deemed unlawful) from customers is good public policy.

Given the magnitude of the above-market charges that have been collected from customers to date that have later been deemed to be unlawful by the Supreme Court of Ohio (collected over a combined \$856 million⁴), HB 247 offers a solution—a way to put money back in the pockets of customers if the charges are later deemed unlawful. If the Ohio utilities are authorized to collect charges that are later deemed to be unlawful by the Court, HB 247 requires the money to be refunded to customers. Charges collected by utilities that are deemed improper should not be kept by the Ohio utilities as a windfall. If the law is enacted and the utilities are put on notice that the charges will be collected from customers subject to refund, contrary to the utilities' claims, there is no retroactive ratemaking. The "subject to refund" tool has been previously utilized by the PUCO to protect consumers and it was not deemed to be retroactive ratemaking.

Why is a stay insufficient? Let's take the example of a recent Supreme Court of Ohio decision where the Court found that the Commission unlawfully allowed AEP to collect approximately \$500 million in provider of last resort charges, \$368 million of which AEP collected prior to the Court's determination that they were unlawful. Therefore, in order for a customer to obtain a stay from the Court, they could be required to post a bond for the full amount of dollars at issue in the case. The customer (appellant) does not just post a bond for the amount of money that it would owe under the utilities' charge, the customer may be required to post a bond sufficient to cover the entire amount of any alleged damages resulting from the stay, even though the customer would only be required to pay a fraction of that amount if the appeal is ultimately unsuccessful. If the customer cannot post such a bond itself, it will need to obtain one from a third party. Third parties will require the customer to pay an annual premium, often between 1 and 2 percent of the total amount of the bond. Thus, for the

⁴ In 2009, AEP customers lost out on \$63 million in a case involving "over collection." In 2014, AEP customers lost out on \$463 million in a case involving "Provider of Last Resort Charges." In 2016, DP&L customers lost out on over \$330 million in a case involving a decision on the Stability charges.

AEP appeal, if a customer challenging the charge were required to post a bond of approximately \$500 million, that customer might be required to pay a premium of between \$5 million and \$10 million during the first year the appeal is pending plus a pro-rated amount for increments of a year after the first year that the appeal remains pending. Some appeals have remained pending for approximately three years. Requiring one customer, a group of customers, or non-profit trade associations (like OMA) to post a bond of this magnitude is unfair, impractical, and unreasonable.

Even if the Supreme Court of Ohio decided some lesser amount of bond would suffice, requiring one customer, a group of customers, or non-profit trade associations to pay this amount is still unreasonable and impractical. In a recent case, without explanation, the Court required appellants to post a bond equal to approximately 2.5% of the total amount at issue on appeal. If the Court would have required a 2.5% bond of the \$500 million in the AEP case, customers would have been required to post a bond of \$12.5 million. It would likely cost between \$125,000 and \$250,000 for an annual premium for that bond during the first year the appeal is pending plus a pro-rated amount for increments of a year after the first year that the appeal remains pending.

Contrary to the arguments of the utilities, HB 247 is not taking away the PUCO's responsibility to set the electric distribution rates for the Ohio electric utilities that are regulated. HB 247 is not attempting to change the hearing process or eliminate public due process for interested parties in the setting of distribution rates. In fact, HB 247 encourages traditional rate cases before the PUCO and eliminates single issue ratemaking and above-market charges that have been allowed through the ESP process. OMA supports traditional ratemaking for the setting of distribution base rates and welcomes the robust, public ratemaking process where an Ohio utility has to come to the PUCO and open its books and show "in detail all of its receipts, revenues, and incomes from all sources, all of its operating costs and other expenditures, and any analysis such public utility deems applicable." R.C. 4909.18(B).

Also contrary to the opponents' claims, HB 247 does not eliminate any economic development or job retention tools that the General Assembly has given to the PUCO to assist customers. HB 247 does not prohibit or eliminate reasonable arrangements authorized by SB 221 set forth in R.C. 4905.31. Pursuant to its statutory directive, the PUCO created robust rules governing various types of reasonable arrangements, including economic development arrangements. Those rules are utilized regularly and can be located in Chapter 4901:1-38 of the Ohio Administrative Code.

The Ohio Manufacturers' Association strongly believes that above-market charges imposed on consumers and manufacturers through the ESP process are not consistent with competitive markets and are not good for Ohio – in either the short term or the long term. For these reasons, the OMA and many other groups firmly support the elimination of ESPs and support the other provisions of HB 247 that eliminate inequities and protect customers. At the last hearing, you heard that HB 247 was solely an OMA effort. It is not. HB 247 is supported by a broad coalition of customer groups (see attached), including AARP, Ohio Farm Bureau, The National Federation of Independent Business/Ohio, Northeast Ohio Public Energy Council (NOPEC), Office of the Ohio Consumers' Counsel, Ohio AgriBusiness Association, The Ohio Cast Metals Association, Ohio Chemistry Technology Council, Ohio Hotel & Lodging Association, and Ohio State Grange. You have also heard testimony in support from several other non-customer organizations.

Chairman Cupp and members of the committee, this concludes my prepared remarks. Thank you for your kind attention. I would be happy to respond to any questions that you may have.

#

Electricity Ratemaking Reforms To Protect Consumers

The successes of Ohio's transition to a competitive market for electricity generation are now documented. They include billions of dollars in savings for standard-offer consumers, governmental aggregation and other shopping consumers, numerous robust new natural gas-fired generation plants planned and coming online, and more than adequate reserve margins for reliability as determined by the Regional Transmission Organization, PJM Interconnection.

Nonetheless, there are some ratemaking provisions in current law that are anti-competitive or unfair—and bad for consumers and Ohio's economy. A broad-based coalition of electricity consumers is working with legislators to resolve the concerns outlined in this document and thereby improve outcomes for consumers and for Ohio. The legislative solution we seek is enactment of House Bill 247 (Romanchuk, R-Ontario), which was introduced in the Ohio General Assembly on May 24, 2017.

PROBLEM #1: Customers Are Denied Refunds for Charges That Are Later Determined to Be Improper.

Current law allows a utility to keep what it has collected from customers, even if the Supreme Court of Ohio determines the charges were improper.

SOLUTION: House Bill 247 would allow refunds to customers for all charges that are later found to be improper by the Supreme Court of Ohio or other authority.

PROBLEM #2: Utility Charges to Customers Under Electric Security Plans (ESPs)

The ESPs, allowed in the 2008 energy law (SB 221), are enabling utilities to request of the Public Utilities Commission of Ohio (PUCO) customer charges that exceed market prices. The result: Ohioans may not benefit from the lower electric bills that should flow from the lower prices in competitive electricity markets. In Ohio's competitive electricity market, ESPs—essentially, rate plans for the supply and demand of electric generation—are unnecessary and should be eliminated. Instead, a market-based option should be used to price service to customers.

Eliminating ESPs will fix a number of provisions that are unfair and costly to Ohioans under current law, including the following:

- **Utilities Are Not Required to Refund Customers All of the Utilities' Excessive Profits.** Even if the PUCO determines that a monopoly electric utility has "excessive" profits, the utility is not required to return the excess profits to customers. Only if the utility's earnings are deemed "significantly excessive" is the utility required to refund the significantly excessive portion of profits to its customers.
- **Customers Are Charged for Non-Generation Charges in an ESP.** Utilities use ESPs to set the price of the standard service offer to customers. However, the law also permits a utility to propose additional distribution-related charges in an ESP. Utilities have used the law to collect a number of so-called distribution charges from customers through non-bypassable riders. (That is, customers cannot "shop around" charges that are non-bypassable.) But some of these riders have nothing to do with distribution service. For example, FirstEnergy

AARP

Ohio Farm Bureau

The National Federation of Independent Business/Ohio

Northeast Ohio Public Energy Council (NOPEC)

Office of the Ohio Consumers' Counsel

Ohio AgriBusiness Association

The Ohio Cast Metals Association

Ohio Chemistry Technology Council

Ohio Hotel & Lodging Association

The Ohio Manufacturers' Association

Ohio State Grange

was granted a “distribution modernization rider” to provide credit support to the corporation without a requirement to spend the consumers’ payments on distribution modernization. That is not the way a competitive, free-market system should work.

- **Customers Are Not Protected from Paying Too Much for Service Under an ESP.**

One consumer protection in the 2008 law provided that ESPs could not be approved unless the result is “more favorable in the aggregate” to customers when compared to the expected results from the market-rate option. But the PUCO has been considering both quantitative and qualitative factors to determine if the ESP is more favorable in the aggregate than a market rate—and the Supreme Court of Ohio has declined to prohibit the PUCO’s approach. The consideration of qualitative factors can allow above-market charges, and that has undermined the consumer protection that prices in ESPs should compare favorably to market prices.

- **Utilities Can Veto Any PUCO-Ordered Modification to Their ESPs.** If a utility doesn’t like a PUCO ruling that modifies its proposed ESP, the utility can withdraw its application. In effect, the 2008 law gave the utilities—but no other stakeholder—veto power in ESP cases. This is a decidedly anti-customer policy.

SOLUTION: House Bill 247 would eliminate language in Ohio law that permits utilities to file ESPs, which would eliminate above-market charges to customers now allowed in ESPs. Utilities then would provide customers the standard service offer through a competitive bidding process. Utilities’ distribution rates would continue to be set through distribution rate cases by the PUCO. This approach would allow the PUCO to review all expenses and revenues when a utility seeks a distribution rate increase, instead of the current approach that allows utilities to add charges to customers’ electric bills using single-issue riders.

PROBLEM #3: Customers Are Not Protected from Subsidizing the Operations of a Utility’s Corporate Affiliate.

Prior to the 1999 deregulation law (Amended Substitute Senate Bill 3, enacted with strong bipartisan support), utilities owned and operated generation plants. SB 3 changed that, prohibiting utilities from owning generation. Rather than complete divestment of the generating plants, however, several of the utilities spun off the assets to a corporate affiliate. In recent years, the utilities have used the poor financial performance of their unregulated generation affiliates to seek above-market charges from captive customers.

SOLUTION: House Bill 247 would protect Ohio customers from new and expanded above-market charges by clarifying that Ohio’s 1999 deregulation law means utilities and their affiliates cannot own generation.

The forgoing proposals will protect consumers by restoring balance in the ratemaking process through repeal of unfair provisions in the 2008 law and making other changes. The proposals will prevent anti-competitive results from the law. And, limiting above-market charges will free up money for business expansion and job creation, spurring Ohio’s economy.



M E M O R A N D U M

Date: October 26, 2017
 To: The Ohio Manufacturers' Association
 From: Jordan Nader & John Seryak, PE (RunnerStone, LLC)
 RE: HB 381 to Lake County, OH Ratepayers - A Cost of at Least \$94 million

The Ohio House of Representatives has referred to the Public Utilities committee House Bill 381 “Address zero-emissions nuclear resource program.” This bill is sponsored by Representative DeVitis and Co-Sponsored by Representatives Young (Lake County), Henne, Householder, Johnson, Seitz, Slaby, Stein, Vitale, Faber, Patton, Roegner, Sweeney, Retherford, Celebrezze, and Keller. This bill would create a “zero-emissions nuclear resource program” to purportedly “provide long-term energy security and environmental and other benefits to the region and to retail electric service customers in the state.” The ZEN program would provide above market payments to nuclear plants in Ohio from the time implemented until at least 2030. The bill would result in residential customer’s paying a monthly nonbypassable charge of \$2.50 and nonresidential customer’s paying the lesser of \$3,500 or 5% of their bill. This is shown in the table below.

	Residential	Nonresidential	
		Lesser of	
Monthly Cost	\$ 2.50	\$ 3,500	5% of Monthly Electricity Costs
Annual Cost	\$ 30.00	\$ 42,000	5% of Annual Electricity Costs

Lake County, Ohio has approximately 85,000 households and roughly 12,000 commercial and industrial accounts. The commercial and industrial accounts break down to mostly secondary accounts, with a handful of primary and sub-transmission accounts. We assumed a blended rate for these C&I accounts of \$0.10/kWh, \$0.075/kWh, and \$0.06/kWh respectively, to estimate how C&I account costs would be capped. Based on aggregated consumption data for C&I accounts, we estimate an annual cost to Lake County residents and C&I customers of at least \$7,108,000. This translates to a total cost through the end of 2030 of about \$94 million. The table below shows the impact to the residential and nonresidential groups on an annual and total basis¹.

Cost of H.B. 381 to Lake County, OH	
Annual Cost to Residential Customers	\$ 2,500,710
Total Cost to Residential Customers	\$ 32,981,967
Annual Cost to C&I Customers	\$ 4,607,295
Total Cost to C&I Customers	\$ 60,765,801
Annual Cost to Lake County	\$ 7,108,005
Total Cost to Lake County	\$ 93,747,768

¹ The costs shown are estimates, and are likely conservative.

Thursday, February 22, 2018

FirstEnergy CEO Predicts Death of FES, Coal, Nuclear

February 21, 2018

By *Rory D. Sweeney*

FirstEnergy CEO Charles Jones said Wednesday the company's floundering FirstEnergy Solutions (FES) merchant generating arm is now under a death watch and that, in his "simple view of the future," coal and nuclear generation will become extinct without market changes.

Jones told analysts on the company's earnings call that "unless something is done to change the construct of these administrated markets, which have been administrated in a way to disadvantage coal and nuclear plants" and "unless the states step in to provide support, there will be no coal or nuclear plants left in these markets."

During the call, Jones revealed the extent to which the company has cut ties with FES and that he expects the subsidiary will not survive the winter. He said FES has been operating independently since early last year and will no longer have access to its parent's internal bank by the end of March, "and that will be the last tie that we have with that business." (See [FirstEnergy Selling Merchant Fleet Despite NOPR.](#))

"While I can't speak for FES, I will be shocked if they go beyond March without some type of a [bankruptcy] filing," he said.

'Personally Disappointed'

Jones said it would be up to the subsidiaries that own generation — FES, Allegheny Energy Supply and Monongahela Power — to determine whether they will bid into [PJM's](#) Base Residual Auction in May. He also touched on the U.S. Department of Energy's Notice of Proposed Rulemaking and other efforts that could provide support for the company's ailing nuclear and coal-fired resources.

"I'm personally disappointed that the endeavors haven't resulted in a meaningful legislative or regulatory support, given the importance of these plants to grid resiliency, reliable and affordable power and the region's economy," he said.

The company is also "not planning to make another attempt at Pleasants," he said, referring to FirstEnergy's recently abandoned plan to transfer ownership of its 1,300-MW coal-fired plant from Allegheny to Mon Power, where the plant would have received a defined return based on regulatory review. He said Mon Power would meet any supply needs through PJM's markets while the company determines how to address a capacity shortfall in its most recent integrated resource plan. Another IRP is due in two years, Jones said. (See [FirstEnergy Shutting down Unsold Coal Plant.](#))

FirstEnergy reported a fourth-quarter GAAP loss of \$5.62/share based on asset impairments and plant exit costs of \$2.4 billion (3.38/share), which included reducing the carrying value of Pleasants, fully

impairing nuclear assets and increasing nuclear asset retirement obligations, said Jim Pearson, the company's new executive vice president of finance. The company also took a non-cash charge of \$1.2 billion (\$2.68/share) related to the Tax Cuts and Jobs Act.

K. Jon Taylor, the new president of FirstEnergy's Ohio operations, said the tax law's elimination of bonus depreciation would add about \$400 million to the rate base, but that depreciation was already scaling down to 40% in 2018 and 30% in 2019.

Adjusted earnings were 71 cents/share for the quarter, driven by a 23 cents/share year-over-year increase from the company's distribution segments. Jones said operating earnings for the company's transmission and distribution segments increased 14% in 2017, or 25% if the distribution modernization rider (DMR) in Ohio is included. The company is looking for the Public Utility Commission of Ohio to approve a \$450 million distribution platform modernization plan to better guard against blackouts and to prepare for "smart grid technologies."

Wired Future

To pump up its transition to becoming a fully regulated "wires" company, FirstEnergy plans to invest \$10 billion in its distribution and transmission infrastructure by 2022, starting with 2018 operating earnings guidance of \$2.25 to \$2.55 per diluted share, with a long-term growth-rate projection of 6 to 8% through 2021, Jones said. He said that each year between \$1 billion to \$1.2 billion of that investment will be targeted to transmission. That excludes the DMR in Ohio and is offset by the corporate segment.

Jones was quick to squelch any thoughts that the company is profiteering in its regulated business.

"There should be absolutely no concern in the market about us overearning in Pennsylvania. And if there is any hysteria out there, you all are smart enough to know that there are people that trade off with the hysteria," he said in response to a question on several rate cases in the state.

The company last month announced the sale of \$2.5 billion in equity to investment companies, which included the formation of a "restructuring working group" to advise on any potential restructuring at FES. The group includes three FirstEnergy executives — Pearson, Leila Vespoli and Gary Benz — along with John Wilder of Bluescape Energy Partners and Tony Horton of Energy Future Holdings. The group serves FirstEnergy's interests, while FES is overseen by its own board of directors. Pearson is also in charge of an internal company redesign known as FE Tomorrow.

Jones also bristled at suggestions that the cash won't be enough.

"No additional equity through 2021," he said. "I can't believe it's only one month after doing \$2.5 billion that we're already getting that question again, but there will be none."

Changes at the Top

FirstEnergy also announced several changes to its board of directors and executive suite before the call on Wednesday. Donald Misheff, who has been on the board since 2012, was elected chairman effective May 15 to replace George M. Smart, while Sandra Pianalto became a director. Smart and William T. Cottle, both 72, are retiring in May in accordance with the company's mandatory retirement-age policy.



From left: William T. Cottle, Donald T. Misheff, Sandra Pianalto, George Smart. Cottle and Smart are retiring from the board in May. Misheff is replacing Smart as chairman of FirstEnergy's Board of Directors and Pianalto is joining the board. They will be tasked with leading the company through its major restructuring into a fully regulated transmission and distribution company. | *FirstEnergy*

Within the company:

- Kevin T. Warvell became vice president, chief financial officer, treasurer and corporate secretary for FES. Previously, he was FES' vice president of commercial operations, structuring and pricing and corporate secretary.
- Christine L. Walker became vice president of human resources for FirstEnergy Service subsidiary. Previously, she was the executive director of FirstEnergy's talent management.
- Jason J. Lisowski became vice president, controller and chief accounting officer of FirstEnergy. Previously, he was the controller and treasurer for FES.
- Donald A. Moul became president of FES Generation and chief nuclear officer. Previously, he was president of FirstEnergy Generation.
- Charles D. Lasky became senior vice president of human resources and chief human resources officer for FirstEnergy Service. Previously, he was the senior vice president of human resources.
- Steven E. Strah became senior vice president and chief financial officer. Previously, he was a senior vice president and president of FirstEnergy Utilities.
- Sam Belcher became a senior vice president and president of FirstEnergy Utilities. Previously, he was president and chief nuclear officer for FirstEnergy Nuclear Operating Co.

Pearson was the company's executive vice president and chief financial officer. Taylor was a vice president, controller and chief accounting officer.



Thursday, February 22, 2018

FirstEnergy CEO 'Disappointed' In Legislative Inaction On Nuclear Credits Bills

FirstEnergy CEO Chuck Jones is voicing his frustration with lawmakers over their hesitation to advance legislation financially supporting nuclear power plants.

The proposals (**SB 128, HB 178 & HB 381**) would create zero-emission nuclear credit programs to boost the financial health of nuclear plants owned by FirstEnergy in a move proponents say would bolster local economies and diversity within the state's energy portfolio.

But legislators in both parties have debated whether the plan is the best path forward. Although there is a desire for further discussion on the issue, legislative leaders have laid out no clear timeline and after a myriad of hearings over the past year committee chairs say the measures are no closer to passing. (See **Gongwer Ohio Report, February 1, 2018**)

"I am personally disappointed the endeavors haven't resulted in any meaningful legislative or regulatory support given the importance of these plants to grid resiliency, reliable and affordable power, and the region's economy," Mr. Jones said during his company's fourth quarter earnings call.

Mr. Jones had previously predicted lawmakers would pass the proposal during the first quarter of 2018. He personally appealed to lawmakers last year during hearings, but also previously said the Perry and Davis-Besse plants could close even with the ZEN program in place. (See **Gongwer Ohio Report, January 25, 2018**)

During his recent remarks, Mr. Jones continued foreshadowing the premature closures of the plants that he said would result from legislative inaction.

"We have fully impaired our nuclear assets because the inability to receive any form of legislative or regulatory support has increased the likelihood that the plants will not be able to operate until the end of their useful lives," Mr. Jones said.

Potential relief at the federal level has likewise failed to materialize after the Federal Energy Regulatory Commission denied a Trump Administration proposal for new nuclear and coal-powered plant support and instead ordered further study on the issue. (See **Gongwer Ohio Report, January 9, 2018**)

"Unless something is done to change the construct of these administrated markets which have been administrated in a way to disadvantaged coal and nuclear plants, over the long haul, unless the states step in to provide support, there will be no coal or nuclear plants left in these markets," Mr. Jones said.

Plenty of opponents are aligned against the idea. They say the idea is a bailout that would put taxpayers on the hook for the company's poor investment decisions.

"Hardworking Ohioans shouldn't have to foot the bill for corporate failures and voters across the state reject the misguided, half-baked legislative efforts to bail out FirstEnergy," American Petroleum Institute Ohio Executive Director Chris Zeigler said recently of the company's claims.

"Our natural gas system is highly resilient and rarely significantly impacted by isolated or regional events," he added. "Moving forward, FirstEnergy should stop with its deceptive campaign against natural gas and Ohio legislators should reject this form of corporate welfare that could hurt consumers and our state's economy."

The plants are owned by First Energy Solutions, one of the company's subsidiaries, which late last year informed the Securities and Exchange Commission it may end up seeking protection under U.S. bankruptcy laws. (See **Gongwer Ohio Report, December 4, 2017**)

During the earnings call, Mr. Jones further outlined the formation of a "restructuring working group" that will advise FES management team on the company's future moving forward.

"The group has already started work and they received a presentation from FES management to help the outside members to become familiar with the business," Mr. Jones said. "FES continues to meet with its creditor advisers and we anticipate the (group) will be involved in those discussions at some point as well."

Grid Modernization: Company leaders also touched on their proposed \$450 million distribution modernization plan, which was filed in December with the Public Utilities Commission of Ohio. (See **Gongwer Ohio Report, December 4, 2017**)

Mr. Jones said the plan "will help our Ohio utilities restore power faster, strengthen the system against adverse weather conditions and enhance system performance by allowing remote monitoring of real time grid conditions."

Leila Vespoli, the company's executive vice president for corporate strategy, said the concept of the plan was "warmly received" by the PUCO prior to its formal filing.

"We looked at our system and there are certain things that can be done and should be done that any smart grid system can be built off of and so that's what we have in front of them," Ms. Vespoli said. "It's a way for the commission to consider it, to not tie their hands. And, quite frankly, as you're looking at the (cost) to kind of phase it in."

Diverse power grid is what state needs

HENRY B. SPITZ

1990s, nearly 90 percent of the new power plants in the U.S. use natural gas. Coal and nuclear, two sources of energy that produce electricity around the clock at stable prices with no price volatility, represent less than 10 percent of the total. If the recent past is any guide, this imbalance could expose consumers of natural gas and electricity to price volatility and loss of reliability, resulting in power shortages that could cripple the economy. And the risk of volatility in gas prices will continue.

The agency responsible for electricity reliability is the Federal Energy Regulatory Commission. Energy Secretary Rick Perry has proposed a plan that will prevent the further shutdown of nuclear and coal plants. Perry, the former governor of Texas who knows a thing or two about gas-price volatility, has called upon the panel to create new rules, compensating nuclear and coal plants for the value they offer to the grid. Commission Chairman Neil Chatterjee has proposed taking immediate action to save some power plants in danger of early shutdowns until the agency completes a thorough assessment of the potential losses in grid reliability.

Ohio's industrial growth over the past century has a lot to do with the use of abundant, low cost coal as the primary fuel for power production. It is unrealistic to think that we won't continue to use coal.

And if you care about clean air and climate change, now is not the time for Ohio to abandon nuclear power, which is our largest source of emission-free energy. Clearly, shutting down the Perry and Davis-Besse nuclear plants is not in our best interest. So it makes sense for the commission to recognize — and address — the serious financial and environmental stresses throughout the industry responsible for delivering electricity to our homes and industries. We are taking a huge gamble to think we could meet our everyday needs for electricity, power our economy and compete in international markets without nuclear and coal generation.

Spitz is a professor of nuclear and radiological engineering at the University of Cincinnati.

The Plain Dealer | cleveland.com

Sunday, December 10, 2017

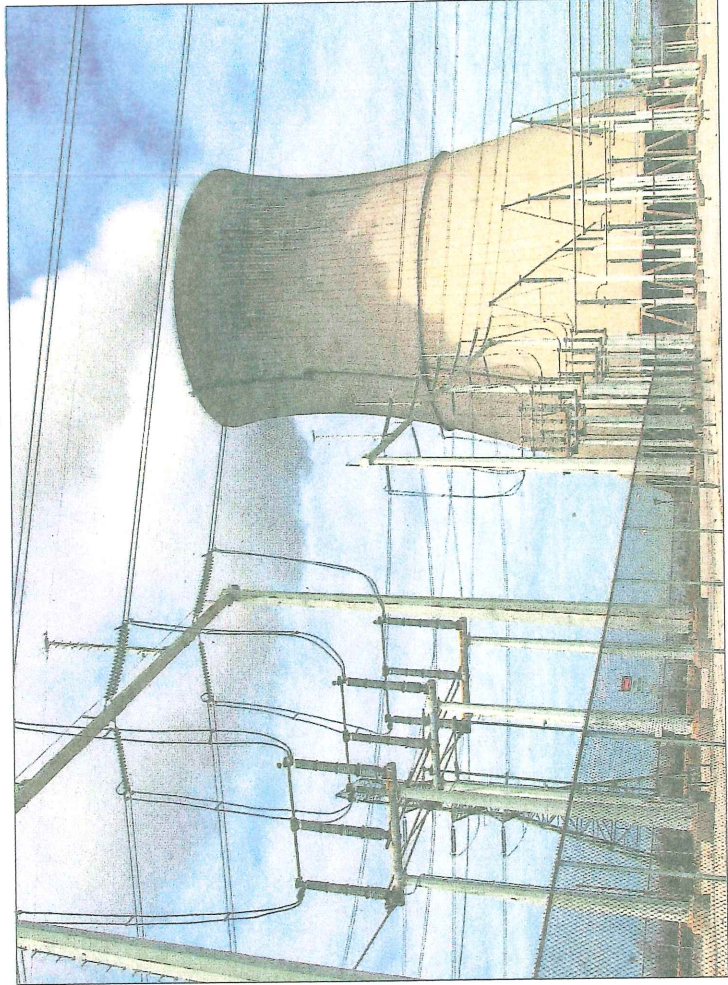
THE PLAIN DEALER

George Rodrigue
President and Editor
The Plain Dealer

Elizabeth Sullivan
Opinion Director
cleveland.com

Chris Quinn
Editor and President
Advance Ohio/cleveland.com

Should electric rates be raised to keep coal and nuclear plants generating?



DIANE HIRSH | AKRON BEACON JOURNAL

FirstEnergy's Davis-Besse nuclear plant in Oak Harbor has been producing electricity since 1977 but nuclear and coal plants have been struggling to compete with generators fueled by natural gas. The Federal Energy Regulatory Commission this week will consider allowing electric bills to rise to subsidize aging facilities.

Energy tax would hamper ratepayers

RYAN AUGSBURGER

Early this week, the Federal Energy Regulatory Commission will decide whether or not to increase the price of electricity paid by manufacturers and working families in Ohio, the Northeast and Midwest.

If enacted, the proposed rule change would deal a serious blow to America's manufacturing competitiveness by requiring consumers to pay more for electricity to prop up some utilities' uneconomic power plants owned by certain utilities looking for a bailout. It's a story we've heard time and time again in Ohio. Now, proponents of that plan have gone to Washington in search of a solution. The proposal being considered by the commission could provide hundreds of billions of ratepayer dollars in unwarranted, non-passable subsidies to power plants that keep 90 days of fuel on site. Only certain coal and nuclear plants can meet this definition, so it's squarely designed to aid aging and uncompetitive power plants that rely on these fuel sources.

The Ohio Manufacturers' Association believes this rule, if approved, would impose unjustified costs on virtually all Ohio households, businesses and institutions. Worse, the rule, if approved, would threaten the longer term benefits that only competitive markets can provide including reliability, efficiency, innovation and lower energy prices. Ohio is a manufacturing state. Responsible for generating more than \$108 billion annually in state GDP, manufacturing remains the backbone of Ohio's economy. A Cleveland State University study of manufacturing in Ohio between 1990 and 2010 found that a one-cent-per-kilowatt-hour increase in electricity prices decreased productivity by \$2,527 per employee, or 2.2 percent. Manufacturing is a highly competitive industry. This proposed rule change would mean fewer jobs and less investment.

The Public Utilities Commission of Ohio echoed our concerns in its own comments, stating that it "is deeply concerned about the additional costs that will be borne by Ohio's consumers

As a result, some high-cost coal and nuclear plants have found themselves struggling to compete.

In its August grid study, the energy department found that retirements of aging coal and nuclear plants do not threaten the reliability of the grid, as setting that markets are "functioning as designed."

Yet the department has recently advanced a misguided proposal that would empower the government, over states and regions, to pick winners and losers for political reasons instead of economic realities. The proposal would undermine well-functioning competitive markets and prop up certain less profitable power plants.

The department fails to provide a coherent reasoning for a new energy tax.

Federal government overreach like this increases prices for consumers and undermines innovation in Ohio and around the country. Competitive electricity markets have consistently fostered efficiency and lowered prices under the guidance of the energy commission, an independent agency with a three-decade legacy of supporting competition. Ohio businesses hope that on Monday, the energy commission embraces competitive market principles over special interests.

Augsburger is vice president and managing director of public policy services for the Ohio Manufacturers Association.

CARPENTER LIPPS & LELAND LLP

ATTORNEYS AT LAW

280 PLAZA, SUITE 1300
280 NORTH HIGH STREET
COLUMBUS, OHIO 43215

MEMORANDUM

TO: The Ohio Manufacturers' Association Energy Group

FROM: Kimberly W. Bojko, Carpenter Lipps & Leland LLP

DATE: January 10, 2017

SUBJECT: Summary of FERC Order Terminating the Notice of Proposed Rulemaking and Establishing Additional Procedures

On January 8, 2018, the Federal Energy Regulatory Commission (FERC) issued an Order terminating the Notice of Proposed Rulemaking (NOPR) in FERC Docket No. RM18-1-000. The NOPR was submitted to FERC by the Secretary of the Department of Energy (DOE) and concerned a proposal to subsidize failing generators in the name of ensuring grid reliability and resiliency (Proposed Rule). On October 23, 2017, and again on November 7, 2017, OMAEG submitted comments opposing this rule. In its Order, FERC adopted the position of OMAEG, other customer groups, and many others that the Proposed Rule was contrary to FERC's longstanding commitment to market-based solutions and did not satisfy the legal requirements for the creation of a new rule. Ultimately, FERC determined that it had "no choice but to terminate" the docket for the Proposed Rule.

The Record Did Not Support the Existence of a Reliability or Resiliency Problem

The Proposed Rule would have used a consumer-funded subsidy to prop up failing coal and nuclear generators that are no longer economically viable on their own. The Proposed Rule attempted to justify this bailout by arguing that the loss of the generation supplied by these failing plants would jeopardize grid resiliency and reliability. FERC, however, correctly noted that despite the extensive comments that were submitted on the Proposed Rule by the Regional Transmission Organization (RTO) and Independent System Operator (ISO), the RTOs/ISOs did not point to a single instance (either in the past or in the future) where the retirement of a coal or nuclear generator threatened (or would threaten) grid reliability or resiliency. FERC concluded that although the goal of grid reliability and resiliency is a worthy one, the record in this case simply does not support the existence of a reliability or resiliency problem. And even if it had, the Proposed Rule did not put forth a solution that would actually solve that problem.

FERC also noted that it had consistently achieved its objectives by relying on market-based solutions and not by deploying subsidies or bailouts for some sectors of the grid. Finally, FERC recognized that the record failed to demonstrate that the Proposed Rule would not be unduly

discriminatory or preferential. As one Commissioner stated in a concurring opinion, the record did not support the need for “a multi-billion dollar bailout” to coal and nuclear generators because the record contained no evidence that affording such a bailout to these generators would meaningfully improve grid resilience.

FERC’s Alternative Solution

FERC explained that it remains concerned with grid reliability and resiliency. But, rather than blindly adopt a proposal that may well have constituted a solution that does not work to a problem that does not exist, FERC chose to pursue a balanced approach to addressing reliability and resiliency concerns by first determining to what extent, if any, a problem exists, and then seeking out solutions. Understanding that reliability and resiliency challenges may vary across different regions of the country, FERC first put forward a uniform definition of resilience (as many comments, including OMAEG’s, pointed out that no such definition existed) and then asked RTOs and ISOs to respond to a number of questions about their resiliency challenges within 60 days. After those comments are submitted, OMAEG and other parties will have the opportunity to respond with their own comments and concerns.

FERC’s Decision Benefits OMAEG Members and All Electric Consumers

FERC’s Order rejecting the Proposed Rule and terminating the NOPR will benefit OMAEG members and other consumers by not implementing a rule that would force consumers to fund a bailout to certain, select generators that can no longer compete in the market. The Order defined resiliency and set forth a process to explore through the RTOs/ISOs, on a regional basis, whether a problem even exists. The Order also appears to be stating that if a problem does in fact exist, FERC will look for market solutions on a regional basis.

Consistent with OMAEG’s comments, the Order recognized FERC’s support, for more than two decades, for markets and market-based solutions, citing those as a core tenet of FERC policy. The Order also explained that in regions with organized markets, FERC has largely adopted a pro-market regulatory model, relying on competition to approve market rules and procedures that, in turn, determine the prices for energy, capacity, and ancillary services products. The Order noted that under a pro-competition, market-driven system, owners of generating facilities that are unable to remain economic in the market may take steps to retire or mothball their generating facilities.

Conclusion

FERC recognized the merits of the comments submitted by OMAEG and many others and rejected a rule that would have had a negative impact on all but a few select generators that can no longer keep up with market demands. As a result, OMAEG members will be spared the obligation of subsidizing failing generators as part of an inefficient solution to an ill-defined problem.

TO: OMA Government Affairs Committee
FROM: Ryan Augsburger / Rob Brundrett
RE: Environment Public Policy Report
DATE: March 7, 2018

Overview

Ohio EPA Director Craig Butler has been making the rounds on the speaking circuit and is promoting a proposed piece of EPA legislation focusing on Lake Erie and the algal bloom. The bill would be a follow up to Senate Bill 2 which was passed last summer. While no details have been officially released, Ohio EPA has confirmed that it will be looking to put a minimum phosphorus discharge standard into legislation. This was previously outlined in the Ohio Lake Erie Commission Draft Action Plan. The OMA has a working group of concerned members working on the issue. Ohio EPA continues to work aggressively on its rule reviews and also has been promoting its Encouraging Environmental Excellence program.

General Assembly News and Legislation

Senate Bill 2 – Ohio EPA Water Bill

Senator Cliff Hite (R-Findley) introduced Senate Bill 2. The bill was formerly the Ohio EPA Water MBR bill in the 131st General Assembly. That bill ran into some last minute controversy and was not passed during lame duck in 2016. Among the provisions is language that would exempt slag from Ohio's water statutes. The OMA and some OMA members provided proponent testimony. The bill was passed by both chambers of the legislature and signed into law by the Governor last July.

House Bill 49 – State Budget Bill

The Governor's budget bill had countless hearings in both chambers. Ohio EPA proposed several law changes in the bill. Among items of interest includes language that responds to the Ohio Supreme Court's decision requiring all TMDLs go through the ORC 119 rule making process.

Each TMDL, including modified TMDLs, must go through the public notice, public comment, and public hearing process. The compromise allows for appeals to Ohio Environmental Review Appeals Commission (ERAC) of any permit containing limits based on a TMDL, and specifies that indirect dischargers as well as direct dischargers may appeal. The rule therefore provides for due process considerations for all parties involved.

Other changes include expansion of the local air agency statute, the authority to waive or reduce late payment penalties and fees, and to authorize explosive landfill gas monitoring. A late amendment in the Senate removed the fees associated with Alternative Daily Cover at landfills. OMA advocated heavily for this change.

House Bill 225 – Abandoned Well Regulation

The bill would allow a landowner to report an idle and orphaned well or abandoned well, to require the Chief of the Division of Oil and Gas Resources Management to inspect and classify such a well, to require the Chief to begin plugging a well classified as distressed-high priority within a specified time period, and to authorize an income tax deduction for reimbursements paid by the state to a landowner for costs incurred to plug an idle or orphaned well. The bill was passed out the House in January. It has had two hearings in the Senate.

Senate Bill 228 and House Bill 463 – Solid Waste Disposal Fee Increase

These companion bills would increase one of the state fees levied on the transfer or disposal of solid waste in Ohio. The proceeds of this increase will be deposited into the Soil and Water Conservation District Assistance Fund. The House has had one hearing on the bill. The OMA is working with allies to oppose the legislation.

Regulations

Ohio EPA Looking for Comments on Construction NPDES

Earlier this month Ohio EPA provided notice that it will be issuing a draft general National Pollutant Discharge Elimination System (NPDES) permit for the statewide regulation of storm water associated with industrial activities.

The NPDES Statewide Construction Storm Water General Permit (Permit No. OHC000005) is the fifth generation of this general permit. The permit would authorize storm water discharges from construction activity disturbing one or more acres. Also, the permit would authorize some discharges that are not entirely storm water (such as trench dewatering), as well as storm water discharges from on-site concrete and asphalt batch plants.

This permit identifies who can apply to be covered, how an entity obtains coverage and how a permittee terminates coverage. The permit contains requirements for permittees to prepare, submit and implement a storm water pollution prevention plan (SWP3).

Interested persons are invited to submit written comments on this draft general permit. Comments should be submitted in person or by mail no later than 5:00 p.m. on April 4, 2018. An Ohio EPA public hearing to accept comments on the draft general permit has been scheduled for March 28, 2018 at 2:30 p.m. in the 6th floor Conference Room A at the Ohio EPA Lazarus Government Center, 50 West Town Street, Columbus, OH 43215.

OMA Submits Comments on Proposed Textile Exclusion Rule

This week the OMA submitted comments to Ohio EPA on its Proposed Draft Hazardous Waste Laundered Textile Exclusion Rule 3745-51-06. In its comments OMA suggested that instead of creating and implementing an entirely new regulatory scheme for textile exclusion, Ohio EPA should adopt the approach taken by Indiana, which has proven to be highly successful, straightforward in implementation and environmentally-friendly.

The Indiana Department of Environmental Management (IDEM) does not regulate “contaminated” (i.e., soiled) clothing sent for cleaning and reuse as a “solid waste,” therefore, laundered and reused clothing is not subject to certain regulation.

If Ohio EPA proceeds with the proposed rule, OMA will argue to minimize the conditions placed on the generators of such textiles. The current rule draft is too burdensome for many of the intended beneficiaries to take advantage of the intended exclusion.

ORSANCO Pollution Control Standards

In response to the Ohio River Valley Water Sanitation Commission’s (ORSANCO) recent public notice of its Pollution Control Standards (PCS) triennial review, the OMA provided written comments regarding potential revisions to the PCS.

OMA wrote: “The water quality goals of the Compact are being effectively addressed by the Clean Water Act and the PCS no longer provide the value and impact they once did. Today, the difference between the PCS and Clean Water Act standards can and do lead to confusion for

the manufacturing community, and can create complications in the permitting process, where there is often no effective way to question or challenge the appropriateness or applicability of the underlying PCS in specific permitting situations. The more valuable role for ORSANCO today is to concentrate on its scientific and technical information gathering and research. This would allow ORSANCO to provide valuable information to the states in carrying out their obligations to preserve and protect water quality under the Clean Water Act. It would also help promote and coordinate consistency among the states in the Ohio River basin.”

Universal Waste

The OMA-led initiative to expand Ohio EPA’s definition of universal waste to include more items, among them, paint and paint-related wastes continues to march forward at a deliberate pace.

The OMA has been working closely with Ohio EPA over the past few years to expand Ohio’s universal waste program to include items now considered hazardous wastes, thus providing waste management relief for Ohio manufacturers.

The OMA commented on a variety of issues from storage to transportation to management standards. Ohio EPA prepared responses to comments and final rule was approved by the agency. Ohio EPA filed the rules with JCARR only to pull the rules to be refiled again in two weeks. The agency had its hearing at JCARR with zero opposition. The final step is final filing the rules which we expect in early December.

Thank you to the members who participated in drafting comments.

OMA Secures Changes to Draft Action Plan re. Phosphorous Limits

Just prior to the Thanksgiving holiday, the Ohio Lake Erie Commission announced it had completed its revision of the Ohio Domestic Action Plan (DAP) 1.0 to reduce phosphorus entering Lake Erie under the binational Great Lakes Water Quality Agreement with a goal of reducing phosphorus loading to Lake Erie by 40% by 2025.

That version of the Ohio DAP was submitted to U.S. EPA for review and comment and to serve as Ohio’s part of the U.S. Domestic Action Plan, the final version of which is due in Feb. 2018.

The OMA had met with top leaders of Ohio EPA to oppose the agency’s decision to confine – through legislative mandate – all permitted water dischargers to a 1.0 mg/L monthly average phosphorus limit.

In the revised DAP 1.0 the language has been changed to “Ohio EPA will evaluate possible legislation that will limit all treatment works discharging waste water containing phosphorus to achieve at least a monthly average effluent concentration of 1 mg/L phosphorus unless alternative limits or conditions are deemed appropriate by the Director.”

While not eliminating the possibility of legislative action, the change in tone is good news for manufacturers that would be impacted either directly or indirectly through new regulation.

Ohio EPA Agency News

Ohio EPA Region 5 has New Administrator

According to a December 19, 2017 press release from the U.S. Environmental Protection Agency (EPA), Administrator Scott Pruitt announced the appointment of Cathy Stepp to become regional administrator for Region 5, which includes Indiana, Illinois, Michigan, Minnesota, Ohio and Wisconsin.

“Cathy Stepp currently serves as a principal deputy regional administrator for Region 7 and will return to the Midwest region where she previously served as the secretary of the Wisconsin Department of Natural Resources from 2011 to 2017. While serving as a state cabinet secretary, Cathy lead the third largest agency in the state with about 4,000 employees and was responsible for state enforcement and protection of: wildlife, fisheries, state parks, trails, forests, and environmental permitting,” per the release.

Also according to the release, Ohio EPA Director Craig Butler said: “I am very pleased that Cathy Stepp will be the USEPA region 5 administrator. She is a strong leader with proven state experience. She knows how to get things done and I look forward to working closely with her.”

Ohio Materials Marketplace

The Ohio EPA continues to invite OMA members to participate in its newly launched Ohio Materials Marketplace with the objective to advance Ohio towards a circular material economy.

The free online platform enables Ohio businesses to list by-product and waste materials, as well as post requests for desired materials. The Materials Marketplace aims to assist manufacturers and other businesses in advancing their zero-landfill goals, decreasing greenhouse gas emissions, and reducing material and waste management costs.

Raw materials, by-products, and massive volumes are welcomed. Materials can range from computer monitors to waste paper to clay.



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Amanda George

H.B. 463

132nd General Assembly
(As Introduced)

Rep. LaTourette

BILL SUMMARY

- Increases, from 25¢ to 50¢ per ton, one of the state fees levied on the transfer or disposal of solid waste in Ohio, the proceeds of which are deposited in the existing Soil and Water Conservation District Assistance Fund.
-

CONTENT AND OPERATION

Solid waste transfer or disposal fees

The bill increases, from 25¢ per ton to 50¢ per ton, one of the state fees that is levied on the transfer or disposal of solid wastes in Ohio. Under current law, the proceeds of that fee are deposited into the existing Soil and Water Conservation District Assistance Fund.¹ That Fund is used by the Department of Agriculture to provide money to soil and water conservation districts.²

In addition to the fee to aid soil and water conservation districts, the following fees are levied on the transfer or disposal of solid wastes in Ohio under current law:³

¹ R.C. 3734.57(A)(4). The fee is effective through June 30, 2020.

² R.C. 940.15, not in the bill.

³ R.C. 3734.57(A).

Fee	Fund into which fee is deposited
90¢ per ton	20¢ per ton into the Hazardous Waste Facility Management Fund ⁴ 70¢ per ton into the Hazardous Waste Clean-up Fund ⁵
75¢ per ton	Waste Management Fund ⁶
\$2.85 per ton	Environmental Protection Fund ⁷

All of the fees described above are levied on solid waste transfer or disposal through June 30, 2020.⁸

HISTORY

ACTION	DATE
Introduced	01-16-18

H0463-I-132.docx/ts

⁴ R.C. 3734.18, not in the bill.

⁵ R.C. 3734.28, not in the bill.

⁶ R.C. 3734.061, not in the bill.

⁷ R.C. 3734.015, not in the bill.

⁸ R.C. 3734.57(A).





February 13, 2018

Mr. Jeffrey Mayhugh
Ohio Environmental Protection Agency
50 West Town Street, Suite 700
Columbus, OH 4321

Re: Ohio's Draft Hazardous Waste Laundered Textile Exclusion

Dear Mr. Mayhugh:

Pursuant to Ohio EPA's Public Notice, issued on January 11, 2018, The Ohio Manufacturers' Association (OMA) is hereby providing Ohio EPA with written comments to Ohio's Proposed Draft Hazardous Waste Laundered Textile Exclusion Rule 3745-51-06.

The OMA is dedicated to protecting and growing manufacturing in Ohio. The OMA represents over 1,400 manufacturers in every industry throughout Ohio. For more than 100 years, the OMA has supported reasonable, necessary and transparent environmental regulations that promote the health and well-being of Ohio's citizens.

The OMA would like to thank Ohio EPA for the opportunity to comment on the proposed draft rules for the regulatory exclusion for hazardous waste textiles. We certainly appreciate the effort that went into drafting these rules. It is important for Ohio manufacturers, many who operate in a variety of states to be able to follow similar policies and regulations in the different states. Placing more stringent requirements in Ohio versus neighboring states that already operate textile exclusions policies has the potential of placing Ohio manufacturers at a competitive disadvantage or creating a system that does not conform with generally accepted environmentally safe practices.

Instead of creating and implementing an entirely novel regulatory scheme for textile exclusion, OMA recommends that Ohio EPA consider and adopt the approach taken by Indiana, which has proven to be highly successful, straightforward in implementation, and environmentally-friendly. The Indiana Department of Environmental Management (IDEM) does not regulate "contaminated" (i.e., soiled) clothing sent for cleaning and reuse as a "solid waste," therefore, laundered and reused clothing is not subject to regulation under RCRA in Indiana. IDEM addresses the issue of laundered textiles in its guidance document "Management of Contaminated Wipes and Reusable Cloth Items."¹

¹ https://www.in.gov/idem/landquality/files/hw_info_contaminated_wipes.pdf

Unlike Ohio EPA's proposed regulation, IDEM's regulatory scheme does not consider contaminated clothing that is sent to laundries and subsequently reused as being "discarded" and, therefore, contaminated clothing is not subject to regulation under RCRA. IDEM requires that certain conditions be met in order to use the exclusion, such as accumulating contaminated clothing to be laundered in containers that are in good condition and the discharging laundry wastewater to a CWA permitted industrial POTW or through a CWA permitted industrial point source.

OMA believes IDEM's reasoning for not classifying soiled or incidentally-contaminated cloth or textiles as solid wastes is appropriate and should serve as a model for Ohio for the following reasons:

- Soiled textiles, such as gloves, uniforms and aprons, are not discarded prior to laundering onsite or off. They are not abandoned, placed on the land or inherently waste-like.
- Soiled textiles such as gloves, uniforms and aprons are not spent within the historic application of the term within RCRA. Such textiles are laundered for appearance and/or hygienic reasons, not because they are unable to continue to function as designed or intended.

If Ohio EPA decides to move forward with a rulemaking to regulate certain textiles intended to be laundered, OMA strongly urges Ohio EPA to minimize the conditions placed on the generators of such textiles. A good example of this is found in Michigan, where the Michigan Department of Environmental Quality excludes laundered textiles from regulation as a recyclable material without imposing unnecessary conditions. Michigan's exclusion – like Ohio EPA's proposed rule – requires no free liquids be present when sending contaminated textiles to be laundered, but Michigan's rules do not require the listing of every hazardous constituent found within the textile (as required by (e)(ix) of Ohio's proposed rule).² See MAC R 299.9206(3)(g).

The current draft regulation, as proposed by Ohio EPA, is too burdensome for many of the intended beneficiaries to take advantage of the intended exclusion. Such examples of these burdens include providing the launderer written notice of the hazards of hazardous waste textiles and another notice of the hazardous constituents of the hazardous waste textiles. Since the discharge from these facilities is regulated under the Clean Water Act, this requirement is burdensome and repetitive without providing any additional environmental benefit. Simply stated, referring to these textiles as "Hazardous Waste Textiles" is counterproductive since most of these textiles have been laundered in the ordinary course of business for more than 50 years.

OMA believes it is important for Ohio EPA to recognize laundered textiles should be excluded from conventional hazardous waste laws and there are better ways to provide an exclusion than what has been proposed. The ten conditions proposed by Ohio EPA each erect unnecessary barriers and, as outlined above, the burdensome notice requirements may deter many companies from participating in a regulatory regime that is intended to be beneficial to them, but, in practice, will do nothing more than levy additional cumbersome, needless regulation.

² https://www.michigan.gov/documents/deq/deq-whm-hwp-Part111Rules_248146_7.pdf

We again thank the agency for the opportunity to provide comments. We look forward to working with the agency in an interested-party meeting as the draft and these comments are taken under consideration.

Sincerely,



Rob Brundrett
Director, Public Policy Services

cc: Julianne Kurdila, Committee Chair
Frank L. Merrill, Esq.



Via email PCS@orsanco.org
ORSANCO
5735 Kellogg Avenue
Cincinnati, OH 45230

Re: OMA Comments on ORSANCO's Pollution Control Standards – triennial review

Dear Sir or Madam:

Pursuant to ORSANCO's recent public notice, The Ohio Manufacturers' Association (OMA) is hereby providing the Ohio River Valley Water Sanitation Commission (ORSANCO) with written comments in response to potential revisions to its Pollution Control Standards (PCS).

The OMA is dedicated to protecting and growing manufacturing in Ohio. The OMA represents more than 1,400 manufacturers in every industry throughout Ohio. For more than 100 years, the OMA has supported reasonable, necessary and transparent environmental regulations that protect Ohio's citizens and resources.

The OMA would like to thank ORSANCO for the opportunity to comment as the Commission continues its review and evaluation of potential alternatives and revisions to the ORSANCO Pollution Control Standards – 2015 Revision (PCS). The OMA appreciates the role ORSANCO plays in helping protect and preserve water quality in the Ohio River and collecting and providing data and information for the river's many stakeholders. This comment period offers an important opportunity to review the role of ORSANCO in light of both regulatory developments and improvements in water quality in the Ohio River since ORSANCO's inception in 1948.

Summary of Comments

OMA has reviewed the five alternatives identified by the Commission and supports the adoption of Alternative 2 Expanded. We view this as the most sensible and cost-effective approach to achieve the goals of the ORSANCO Compact. Alternative 2 Expanded is appropriate and consistent with the mandates of the ORSANCO Compact.

When ORSANCO was created in 1948 the need for water quality improvements in the Ohio River was clear and prior to ORSANCO there was no effective regulatory framework to address this critical need. Since the creation of ORSANCO, there have been numerous changes to the regulatory system most notably the passage and enactment of the Clean Water Act and a comprehensive system of federal and state water quality programs and standards developed and implemented in all of the ORSANCO Compact states. As a result of these changes, there has been a dramatic improvement in the quality of the Ohio River, as well as its tributaries and other feeder streams.

Today all of the Compact States implement a federally-enforceable water quality program approved by the U.S. EPA. These programs have been effective in addressing each state's streams as aquatic habitats, as well as supporting their uses for recreation and drinking water.

The water quality goals of the Compact are being effectively addressed by the Clean Water Act and the PCS no longer provide the value and impact they once did. Today, the difference between the PCS and Clean Water Act standards can and do lead to confusion for the manufacturing community, and can create complications in the permitting process, where there is often no effective way to question or challenge the appropriateness or applicability of the underlying PCS in specific permitting situations. The more valuable role for ORSANCO today is to concentrate on its scientific and technical information gathering and research. This would allow ORSANCO to provide valuable information to the states in carrying out their obligations to preserve and protect water quality under the Clean Water Act. It would also help promote and coordinate consistency among the states in the Ohio River basin.

OMA believes that Alternative 2 Expanded is the best alternative outlined by the Commission. Alternative 2 Expanded maintains the beneficial uses of the Ohio River consistent with the mandates of the ORSANCO Compact, while at the same time removing the duplicative and resource intensive aspects of the PCS. Alternative 2 Expanded also allows ORSANCO to concentrate its resources on those tasks that it can best perform to help promote and preserve water quality in the Ohio River.

While the OMA appreciates the time and effort the Commission took in compiling these alternatives, the OMA cannot support Alternatives 3 or 4. Both of these options would consume significant amounts of time and resources, while creating duplicity and inconsistency, without likely achieving any real environmental benefit. Creating a more cumbersome regulatory regime for ORSANCO on top of the already stringent requirements of the Clean Water Act is inadvisable.

Alternative 5 which requires ORSANCO to maintain and update the PCS, but makes the standards essentially “voluntary” is an option the OMA cannot support. There is no justification for the expenses of maintaining the PCS if there is no overarching legal authority and no practical impact on water quality.

We again want to thank the Commission for the opportunity to provide comments. We look forward to working with the Commission throughout this review process, and appreciate the opportunity to convey our support for Alternative 2 Expanded. We look forward in participating in any future meetings or comment periods regarding the PCS as the Commission further evaluates the program.

Sincerely,



Rob Brundrett
Director, Public Policy Services

Environment

OMA Comments on ORSANCO Pollution Control Standards **February 26, 2018**

In response to the Ohio River Valley Water Sanitation Commission's (ORSANCO) recent public notice of its Pollution Control Standards (PCS) triennial review, the **OMA provided written comments** regarding potential revisions to the PCS.

OMA wrote: "The water quality goals of the Compact are being effectively addressed by the Clean Water Act and the PCS no longer provide the value and impact they once did. Today, the difference between the PCS and Clean Water Act standards can and do lead to confusion for the manufacturing community, and can create complications in the permitting process, where there is often no effective way to question or challenge the appropriateness or applicability of the underlying PCS in specific permitting situations. The more valuable role for ORSANCO today is to concentrate on its scientific and technical information gathering and research. This would allow ORSANCO to provide valuable information to the states in carrying out their obligations to preserve and protect water quality under the Clean Water Act. It would also help promote and coordinate consistency among the states in the Ohio River basin." 2/22/2018

Ohio EPA Revising NPDES Program Rules **February 26, 2018**

Ohio was authorized by U.S. EPA to implement the National Pollutant Discharge Elimination System (NPDES) under the Clean Water Act (CWA) (Section 402(b) and 40 C.F.R. Part 123) on March 11, 1974.

Authorized states assume permitting authority and are required to administer the program in a manner no less stringent than the CWA and regulations adopted or subsequently amended by EPA.

By law Ohio EPA must review these rules every five years. Pursuant to the five year rule review, the agency is soliciting initial input on **draft rule revisions** for nine of the ten rules in the chapter. The agency is considering minor revisions and updates to style and references to all of the rules

in this chapter. Please see the **fact sheet** for specific details. The agency is also requesting feedback on two draft additive forms (**here** and **here**). The OMA's contact is **Rob Brundrett**. 2/22/2018

Ohio EPA Looking for Comments on Construction NPDES **February 26, 2018**

Earlier this month Ohio EPA **provided notice** that it will be issuing a draft general National Pollutant Discharge Elimination System (NPDES) permit for the statewide regulation of storm water associated with industrial activities. The NPDES Statewide Construction Storm Water General Permit (**Permit No. OHC000005**) is the fifth generation of this general permit. The **permit would** authorize storm water discharges from construction activity disturbing one or more acres. Also, the permit would authorize some discharges that are not entirely storm water (such as trench dewatering), as well as storm water discharges from on-site concrete and asphalt batch plants.

This permit identifies who can apply to be covered, how an entity obtains coverage and how a permittee terminates coverage. The permit contains requirements for permittees to prepare, submit and implement a storm water pollution prevention plan (SWP3).

Interested persons are invited to submit written comments on this draft general permit. Comments should be submitted in person or by mail no later than 5:00 p.m. on April 4, 2018. An Ohio EPA public hearing to accept comments on the draft general permit has been scheduled for March 28, 2018 at 2:30 p.m. in the 6th floor Conference Room A at the Ohio EPA Lazarus Government Center, 50 West Town Street, Columbus, OH 43215. If you have questions or comments please contact OMA's **Rob Brundrett**. 2/22/2018

OMA Submits Comments on Proposed Textile Exclusion Rule **February 16, 2018**

This week the OMA **submitted comments** to Ohio EPA on its **Proposed Draft Hazardous Waste Laundered Textile Exclusion Rule 3745-51-06**. In its comments OMA

suggested that instead of creating and implementing an entirely new regulatory scheme for textile exclusion, Ohio EPA should adopt the approach taken by Indiana, which has proven to be highly successful, straightforward in implementation and environmentally-friendly. The Indiana Department of Environmental Management (IDEM) does not regulate “contaminated” (i.e., soiled) clothing sent for cleaning and reuse as a “solid waste,” therefore, laundered and reused clothing is not subject to certain regulation.

If Ohio EPA proceeds with the proposed rule, OMA will argue to minimize the conditions placed on the generators of such textiles. The current rule draft is too burdensome for many of the intended beneficiaries to take advantage of the intended exclusion. *2/15/2018*

Solid Waste Fee Increase? **February 9, 2018**

Two bills currently pending in the General Assembly **would double** the municipal solid waste fee from \$0.25 per ton to \$0.50 per ton. Proceeds from this fee increase would fund the local Solid and Water Conservation Districts (SWCDs) in each of Ohio’s 88 counties. There was an attempt to include the bills, **Senate Bill 228** and **House Bill 463**, as an amendment in last year’s state budget bill. They were rejected at that time due to strong opposition. Now the bills have been introduced in standalone fashion. House Bill 463 had **sponsor testimony** late last month. SWCDs are independent political subdivisions of state government organized along county boundaries providing technical assistance to urban and rural land users. An elected board of local citizens provides SWCD leadership. Local offices provide education and programs at the local level. Most programs are designed for agricultural and nonpoint sources. Therefore, these bills appear to be a fee increase for almost no new benefit for manufacturers. The OMA is working with allies to oppose these new potential fee increases. *2/8/2018*

Ohio EPA has New Fact Sheet on Universal Waste **February 2, 2018**

Ohio EPA developed a **new fact sheet** for the updated Universal Waste (UW) rules. Three new types of UW have been added to the list: paint

and paint-related waste, antifreeze, and non-empty aerosol containers. Per the Ohio Administrative Code, UW are not fully regulated as hazardous waste. These waste streams may be managed as universal waste within the state of Ohio. However, other states may not have designated these wastes as a UW. Therefore, if you send an Ohio-specific universal waste to or through another state, you must comply with that state’s requirements for the transportation and management of the waste. *2/1/2018*

About Your Dirty Laundry ... **January 26, 2018**

Earlier this month Ohio EPA proposed to amend its rules regarding the identification and listing of hazardous wastes under the Ohio Administrative Code. The proposed rule seeks to regulate, and provide a conditional exclusion for “hazardous waste textiles.”

The proposed rules define “hazardous waste textiles” to include any material that comes into contact with a hazardous waste as defined by Ohio law; Ohio EPA’s examples of “hazardous waste textiles” include rags, gloves, uniforms, linens, smocks, coveralls and mops, among other materials.

Under the proposed rules, the 10-step procedure for an entity to follow in order to have a contaminated textile excluded from regulation is clear, but the rule is very strict to meet, which raises some concern regarding the regulatory burden and compliance costs that will be associated with this new rule.

OMA environment counsel **Frank Merrill** of Bricker & Eckler **drafted this memo** detailing the changes and procedures. If you have any questions regarding the proposed exclusion, how to meet the exclusion, or what impact the proposed rules will have if enacted, contact OMA’s **Rob Brundrett** . *1/25/2018*

Is it Trash or Treasure? **January 12, 2018**

What do 100 55-gallon clean, metal drums in good condition and two bottom-dump rail cars of unused Nugent W-3 raw sand have in common?

They are just two of the products looking for new homes via Ohio EPA’s online Materials Marketplace.

The Materials Marketplace matches donors with seekers of recyclable materials, thus building Ohio's circular economy. More than 465 companies joined the platform last year and led to 64,000 pounds of material being diverted from the landfill. [Learn more here.](#) 1/10/2018

Universal Waste Ohio Rules Change **January 5, 2018**

OMA Connections Partner, Safex, has **published this tech bulletin** about Ohio's new universal waste rule that adds three items to the state's universal waste list: non-empty aerosol cans, hazardous paint and paint related wastes, and hazardous anti-freeze. The rule went into effect on December 21, 2017. Safex wrote: "... Allowing these items to be classified as universal wastes should simplify the management of hazardous waste for your company."

Safex is offering a free one-hour webinar – Waste Ohio Rules Change – on Tuesday, January 9 @ 1:00 p.m. [Register here.](#) 1/4/2018

Ohio EPA Region 5 has New Administrator **January 5, 2018**

According to a December 19, 2017 **press release** from the U.S. Environmental Protection Agency (EPA), Administrator Scott Pruitt announced the appointment of Cathy Stepp to become regional administrator for Region 5, which includes Indiana, Illinois, Michigan, Minnesota, Ohio and Wisconsin.

"Cathy Stepp currently serves as a principal deputy regional administrator for Region 7 and will return to the Midwest region where she previously served as the secretary of the Wisconsin Department of Natural Resources from 2011 to 2017. While serving as a state cabinet secretary, Cathy lead the third largest agency in the state with about 4,000 employees and was responsible for state enforcement and protection of: wildlife, fisheries, state parks, trails, forests, and environmental permitting," per the release.

Also according to the release, Ohio EPA Director Craig Butler said: "I am very pleased that Cathy Stepp will be the USEPA region 5 administrator. She is a strong leader with proven state experience. She knows how to get things done and I look forward to working closely with her." 1/4/2018

Ohio EPA webinar: Getting Started with the 2017 Biennial Hazardous Waste Report **January 5, 2018**

This presentation on Wednesday, January 17, 2018 at 10:00 a.m. will cover how to electronically file the Hazardous Waste Report for the State of Ohio using Ohio EPA's eBusiness Center through the eDRUMS service. There will be a second presentation to follow that will go over the specifics of filing the report. [Register here.](#) 1/2/2018

Ohio EPA Webinar: Environmental Compliance Assistance Services **January 5, 2018**

The Office of Compliance Assistance and Pollution Prevention (OCAPP) of the Ohio EPA provides free and confidential assistance to help Ohio businesses comply with Ohio's environmental requirements, such as completing permit applications and recordkeeping forms.

The office offers assistance with pollution prevention, sustainable materials management, zero waste initiatives and many other sustainability efforts designed to help customers increase profits and efficiency while reducing waste. [Learn more at this webinar](#) on Thursday, February 8, 2018 at 10:00 a.m. 1/2/2018

Ohio EPA Explains Life Cycle Assessment **December 21, 2017**

According to Ohio EPA: "Life Cycle Assessment (LCA) is a tool to assign a value to the environmental impact of a product, process or activity through its entire life cycle. Organizations can use it to help label their products or services and educate consumers about their environmental impacts. LCA can also help organizations strategically plan and design products with less environmental impact.

"LCA analyzes the impact of the product from cradle to grave or until it becomes a feedstock for another product. It reviews a product or service, including the energy and material inputs and outputs, accounting for material wastes, recycling and reuse. Even completing a partial LCA can provide a company insight on opportunities to improve a product or service."

Read [more here](#). 12/18/2017

New Universal Waste Rules Effective Dec. 21 December 15, 2017

On December, 8, 2017 Ohio EPA adopted Ohio-specific universal waste rules allowing hazardous non-empty aerosol containers, hazardous antifreeze, hazardous paint and hazardous paint-related wastes to be classified and managed as universal waste.

The OMA successfully led the effort for this major change. The rules become effective on December 21, 2017. A final copy of the rules are posted on the [Division of Environmental Response and Revitalization website](#).

The new Ohio-specific universal wastes will be subject to provisions that are tailored to address the risks the wastes may pose. The requirements include: labeling, tank and container standards, limited treatment provisions, accumulation time limits, employee training, emergency response and transportation according to U.S. Department of Transportation rules.

Also, universal wastes do not count towards a generator's monthly hazardous waste accumulation rate and they are not required to be manifested as a hazardous waste in Ohio or reported on the generator's hazardous waste biennial report.

Congratulations to the OMA members who led this successful effort! 12/14/2017

OMA Secures Changes to Draft Action Plan re. Phosphorous Limits December 1, 2017

Just prior to the Thanksgiving holiday, the [Ohio Lake Erie Commission announced](#) it had completed its revision of the [Ohio Domestic Action Plan \(DAP\) 1.0](#) to reduce phosphorus entering Lake Erie under the binational Great Lakes Water Quality Agreement with a goal of reducing phosphorus loading to Lake Erie by 40% by 2025.

This version of the Ohio DAP will be submitted to U.S. EPA for review and comment and to

serve as Ohio's part of the U.S. Domestic Action Plan, the final version of which is due in Feb. 2018.

The OMA had met with top leaders of Ohio EPA to oppose the agency's decision to confine – through legislative mandate – all permitted water dischargers to a 1.0 mg/L monthly average phosphorus limit.

In the revised DAP 1.0 the language has been changed to “Ohio EPA will evaluate possible legislation that will limit all treatment works discharging waste water containing phosphorus to achieve at least a monthly average effluent concentration of 1 mg/L phosphorus unless alternative limits or conditions are deemed appropriate by the Director.”

While not totally eliminating the possibility of legislative action, the change in tone is good news for manufacturers that would be impacted either directly or indirectly through new regulation. 11/30/2017

Silica Permissible Exposure Limit Scheduled to Take Effect in June 2018 December 1, 2017

According to Donald Elswick, CIH, CSP, CHMM, CET, an Ohio safety professional who consults to manufacturers: “The new U.S. OSHA Final Rule on Respirable Crystalline Silica sets a lower permissible exposure level (PEL) of 50 µg/m³ for all industries covered by the rule, adopts the more conservative ISO/CEN criteria of a 4-µm cut-point for respirable dust samplers, and allows any sampler conforming to ISO 7708/CEN criteria to be used.”

In this [short whitepaper](#), Elswick discusses the utility of Parallel Particle Impactor (PPI) respirable dust samplers in providing objective data to measure the new action level of 25 µg/m³, calculated as an 8-hour total weight average (TWA).

Exposures at or above the action level will trigger requirements for exposure assessment, should the rule take effect as scheduled on June 23, 2018. 11/30/2017

Environment Legislation
Prepared by: The Ohio Manufacturers' Association
Report created on March 5, 2018

- HB29** **MUNICIPAL WATER RESERVOIR BUFFERS** (LELAND D, BOGGS K) To eliminate law authorizing the maintenance of buffers around municipal water reservoirs by contiguous property owners.
Current Status: 4/25/2017 - House Energy and Natural Resources, (First Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-29>
- HB62** **WATER QUALITY IMPROVEMENT** (PATTERSON J, SHEEHY M) To require the Director of Agriculture to adopt rules establishing the Ohio Water Quality Improvement Program, to exempt land enrolled in the Program from taxation, and to reimburse local taxing units for revenue lost due to that exemption.
Current Status: 5/10/2017 - House Agriculture and Rural Development, (First Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-62>
- HB85** **ENTER HEALTH CARE COMPACT** (RETFERFORD W) To enter into the Health Care Compact.
Current Status: 3/7/2017 - House Federalism and Interstate Relations, (First Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-85>
- HB225** **ABANDONED WELL REGULATION** (THOMPSON A) To allow a landowner to report an idle and orphaned well or abandoned well, to require the Chief of the Division of Oil and Gas Resources Management to inspect and classify such a well, to require the Chief to begin plugging a well classified as distressed-high priority within a specified time period, and to authorize an income tax deduction for reimbursements paid by the state to a landowner for costs incurred to plug an idle or orphaned well.
Current Status: 2/28/2018 - Senate Energy and Natural Resources, (Second Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-225>
- HB393** **OIL AND GAS BRINE SALES** (DEVITIS A, O'BRIEN M) To authorize a person to sell brine derived from an oil and gas operation that is processed as a commodity for use in surface application in deicing, dust suppression, and other applications.
Current Status: 1/30/2018 - House Energy and Natural Resources, (Fourth Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-393>
- HB463** **SOLID WASTE DISPOSAL FEE INCREASE** (LATOURETTE S) To increase one of the state fees levied on the transfer or disposal of solid waste in Ohio, the proceeds of which are deposited into the Soil and Water Conservation District Assistance Fund, and to make an appropriation.
Current Status: 1/30/2018 - House Energy and Natural Resources, (First Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-463>

HCR4 ELIMINATE E-CHECK REQUIREMENT (YOUNG R) To urge Congress to amend the Federal Clean Air Act to eliminate the requirement to implement the E-Check Program, to urge the Administrator of USEPA to alleviate burdensome requirements of the E-Check Program and the Clean Air Act if Congress fails to act, and to encourage OEPA to explore alternatives to E-Check.

Current Status: 5/9/2017 - House Federalism and Interstate Relations, (Third Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HCR-4>

SB2 ENVIRONMENTAL PROTECTIONS LAWS (HITE C) To revise specified laws relating to environmental protection.

Current Status: 7/7/2017 - **SIGNED BY GOVERNOR**; eff. 10/6/2017

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-2>

SB50 WELL INJECTION-PROHIBITION (SKINDELL M) To prohibit land application and deep well injection of brine, to prohibit the conversion of wells, and to eliminate the injection fee that is levied under the Oil and Gas Law.

Current Status: 2/22/2017 - Senate Energy and Natural Resources, (First Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-50>

SB53 NATURAL GAS RESTRICTION (SKINDELL M) To ban the taking or removal of oil or natural gas from and under the bed of Lake Erie.

Current Status: 2/22/2017 - Senate Energy and Natural Resources, (First Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-53>

SJR4 CAPITAL IMPROVEMENTS FUNDING (SCHIAVONI J) Proposing to enact Section 2t of Article VIII of the Constitution of the State of Ohio to permit the issuance of general obligation bonds to fund sewer and water capital improvements.

Current Status: 9/6/2017 - Senate Finance, (First Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SJR-4>

To: OMA Government Affairs Committee
From: Ryan Augsburger / Rob Brundrett
Re: Human Resources Report
Date: March 7, 2018

Overview

The General Assembly has stalled on major human resources bills mainly due to outside influences. Governor Kasich recently proposed new restrictions for firearms in Ohio, developed from a selected working group of Second Amendment supporters. Unemployment compensation legislation remains a favorite talking point for elected officials; however current legislation is not supported by the business community.

General Assembly News and Legislation

House Bill 2 – employment discrimination reform

Representative Bill Seitz (R-Cincinnati) proposes to comprehensively overhaul Ohio's employment discrimination statutes in a manner that would benefit employers and bring Ohio's laws more in line with federal discrimination laws, but would continue to provide individuals avenues to assert state law discrimination violations.

After numerous hearings and amendments, House Bill 2, a bill aimed at mirroring Ohio's civil rights law with the federal law, was voted out of the House Economic Development, Commerce and Labor Committee along party lines.

Opposition to the bill from the Ohio Civil Rights Commission, the Ohio Association of Justice, and others was dropped after a new sub bill was adopted.

The OMA and other business organizations were supportive of the bill and its purpose. Opponents previously argued the bill would weaken workplace protections.

The latest version of the bill made two prominent changes: language requiring an individual to file a charge of discrimination before the Ohio Civil Rights Commission before filing a lawsuit and extending the statute of limitations for such claims to two years.

The bill is waiting for a full House vote. The appears most likely headed to lame duck for potential action.

House Bill 53 – Public Employee Unions

House Bill 53 was introduced by Rep. John Becker (R-Union Twp.). The bill removes any requirement under the Public Employees Collective Bargaining Law that public employees join or pay dues to any employee organization. The bill also prohibits public employers from requiring public employees to join or pay dues to any employee organization and prohibits an employee organization from being required to represent public employees who are not members of the employee organization. The bill has not received a hearing.

House Bill 160 – Ohio Fairness Act

The bill prohibits discrimination on the basis of sexual orientation or gender identity or expression. The bill adds mediation to the list of informal methods by which the Ohio Civil Rights Commission may use to induce compliance with Ohio's Civil Rights Law before instituting a formal hearing. The bill also upholds existing religious exemptions under Ohio's Civil Rights

Law. This bill has received two hearings in the House and has wide support from a ranging group of stakeholders.

House Bill 187 – Employee Hiring Information

The bill regulates the collection, use, and retention of certain information obtained from an applicant during the employee selection process. The bill places burdens on employers and potentially opens them up to lawsuits. The House has held several hearings but none since last September.

House Bill 233 – Handgun Decriminalization-Leaving Upon Request

The bill would enact the "Decriminalization Effort For Ending Notorious Deaths (DEFEND)" to provide an opportunity for a concealed handgun licensee or qualified military member to avoid guilt for carrying a concealed handgun into a prohibited place if the person leaves upon request, and to penalize as disorderly conduct failing to leave upon request or returning with a firearm.

The bill originally intended to protect those who mistakenly bring weapons into prohibited areas now provides a carve-out for a concealed handgun licensee or a qualified military member who ignores posted signs prohibiting persons from carrying firearms onto the land or those premises. The bill takes away a manufacturer's ability to keep firearms off of its property, even if a sign prohibiting the carrying of a firearm is posted in a conspicuous area.

The bill was passed quickly through the House of Representatives despite opposition from the OMA and other business groups. The Senate has yet to schedule a hearing.

Senate Bill 251 and House Bill 497 – "Revenge" Bill

This month the House held its first hearing on House Bill 497, which, along with its Senate companion Senate Bill 251, prohibits the nonconsensual dissemination of private sexual images. The two bills are designed to close a loophole in Ohio law that allows individuals to knowingly disseminate private images, without consent of the victim, with a purpose to harm the person in the images.

In their joint testimony Reps. John Rogers (D-Mentor on the Lake) and Nathan Manning (R-North Ridgeville) outlined the provisions of the bill including criminal penalties and employment protections. Employment protections include prohibiting an employer from firing, or failing to hire, an individual because of their victim status; requiring an employer to make "reasonable accommodations" to the victim; requiring an employer to give a victim unpaid leave; and, creating a civil action against an employer for failing to follow the bill's employer requirements.

House Bill 382 – Unemployment Compensation Revisions

Representative Schuring introduced a new attempt to solve the state's unemployment compensation problems in October. The new bill is a product of the discussions that Representative Schuring and Senator Peterson oversaw during the past year between interested parties including the OMA. Representative Schuring introduced the bill without the support of any of the interested parties but wanted a starting point to discuss solutions in the committee. The bill would raise employers taxes, cut the number of weeks an employee can receive compensation, require an employee co-pay and temporarily freeze benefits.

Representative Schuring also introduced HJR 4 which would allow the state to bond any future borrowing from the federal government. This would provide the state a new option when paying back any future debts. This resolution would need to be approved by Ohio's voters.

The OMA and its business community allies submitted a letter in opposition of House Bill 382 but in favor of the HJR 4. The bill and resolution have had 15 hearings in the House committee. In only three of those hearings has the committee received any testimony of any sort.

Employers should be prepared for a small increase in unemployment tax increase in Ohio. The legislature passed a law that temporarily increased Ohio's tax base rate from \$9,000 to \$9,500 per employee.

House Bill 424 – Substance Recovery for Workforce

The bill enacts the "Substance Recovery and Workforce Improvement Act" regarding drug testing and eligibility for unemployment compensation benefits. The bill was introduced in November and has received one hearing as of today.

House Bill 512 – Consolidate Career-Education Governance

The bill establishes the Department of Learning and Achievement. Essentially it abolishes the current Department of Higher Education, Department of Education and Governor's Office of Workforce Transformation. These entities will now be run through the Department of Learning and Achievement. The House has described the move as a way to better coordinate workforce preparation. The bill has had several hearings in the House and remains a priority by the Speaker. The Senate has announced some reservations regarding the realignment

Medical Marijuana

On September 8th, Ohio's medical marijuana program goes live. That is the first day that individuals can go to a dispensary in Ohio and buy medical marijuana if they have a recommendation from a doctor. Employers need to be prepared with their policies regarding medical marijuana use and their employees.

Unemployment Compensation System Surcharge

Ohio recently certified the amount owed to the federal government at \$274 million. This was paid off prior to the November deadline.

The payoff in 2016 would drop the FUTA per employee rate immediately from \$168 to \$42 per employee. Some employers may already have adjusted budgets expecting this reduction but most will see a reduction in cost realized in January 2017.

The repayment state surcharge was set for 2017 at 0.6% on the \$9,000 tax base. The cost would be \$54 per employee compared to the relative savings in reduced FUTA cost per employee of \$126 per employee. A net savings per employee of \$72 per employee.

Workforce Services

Manufacturers and Workforce Suppliers Hold Summit

Last November, almost 500 OMA members, manufacturers and their workforce suppliers, including government, education and training, and economic development professionals, met in Columbus to work on improving the talent pipeline for Ohio's leading industry: manufacturing.

Attendees from all regions of the state learned about the characteristics of successful regional workforce partnerships, best practices and initiatives underway throughout Ohio.

Industry sector partnerships are a recognized best practice with demonstrated results across the country for addressing real and common manufacturing workforce shortages and/or skill gaps.

Manufacturers also need to continue upping our game in communicating to young people and other job seekers about the many job and career opportunities that exist in modern manufacturing. To that end, a new brand, Making Ohio, was debuted and promoted at the event.

If you want to be kept informed about OMA's workforce services and activities, join the OMA workforce opt-in group.

The OMA continues to look for leaders and expand its support for regional industry sector partnerships. We encourage all members to get in touch with the OMA if workforce is a big issue for you so that we can get your facilities and state leaders actively involved in solving the workforce issue in Ohio.

Regional partnerships have been sprouting up with the assistance of the OMA, in regions like the Mahoning Valley, Medina and Lorain counties, west central Ohio, northwest Ohio, central Ohio, and Hamilton and Butler counties. If you have operations in these parts of the state please work with the OMA to get your facilities tied into these initiatives.



THE OHIO COUNCIL OF

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November 1, 2017

The Honorable Louis W. Blessing III
Chairman
Government Accountability and Oversight Committee
Ohio House of Representatives
77 S. High St., 13th Floor
Columbus, OH 43215

Dear Chairman Blessing:

As many in the legislature are aware, Ohio's unemployment insurance (UI) system is broken. The Ohio Unemployment Insurance Trust Fund, which is currently funded entirely by employers and pays out benefits to qualifying jobless workers remains in a perilous position. This instability creates a threat to economic development in the state. Most critically, Ohio's UI Trust Fund is projected to go insolvent in the next economic downturn unless the state acts to better align benefits with contributions to build a balance. Thus, reforms are urgently needed to update and strengthen Ohio's UI program for the benefit of Ohio's employers, employees and economy.

While we appreciate the leadership taken by Representative Schuring in tackling this issue, our organizations cannot support House Bill 382 in its current form. However, we do view the bill as a forum to continue discussions regarding solutions needed to address Ohio's UI issue.

In addressing this important issue, we believe in the following principles:

- Any workable solution must address both spending and revenue to balance the cost of benefits with employer contributions and simply pouring more money into the system without addressing benefits undercuts Ohio's job-creating economic competitiveness;
- Fundamental changes should take place in the near-term, prior to the next economic downturn when the situation will be even more dire and a resolution even more difficult to craft;
- We are opposed to any employee tax and, with it, the administrative costs and burdens such a tax would bring upon all parties; and

- Any potential solution must be compliant with the U.S. Department of Labor to ensure Ohio's businesses continue to receive the Federal Unemployment Tax credit.

We remain committed to working with Representative Schuring and will continue to offer ideas and solutions to address the system's solvency.

Meanwhile, we believe that House Joint Resolution 4 is an important piece of any solvency package in that it allows the state maximum flexibility if required to borrow federal funds to support the UI system in the future. Our organizations have long supported bonding as a helpful option when dealing with UI insolvency.

We appreciate the transparent and collaborative process of Representative Schuring as he works with interested parties to tackle this tough issue. Please feel free to contact any of the undersigned organizations with questions.

Sincerely,



Roger R. Geiger
Vice President & Executive Director
National Federation of Independent
Business



Adam Sharp
Executive Vice President
Ohio Farm Bureau



Andrew E. Doehrel
President & CEO
Ohio Chamber of Commerce



Eric L. Burkland
President
The Ohio Manufacturers' Association



Gordon Gough
President & CEO
Ohio Council of Retail Merchants

CC: Speaker Rosenberger
Representative Schuring

Industry Sector Partnerships are a proven workforce development strategy that put employers in the driver’s seat and have demonstrated effectiveness across the country. Manufacturers within a regional labor market work together to influence alignment around common solutions with education and training, economic and workforce development, and community organizations.

EFFECTIVE INDUSTRY SECTOR PARTNERSHIPS:

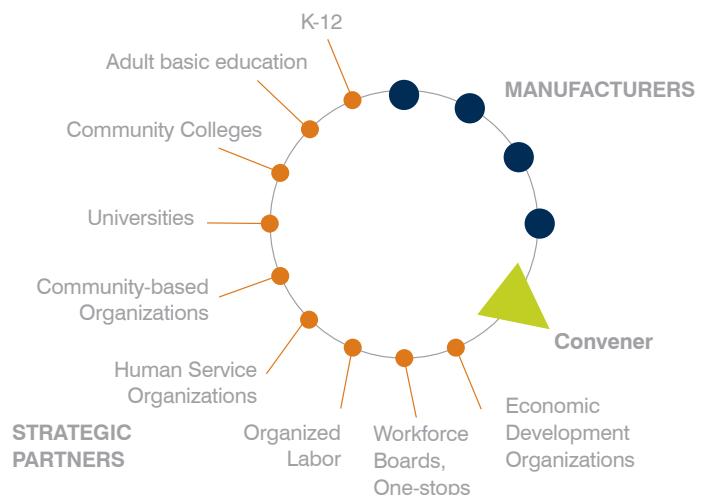
- **Identify common issues**, challenges and opportunities across individual employers;
- **Collectively** address the priority needs of industry;
- **Communicate industry priorities** to policy makers and workforce development partners, enabling them to design responsive solutions;
- Address current and emerging **skill gaps**, both short- and long-term;
- Provide a means to engage directly with industry **across traditional boundaries**;
- **Better align** programs, education/training curriculum and other resources serving employers and workers.

KEY COMPONENTS:

- **Led by employers** – to ensure the system is truly demand-driven and will lead to better outcomes for individuals
- **Focused on a single industry** – to allow employers to connect with peers from their own industry, identify needs beyond basic workplace skills, and dive deeply into the technical needs of the industry
- **Regional** – to address unique needs of subsectors while reflecting the true dynamics within a regional economy
- **Convened by a neutral intermediary** – to align all relevant partner programs and resources as solutions to identified industry needs

BENEFITS TO MANUFACTURERS:

- Systems change in response to business needs
- Reduced duplication and system inefficiencies
- Maximized resources and services
- Results in more streamlined services
- Helps manufacturers fill jobs more quickly
- Creates a pipeline of future workers
- Builds career pathways with seamless transitions from one educational stepping stone to another
- More powerful voice
- Influence training programs
- Impact policy
- Attract funding
- Mechanism for ongoing feedback loop with various education, training and workforce programs
- Better results (placement, earnings/benefits, retention, productivity)
- Firm-to-firm networking



From the National Governors Association report:
State Sector Strategies Coming of Age: Implications for State Workforce Policymakers



Making Ohio:

Building the Skill & Talent Pipeline for Ohio Manufacturers

Ohio manufacturers need help attracting and developing the skilled workforce essential for success today and for the future. One of the barriers to talent acquisition is that too many Ohioans still have an outdated image of manufacturing as dirty, dark, dangerous and dead-end. That's why The Ohio Manufacturers' Association is collaborating with workforce partners and other key stakeholders to develop Making Ohio, a brand that will support manufacturers' workforce development efforts across the state.

GOALS: Share the message that today's manufacturing is clean, safe and packed with exciting technology while offering rewarding jobs and careers. And provide the evidence.

TARGET AUDIENCES

Making Ohio is designed to reach:

- Young people making career choices
- Their parents – key influencers on career decisions
- Educators
- Special audiences of adults considering a job or career change, including underemployed workers, veterans and women

THE BRAND

The Making Ohio brand, including a logo and suite of promotional tools, delivers a fresh, compelling image of today's manufacturing careers. A preliminary version of the website, **MakingOhio.com**, will serve as a repository of Making Ohio marketing resources.



MAKING OHIO
OHIO MANUFACTURING



NEXT STEPS

Fully vet and launch the Making Ohio brand through:

- Market research that enables us to pinpoint the messaging that resonates with our target audiences – and the best ways to deliver those messages.
- Enhanced, expanded website that provides an engaging platform where target audiences can explore manufacturing jobs and careers, what it takes to obtain them, and compensation specific manufacturing jobs pay.
- Communications toolkit to help local sector partnerships and other stakeholders use the Making Ohio brand.
- Social media campaign designed to engage and attract prospective employees via the channels they routinely follow.
- Public speaking support and earned media that spotlight the opportunities in today's manufacturing companies.

HOW YOU CAN HELP

We are raising a target of \$150,000 to fund the program and cover the costs of these initiatives. Your financial support is important to the success of this program designed to help manufacturers meet workforce needs and growth goals.

Thank you!

Our partners: JobsOhio • Lightweight Innovations for Tomorrow (LIFT) • Ohio TechNet

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Supporting Ohio's Industry-Sector-Led Workforce Development Program to Solve Manufacturing Skill & Talent Gaps

Background

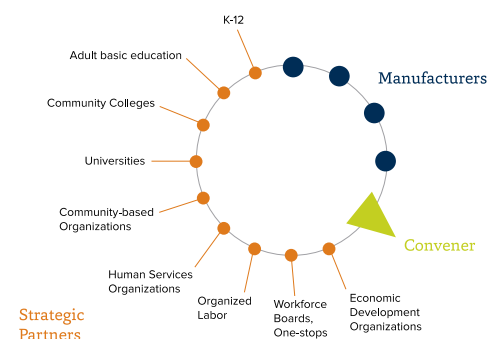
Ohio is the third largest manufacturing economy among states, following only California and Texas. Ohio manufacturing contributes 18% of the state's GDP, more than any other sector. And, more than 700,000 Ohioans are employed in manufacturing. The only larger employment sectors are health care & social assistance and government.

It's evident that Ohio's economic growth is tied largely to manufacturers' ability to train and recruit talent. The talent gap is driven by at least these key factors: 1) shrinking labor pool and increasing baby boomer retirements; 2) rapid technology change that requires training for today's systems *and* tomorrow's, and 3) competing recruitment demand from other sectors.

OMA, together with industry, education and government agency partners, has embraced Industry Sector Partnerships (sector partnerships), as a model for addressing workforce development challenges through collaboration. Sector partnerships put employers in the driver's seat and have demonstrated effectiveness across the country. Manufacturers within a regional labor market work together to influence alignment around common solutions with education and training, economic and workforce development and community organizations. The key elements of sector partnerships are:

- Industry leadership (CEO/Executive level) drives the agenda
- Manufacturers identify and collectively address priority workforce issues
- Workforce, economic development and education partners work as a system to meet industry needs
- All stakeholders pitch in to align resources and strengthen the community

1. Sector Partnership: Local/Regional System



From the National Governors Association report:
State Sector Strategies Coming of Age: Implications for State Workforce Policymakers

How can Ohio support the Sector Strategy to Solve Manufacturing Skill & Talent Gaps?

- Focus state government and industry efforts on industry-led regional sector partnerships, guided by a statewide Workforce Leadership Committee that the OMA will convene and lead. This committee will highlight industry-specific workforce priorities, set clear standards for collaboration, align funding streams to avoid duplication of training programs and services and evaluate their efficacy.
- Provide financial support for sector partnerships that have demonstrated industry leadership in their organizational structure and meaningful commitment by way of financial and volunteer contributions to ensure they are truly demand-driven.
- Incentivize K-12, two- and four-year higher education institutions to coordinate outcomes-based education and training programs. Multiple on- and off-ramps for entry- to leadership-level careers will be mapped to real industry needs and jobs. Industry-recognized credentials and certificate programs within manufacturing foundations will be standardized to increase stackable and transferable requirements from classroom to workplace. Investment in demand-driven training programs will offer internal pathways to retain incumbent workers and allow them to acquire new skills as jobs shift.
- Support statewide “Making Ohio” manufacturing image campaign, managed by the OMA, to create a consistent, positive perception among audiences of Ohio manufacturing career opportunities and pathways.

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OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

H.B. 160

132nd General Assembly
(As Introduced)

Reps. Antonio, Strahorn, Celebrezze, Sykes, Bishoff, Boggs, Boyd, Clyde, Kelly, Craig, Kent, Leland, Lepore-Hagan, Ramos, Sheehy, K. Smith, West, Miller

BILL SUMMARY

- Creates the Ohio Fairness Act.
- Expands many of the Ohio Civil Rights Commission (OCRC) Law's existing prohibitions against various unlawful discriminatory practices to apply to discriminatory practices on the basis of "sexual orientation," or "gender identity or expression," both of which it defines.
- Makes it an unlawful discriminatory practice for any employer, employment agency, or labor organization to limit, segregate, or classify its employees or applicants for employment in any way that would deprive or tend to deprive any individual of employment or otherwise adversely affect the status of the individual as an employee because of the individual's sexual orientation or gender identity or expression.
- Requires the OCRC to exercise certain of its existing powers and duties also with respect to discrimination on the basis of sexual orientation and gender identity or expression.
- Modifies the scope and content of the comprehensive educational program regarding prejudice that the OCRC must prepare.
- Provides that nothing in the OCRC Law's provisions that govern OCRC hearings on alleged unlawful discriminatory practices may be construed to authorize or require any person to observe the proportion that persons of any sexual orientation or gender identity or expression or persons of any of current law's covered

characteristics bear to the total population or in accordance with any criterion other than the individual qualifications of an applicant for employment or membership.

- Provides that nothing in the OCRC Law: (1) in general may be considered as repealing any Ohio law relating to discrimination because of sexual orientation or gender identity or expression, or (2) limits actions, procedures, or remedies afforded under federal law.
- Adds mediation as an informal method by which compliance with the OCRC Law can be induced.
- Modifies the current law list of characteristics excluded from the definition of "physical or mental impairment," for purposes of the OCRC Law.
- Adds sexual orientation and gender identity or expression to the list of covered characteristics that are specified in various provisions of current law located outside of the OCRC Law that generally prohibit persons or entities from discriminating on the basis of some or all of the covered characteristics.
- Adds sexual orientation and gender identity or expression to the list of covered characteristics that are specified in various provisions of current law located outside of the OCRC Law that require certain functions or duties to be performed without discrimination, require certain documents to include statements pertaining to nondiscrimination, or generally pertain to discrimination on the basis of some or all of the covered characteristics.
- Makes unenforceable any provision of a hiring hall contract or agreement that obligates a contractor to hire, if available, only employees referred to the contractor by a union, unless within 30 days after the contract's execution the union has in effect procedures for referring qualified employees for hire without regard to sex.

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Chair Blessing III, Vice Chair Reineke, ranking minority member Clyde, and the members of the House Government Accountability and Oversight committee, my name is Terry Szmagala and I am the Senior Vice President of Public and Community Affairs and Corporate Communications, as well as the Executive Sponsor of Eaton's LGBT Employee Resource Group, Eaton PRIDE.

Eaton is a power management company with 2016 sales of \$19.7 billion. We provide energy-efficient solutions that help our customers effectively manage power more efficiently, safely and sustainably. Eaton is dedicated to improving the quality of life and the environment through the use of power management technologies and services.

We employ approximately 95,000 employees and sell products to customers in more than 175 countries. Our North American headquarters are in Beachwood, right outside of Cleveland.

We employ more than 2,400 people who call Ohio home. In 2016, we have paid \$328 million in salary to Ohio employees, \$10 million in state taxes, \$6.5 million in local taxes, made \$4 million in charitable contributions in Ohio and purchased \$394 million in goods and services from over 1,000 suppliers within this state. In addition, our Cleveland area employees serve on the boards of directors of over 100 non-profit organizations in Northeast Ohio, and we annually run either the largest or second largest United Way campaign in Greater Cleveland.

One of Eaton's aspirational goals is to be a model of inclusion in our industry. We have policies and practices in place to cast the widest possible net in order to attract the best and brightest talent from across the country—policies and practices that go well beyond the protections against discrimination that the State of Ohio currently has.

Our business rationale for valuing diversity and inclusion is simple. We need inclusion and diversity to achieve our business objectives – diverse workforces are more effective workforces. Openness to diversity widens our access to the best talent, and inclusion allows us to engage that talent fully.

It is equally important that Ohio be viewed as committed to inclusion and diversity so that Ohio businesses such as ours are able to attract the best talent to the state. When we recruit to Ohio, we are often recruiting for top level positions (vice president, general manager, Communications, Human Resources, Law, Marketing, Computer Scientists). Our products are Internet of Things enabled and being marketed through social media. So when we recruit talent, our competition is not just GE and Siemens, but Apple, Google and Microsoft.

To be successful in recruiting for these creative jobs, Ohio needs to be viewed as a place where inclusion and diversity are valued. Eaton's success is tied to Ohio's success and we view this legislation as positioning Ohio as a state of choice for the new economy.

Eaton strongly supports legislation that shares our vision of inclusion, because it only makes our vision easier to achieve and contributes to our employees' success in all aspects of their lives, not just while on the clock.

Thank you for your time and I am willing to answer questions.

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For additional questions contact information is below:

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Human Resources

Employer Impacts of New “Revenge” Bill **March 2, 2018**

This week the House held its first hearing on **House Bill 497**, which, along with its Senate companion **Senate Bill 251**, prohibit the nonconsensual dissemination of private sexual images. The two bills are designed to close a loophole in Ohio law that allows individuals to knowingly disseminate private images, without consent of the victim, with a purpose to harm the person in the images.

In **their joint testimony** Reps. **John Rogers** (D-Mentor on the Lake) and **Nathan Manning** (R-North Ridgeville) outlined the provisions of the bill including criminal penalties and employment protections. Employment protections include prohibiting an employer from firing, or failing to hire, an individual because of their victim status; requiring an employer to make “reasonable accommodations” to the victim; requiring an employer to give a victim unpaid leave; and, creating a civil action against an employer for failing to follow the bill’s employer requirements.

Read **about the bill and its employer provisions here**. 3/1/2018

Here’s Your Desk Guide to Ohio Employment Statutes and Regulations **March 2, 2018**

OMA Connections Partner, Jackson Lewis, offers this 16-page **2017-18 Desk Guide to Ohio Employment Statutes and Regulations**. This guide, reviewed by Jackson Lewis counsel in the fall of 2017, is a great reference for all human resources administrators and managers. It summarizes the most frequently referenced employment laws. 2/26/2018

NLRB Reverts Back to Broad Joint Employer Test **March 2, 2018**

From OMA Connections Partner, Frantz Ward: “On Monday, the NLRB unanimously vacated its December 2017 *Hy-Brand Industrial Contractors* decision, marking yet another abrupt reversal in the method for determining whether two employers can be held jointly liable for violations of labor and employment laws committed by either employer. In doing so, the

Board effectively reinstated its 2015 *Browning-Ferris Industries* decision, meaning that two businesses are joint employers when one has “indirect” or “reserved” control over the other’s workers.”

And: “Monday’s order puts greater pressure on Congress to pass the Save Local Business Act, which would amend the National Labor Relations Act and the Fair Labor Standards Act to establish a “direct control” standard.”
More **here**. 3/1/2018

OMA Joins NAM to Restore Uniformity to Interpretation of Retiree Health-Benefit Plans **February 9, 2018**

On January 12, 2018, the OMA joined the National Association of Manufacturers (NAM) and other business groups in filing **an amici curiae brief** in the Sixth Circuit Court of Appeals in *Zino v. Whirlpool*, seeking reversal of the district court’s decision. The district court found a promise to provide unaltered health benefits to retirees for life even though there was no contractual language to that effect. In reaching its conclusion, the district court followed two recent Sixth Circuit decisions that create uncertainty and unpredictability for employers. In 2015, in *M&G Polymers USA LLC v Tackett*, the U.S. Supreme Court attempted to bring much-needed clarity and uniformity to the interpretation of retiree health-benefit plans by unanimously rejecting the Sixth Circuit’s *Yard-Man* rule. But, just two years later, the Sixth Circuit issued decisions in *UAW v. Kelsey-Hayes Co.* and *Reese v. CNH America LLC*, straying from the Supreme Court’s holding in *Tackett*. As a result, the Sixth Circuit is now an outlier in this area of law, which may lead to more litigation in Ohio as a result of forum shopping.

Amici argued that “[e]mployers and employees cannot meaningfully bargain or reliably plan for the future if clear terms in collective bargaining agreements and benefit plans are not enforced” and that massive unexpected costs and unpredictable benefits packages that will result from rulings like the district court’s will hurt employers and employees alike.

Briefing is still ongoing. 2/8/2018
Eaton’s Szmagala Testifies in Favor of Expanded Civil Rights Bill

February 2, 2018

Terry Szmagala, Senior Vice President of Public and Community Affairs and Corporate Communications, as well as the Executive Sponsor of Eaton's LGBT Employee Resource Group, Eaton PRIDE, **testified this week** in support of **HB 160**. HB 160 would expand many of the Ohio Civil Rights Commission (OCRC) Law's existing prohibitions against various unlawful discriminatory practices to apply to discriminatory practices on the basis of "sexual orientation," or "gender identity or expression." Szmagala said: "One of Eaton's aspirational goals is to be a model of inclusion in our industry. We have policies and practices in place to cast the widest possible net in order to attract the best and brightest talent from across the country—policies and practices that go well beyond the protections against discrimination that the State of Ohio currently has.

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"It is equally important that Ohio be viewed as committed to inclusion and diversity so that Ohio businesses such as ours are able to attract the best talent to the state ... Ohio needs to be viewed as a place where inclusion and diversity are valued. Eaton's success is tied to Ohio's success and we view this legislation as positioning Ohio as a state of choice for the new economy." 2/1/2018

Should You Consider a Second Chance Substance Policy & Program?
January 26, 2018

OMA Connections Partner, *Working Partners*®, posted: "Employers across the country are feeling the effects of an unprecedented four-year increase in the number of positive workplace drug tests. Not being able to find workers and the threat of losing seasoned employees due to substance use has forced many employers to consider or reevaluate their willingness to offer a second chance to employees who test positive." Read **more from Working Partners**® about second chance programs. 1/24/2018

Top 5 Employee Engagement Survey Mistakes
January 19, 2018

From OMA Connections Partner, Clark Schaefer Hackett: "Employee engagement is a hot topic for organizations big and small. Regardless of size, a highly engaged workforce is a company's greatest asset and can be a determining factor in how successful the company is. But the only reliable way to measure engagement is through an employee survey. Whether your organization is just starting to quantify engagement or has tracked it for years, it doesn't hurt to take a look at your strategy and make sure you're not making any of these **top five employee engagement survey mistakes**." 1/16/2018

H-1B Visa Filing Season Starts April 2, 2018
January 12, 2018

OMA Connections Partner, Dinsmore, reminds affected employers: "April 2, 2018 is the first day on which U.S. Citizenship and Immigration Services (USCIS) will accept H-1B specialty worker petitions for the next fiscal year beginning October 1, 2018. ...

"Due to the overwhelming demand for the annual allotment of 85,000 new H-1B slots, employers who wish to file new H-1B petitions for current or future employees should do so on April 2nd. The number of H-1B approvals requested by employers has reached the annual H-1B cap every year for more than 10 years. Last year, USCIS received 199,000 petitions within the first week then conducted a random lottery to determine which petitions would garner the 85,000 slots." Read the **full post here**. 1/9/2018

3 Emerging Trends in Labor and Employment Law for 2018
January 5, 2018



Here's a post from OMA Connections Partner, Bob Robenalt, of Fisher Phillips: "... it's time for manufacturers to begin planning for the next wave of labor and employment law trends forecasted to emerge over the coming year. Not surprisingly, we will continue to see deregulation at the federal level and an uptick in state-level protections. Looking ahead to 2018, manufacturers should have these 3 game-changing developments on their radar." [Read about them here.](#) 12/19/2017

***Bob Robenalt** is a partner at the Columbus office of Fisher Phillips, a national management-side labor and employment law firm.*

Attention HR Managers: New Employment Forms Available
January 5, 2018

For the convenience of OMA members, OMA creates a library of commonly used human resources forms including an employment application, performance evaluation form, vacation schedule, health questionnaire, state & federal posting requirements and more. The forms are reviewed annually by the OMA's law firm, Bricker & Eckler, so members can use them with confidence.

The forms are free and **always available on the OMA's website**. Members are urged to carefully read all the special instructions for use in order to comply with applicable laws. 1/4/2018

Labor Board Overrules Obama-Era Decisions
December 21, 2017

OMA Connections Partner, Calfee, posted this good news for employers: "In a remarkable two days, the National Labor Relations Board –

firmly in Republican control – slugged a grand slam, issuing four decisions which overrule Obama-era precedents which had favored unions and troubled employers. On December 14 and 15, 2017, in a series of 3-2 decisions divided along party lines, the Board reversed rulings made by the Obama Board in four key areas:

- Joint employer status
- Employee handbook rules
- Micro-units
- Unilateral changes to conditions of employment"

Read [more here.](#) 12/19/2017

New Ohio Minimum Wage Effective January 1, 2018
December 21, 2017

A reminder from OMA Connections Partner, Bricker & Eckler: "Effective January 1, 2018, the minimum wage in Ohio will be \$8.30 per hour for non-tipped employees. The state's minimum wage applies to non-tipped employees at businesses with gross annual receipts of more than \$305,000 per year, an increase from the current threshold of \$299,000. For tipped employees, the new minimum wage will be \$4.15 per hour. For people who work at companies with gross receipts below \$305,000, and for 14- and 15-year-olds, the minimum wage will be the federal rate of \$7.25 per hour.

"Employers are required to post the minimum wage and overtime information in a conspicuous place, such as an employee break room, HR office that can be accessed by employees or other common space."

A free downloadable copy of the poster is [available here.](#) 12/18/2017

Addressing Allegations of Sexual Harassment in the Workplace
December 8, 2017

OMA Connections Partner, Bricker & Eckler, provides this **summary of actions** employers should take to not only reduce legal risks but also to improve business performance through diversity and inclusion. 12/1/2017

Financial Attitudes & Behaviors of Millennials
December 1, 2017

According to OMA Connections Partner, Bank of America Merrill Lynch: “Millennials have become the largest segment of the U.S. workforce. In fact, today, more than one-in-three American workers is a Millennial. For this reason, the Millennial generation is often singled out to examine how their needs and wants differ from those of others.”

As part of its **2017 Workplace Benefits Report**, a nationwide study of the financial attitudes and behaviors of employees, Bank of America Merrill Lynch looked specifically at the responses of millennials to help educate employers about this generation.

Among its findings:

- 57% express significant doubts about the economy
- 43% express similar doubts about the job market
- 59% report being worried about finding a career path that will support the lifestyle they’ve envisioned for themselves

Read **more here** about millennial findings. 11/27/2017

Human Resources, Health Care & Employment Law Legislation

Prepared by: The Ohio Manufacturers' Association
Report created on March 5, 2018

- HB2** **CIVIL RIGHTS EMPLOYMENT LAW (SEITZ B)** To modify Ohio civil rights laws related to employment.
Current Status: 5/9/2017 - **SUBSTITUTE BILL ACCEPTED & REPORTED OUT**, House Economic Development, Commerce and Labor, (Sixth Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-2>
- HB53** **PUBLIC EMPLOYEES-MEMBER DUES (BECKER J)** To remove any requirement under the Public Employees Collective Bargaining Law that public employees join or pay dues to any employee organization, to prohibit public employers from requiring public employees to join or pay dues to any employee organization, to prohibit an employee organization from being required to represent public employees who are not members of the employee organization, and to make an appropriation.
Current Status: 2/14/2017 - Referred to Committee House Finance
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-53>
- HB86** **MINIMUM WAGE INCREASE (SMITH K, CRAIG H)** To increase the state minimum wage to ten dollars and ten cents per hour beginning January 1, 2019.
Current Status: 2/28/2017 - Referred to Committee House Economic Development, Commerce and Labor
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-86>
- HB136** **ROAD DESIGNATION-DAVID SEXTON AND GLEN MILLINGER (ARNDT S)** To designate a portion of State Route 61 in Erie County as the "SGT David Sexton Memorial Highway" and a portion of Benton-Carroll Road in Ottawa County as "SGT Glen Millinger Memorial Highway."
Current Status: 4/26/2017 - **REPORTED OUT**, House Transportation and Public Safety, (First Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-136>
- HB158** **UNEMPLOYMENT COMPENSATION-MILITARY TRANSFERS (PERALES R, CRAIG H)** To permit persons who quit work to accompany the person's spouse on a military transfer to be eligible for unemployment compensation benefits.
Current Status: 11/7/2017 - Senate Finance, (First Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-158>
- HB160** **OHIO FAIRNESS ACT (ANTONIO N)** To enact the Ohio Fairness Act to prohibit discrimination on the basis of sexual orientation or gender identity or expression, to add mediation to the list of informal methods by which the Ohio Civil Rights Commission may use to induce compliance with Ohio's Civil Rights Law before instituting a formal hearing, and to uphold existing religious exemptions under Ohio's Civil Rights Law.
Current Status: 1/31/2018 - House Government Accountability and Oversight, (Second Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation->

[summary?id=GA132-HB-160](https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-160)

- HB166** **WORKFORCE DEVELOPMENT SYSTEM REVISIONS** (REINEKE W, CUPP B) To revise the laws governing the state's workforce development system, programs that may be offered by primary and secondary schools, certificates of qualification for employment, and the Opportunities for Ohioans with Disabilities Agency, and to designate the first week of May as In-Demand Jobs Week.
Current Status: 3/7/2018 - House Higher Education and Workforce Development, (Seventh Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-166>
- HB187** **EMPLOYEE HIRING INFORMATION** (DEVER J) To regulate the collection, use, and retention of certain information obtained from an applicant during the employee selection process.
Current Status: 9/20/2017 - House Community and Family Advancement, (Third Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-187>
- HB193** **DISCRIMINATION PROTECTION-FLU VACCINE** (HAGAN C) To prohibit an employer from taking an adverse employment action against a person who has not been or will not be vaccinated against influenza.
Current Status: 2/28/2018 - House Health , (First Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-193>
- HB382** **UNEMPLOYMENT COMPENSATION LAW** (SCHURING K) To modify terms describing payments made under the Unemployment Compensation Law, to increase the amount of wages subject to unemployment compensation premiums, to require qualifying employees to make payments to the Unemployment Compensation Insurance Fund, to allow the Director of Job and Family Services to adjust maximum weekly benefit amounts, to reduce the maximum number of benefit weeks, and to make other changes to the Unemployment Compensation Law.
Current Status: 3/7/2018 - House Government Accountability and Oversight, (Sixteenth Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-382>
- HB424** **SUBSTANCE RECOVERY-WORKFORCE** (WIGGAM S) To enact the "Substance Recovery and Workforce Improvement Act" regarding drug testing and eligibility for unemployment compensation benefits.
Current Status: 2/20/2018 - House Government Accountability and Oversight, (First Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-424>
- HB477** **ELIMINATE EDUCATION PROGRAMS** (KOEHLER K) To eliminate various provisions and programs related to the Department of Education and the operation of primary and secondary schools.
Current Status: 2/20/2018 - House Education and Career Readiness, (Second Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation->

[summary?id=GA132-HB-477](https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-477)

- HB508** **OHIOCORPS PILOT PROJECT** (RYAN S, REINEKE W) To establish the OhioCorps Pilot Project and to make an appropriation.
Current Status: 3/6/2018 - House Finance, (Fourth Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-508>
- HB512** **CONSOLIDATE CAREER-EDUCATION GOVERNANCE** (REINEKE W) To establish the Department of Learning and Achievement; to abolish the Department of Higher Education, the position of the Chancellor of Higher Education, and the Ohio Board of Regents; to transfer, with exceptions, the duties regarding the administration of primary and secondary education programs and all duties regarding the administration of higher education programs to the Department of Learning and Achievement; and to prescribe certain duties regarding educator licensure, community school sponsorship, and other education programs for the State Board of Education, Superintendent of Public Instruction, and Department of Education.
Current Status: 3/7/2018 - House Government Accountability and Oversight, (Third Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-512>
- HJR4** **UNEMPLOYMENT COMPENSATION BONDS** (SCHURING K) To allow the General Assembly to provide by law for the issuance of bonds to pay unemployment compensation benefits when the fund created for that purpose is or will be depleted or to repay outstanding advances made by the federal government to the unemployment compensation program.
Current Status: 3/7/2018 - House Government Accountability and Oversight, (Sixteenth Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HJR-4>
- HJR7** **PUBLIC SECTOR UNION PROHIBITIONS** (BECKER J, RIEDEL C) Proposing to enact Section 22 of Article I of the Constitution of the State of Ohio to prohibit laws, rules, and agreements that require employees of public sector employers to join or pay dues to an employee organization and to prohibit employee organizations from representing nonmember public sector employees in employment-related matters.
Current Status: 1/16/2018 - Referred to Committee House Government Accountability and Oversight
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HJR-7>
- HJR8** **PRIVATE SECTOR UNION PROHIBITIONS** (BECKER J, RIEDEL C) Proposing to enact Section 22 of Article I of the Constitution of the State of Ohio to prohibit laws, rules, and agreements that require employees of private sector employers to join or pay dues to an employee organization and to prohibit employee organizations from representing nonmember private sector employees in employment-related matters.
Current Status: 1/16/2018 - Referred to Committee House Government Accountability and Oversight
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HJR-8>
- HJR9** **PUBLIC CONTRACTOR WAGE PROHIBITIONS** (BECKER J, RIEDEL C) Proposing to

enact Section 43 of Article II of the Constitution of the State of Ohio to prohibit a public authority from requiring a contractor on a public improvement to pay the contractor's workers the prevailing rate of wages for work performed on the public improvement.

Current Status: 1/16/2018 - Referred to Committee House Government Accountability and Oversight

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HJR-9>

HJR10 **GOVERNMENT CONTRACTS-REQUIREMENT PROHIBITIONS** (BECKER J, RIEDEL C) Proposing to enact Section 2 of Article XV of the Constitution of the State of Ohio to prohibit certain requirements or prohibitions regarding labor agreements in government contracts.

Current Status: 1/16/2018 - Referred to Committee House Government Accountability and Oversight

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HJR-10>

HJR11 **COLLECTIVE BARGAINING REPRESENTATIVE ELECTIONS** (BECKER J, RIEDEL C) Proposing to enact Section 12 of Article XV of the Constitution of the State of Ohio to subject any public employee collective bargaining representative to an annual election to remain certified as the exclusive representative.

Current Status: 1/16/2018 - Referred to Committee House Government Accountability and Oversight

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HJR-11>

HJR12 **PAYROLL DEDUCTIONS-LABOR DUES** (BECKER J, RIEDEL C) Proposing to enact Section 12 of Article XV of the Constitution of the State of Ohio to prohibit dues and other fees payable to an employee organization from being deducted from the payroll check of a public employee and to prohibit those dues and fees from being used for political purposes unless authorized by the public employee.

Current Status: 1/16/2018 - Referred to Committee House Government Accountability and Oversight

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HJR-12>

SB3 **WORKFORCE DEVELOPMENT** (BEAGLE B, BALDERSON T) To revise the laws governing the state's workforce development system, programs that may be offered by primary and secondary schools, certificates of qualification for employment, and the Opportunities for Ohioans with Disabilities Agency, and to designate the first week of May as In-Demand Jobs Week.

Current Status: 11/6/2017 - **SIGNED BY GOVERNOR**; Eff. 90 days

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-3>

SB14 **MINIMUM WAGES AND OVERTIME** (TAVARES C) To require that domestic workers be paid the higher of the minimum wage provided in Section 34a of Article II, Ohio Constitution, or the minimum wage provided in the Fair Labor Standards Act, to require that domestic workers be paid overtime wages, to make certain conduct directed toward a domestic worker an unlawful discriminatory practice, and to require a weekly day of rest for domestic workers.

Current Status: 2/1/2017 - Referred to Committee Senate Transportation, Commerce and Workforce

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-14>

- SB49** **HIRING-FELONY CONVICTIONS** (WILLIAMS S) To prohibit private employers from including on an employment application any question concerning whether an applicant has been convicted of or pleaded guilty to a felony.
Current Status: 11/15/2017 - Senate Transportation, Commerce and Workforce, (First Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-49>
- SB100** **CIVIL RIGHTS-DISCRIMINATION PROHIBITIONS** (SKINDELL M, TAVARES C) To prohibit discrimination on the basis of sexual orientation or gender identity or expression, to add mediation to the list of informal methods by which the Ohio Civil Rights Commission must attempt to induce compliance with Ohio's Civil Rights Law before instituting a formal hearing, and to eliminate certain religious exemptions from the Ohio Civil Rights Law.
Current Status: 3/15/2017 - Referred to Committee Senate Government Oversight and Reform
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-100>
- SB116** **MILITARY SPOUSE UNEMPLOYMENT COMPENSATION** (LAROSE F, WILLIAMS S) To permit persons who quit work to accompany the person's spouse on a military transfer to be eligible for unemployment compensation benefits.
Current Status: 6/13/2017 - Senate Finance, (First Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-116>
- SB140** **PUBLIC-PRIVATE PARTNERSHIP GRANTS** (SCHIAVONI J) To create the Public-Private Partnership Grant Program for fiscal years 2018 and 2019 to develop, enhance, and promote educational programs to address regional workforce needs; to create the Sector Partnership Grant Program for fiscal years 2018 and 2019 to identify and provide grants to industry partnerships; to support programs that improve access to workforce training opportunities for students; to support economic development and revitalization programs; and to make an appropriation.
Current Status: 5/3/2017 - Referred to Committee Senate Finance
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-140>
- SB261** **PAID FAMILY MEDICAL LEAVE** (TAVARES C) To establish family and medical leave insurance benefits to provide paid leave to allow an individual to address the individual's own serious health condition, to care for a family member, or to bond with a new child and to exempt those benefits from personal income tax.
Current Status: 2/22/2018 - Introduced
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-261>

TO: OMA Government Affairs Committee
FROM: Ryan Augsburger / Rob Brundrett
RE: Safety and Workers' Compensation Report
DATE: March 7, 2018

Overview

2018 brings an election year, and with that a little bit less legislative activity than 2017. Several workers' compensation bills remain in play at the General Assembly. There is speculation that BWC Administrator may be appointed to a judge seat after being recommended last fall. The BWC is considering making changes to individual workers' compensation programs which would have an impact on group programs.

Legislation and Rules

Senate Bill 118 / House Bill 161 – PTSD

New first responder PTSD bills were introduced last year in the General Assembly. The bills would provide workers' compensation benefits for first responders with post-traumatic stress disorder (PTSD) arising from employment, even without an accompanying physical injury or occupational illness. Benefits could be provided to qualifying claimants for up to one year.

The bills would create a fundamental shift from current workers' compensation law which requires a physical injury before allowing any mental health claims.

The Bureau of Workers' Compensation (BWC) board reviewed a report from the BWC actuarial staff quantifying the financial impact this bill and its companion, Senate Bill 118, would have on the local governments which would pay the claims.

It is estimated that the bill would cost up to an additional \$98.4 million annually in claims. For comparative purposes, currently all public entities in the State Insurance Fund combined pay approximately \$190 million in total annual premium today.

OMA and its business allies have long opposed opening the workers' compensation system to cover claims with no accompanying physical injury or occupational illness.

House Bill 161 had sponsor testimony last May. Senate Bill 118 had its first hearing in November.

House Bill 268 – Makes changes to Ohio's self-insurance workers comp laws

The bill would create a second self-insured guaranty fund for employers who currently cannot meet the financial metrics to go self-insured under today's laws. The bill also allows self-insured companies to purchase private insurance.

During the bill's third hearing the OMA testified in opposition of the bill. OMA Workers' Compensation Committee member Cathy Duhigg Gannon from Eaton provided OMA's opponent testimony.

House Bill 269 – Workers Compensation changes

The bill would rename the BWC to the Worker Safety and Rehabilitation Agency. It would require the agency to develop incentives for employers to participate in safety consultations and loss prevention programs. The bill requires an employee who is

receiving temporary total disability compensation to comply with a return to work plan, and it makes changes with respect to compensation for permanent total disability and death benefits. The bill has had two hearings.

House Bill 380 – Illegal Aliens

The bill prohibits illegal and unauthorized aliens from receiving compensation and certain benefits under Ohio's Workers' Compensation Law. The bill is based off of the amendment that was eventually removed from the workers' compensation budget bill.

The House passed the bill in early December. The Senate has not taken up the bill. There was a lot of pushback in the Senate when this was debated in the workers' compensation budget.

House Bill 459 – Group Self Insurance

The bill would allow groups of employers to be granted status as a self-insuring employer for purposes of the Workers' Compensation Law. The bill would leave it up to the BWC on how to structure and operate any such program. The bill had sponsor testimony earlier this year.

Subrogation Amendment

Representative Henne is shopping new language that would address a problem that has surfaced with the recently passed subrogation legislation. That bill required a citation to be issued to the at fault party in order for the subrogation process to proceed. However in the extreme case where the at fault party dies in the auto accident a citation isn't issued. This prevents any subrogation from taking place. The draft bill would address these situations.

BWC Agency Notes

BWC Proposes 12% Premium Reduction

The Ohio Bureau of Workers' Compensation (BWC) asked its board of directors to reduce private employer premium rates by 12 percent beginning July 1.

The BWC reports that, if approved, the reduction would save private employers \$163.5 million over this year's premiums.

What enables the proposed reduction is fewer workplace injury claims and slow-to-moderate growth in medical inflation according to BWC Administrator/CEO Sarah Morrison.

BWC reported 86,290 allowed claims in 2017, a near 18% drop from 2011. This is the lowest number of claims dating back to at least 1997.

The actual premium paid by individual private employers depends on a number of factors, including the expected future claims costs in their industry, their company's recent claims history, and their participation in various BWC discount programs.

The board approved the recommendation at its February board of directors meeting.

Safety Issues

Safety Congress Sessions for Manufacturers

The Ohio Safety Congress & Expo will run March 7-9 at the Greater Columbus Convention Center.

Among the 200 educational sessions presented by experts from across the country, this programming has been created specifically for Ohio's manufacturers.

Stop by the expo marketplace and say hi to us at booth #644!

Attendance is free for Ohio employers and their employees.

OSHA has New Fact Sheet on Respirable Silica Standard for General Industry

OSHA has recently published a fact sheet that summarizes the major requirements of the respirable crystalline silica standard for general industry and maritime.

Workers can be exposed to respirable crystalline silica during the: Manufacture of glass, pottery, ceramic, brick, concrete, asphalt roofing, jewelry, artificial stone, dental, porcelain, or structural clay products; Use of industrial sand in operations such as foundry work; and Use of sand for abrasive blasting.

Generally, general industry employers must comply with all requirements of the standard by June 23

BWC Administrator Outlines 2018 Focus: Wellness and Workplace Safety

Earlier this year Bureau of Workers' Compensation (BWC) Administrator Sarah Morrison, described the agency's push for wellness and safety in 2018.

She wrote: "An overwhelming amount of research shows us that a healthy lifestyle leads to wellness in virtually every facet of our lives, including the workplace. BWC's new wellness program will offer Ohio workers in small businesses a variety of services. Details are being finalized, but the program will offer services such as health risk assessments, biometric screenings, personalized health plans and coaching, chronic disease management and more. This is geared to help workers live a healthy, balanced life – factors that can prevent injury, or recover more quickly if they are hurt on the job."

And, "Safety will continue to take center stage in 2018. ... To increase the awareness of the importance of safety, we will introduce a public health and safety campaign focused on preventing slips, trips and falls, overexertions and motor vehicle accidents (all of which make up about 60 percent of our injured worker claims each year)."

OSHA Raises Penalty Amounts for 2018

From OSHA: "On Jan. 2, civil penalty amounts for violations of workplace safety and health standards increased by two percent from last year. In accordance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, the Department of Labor is required to adjust penalties for inflation each year. New penalties for willful and repeat violations are \$129,336 per violation; serious, other-than-serious, and posting requirements are \$12,934 per violation; and failure to correct violations is \$12,934 for each day the condition continues."



**BEFORE THE INSURANCE COMMITTEE
OF THE HOUSE OF REPRESENTATIVES
REPRESENTATIVE TOM BRINKMAN, CHAIRMAN**

**TESTIMONY
OF
CATHY DUHIGG GANNON
EATON
OMA SAFETY AND WORKERS' COMPENSATION COMMITTEE**

DECEMBER 13, 2017

Mr. Chairman and members of the Committee, my name is Cathy Duhigg Gannon and I am Eaton's Senior Manager of Workers' Compensation. Eaton is a multinational power management company with its operational headquarters located in Beachwood, Ohio. I also serve on The Ohio Manufacturers' Association's (OMA) Safety and Workers' Compensation Committee. The OMA was created in 1910 to advocate for Ohio's manufacturers; today, it has 1,400 members. Its mission is to protect and grow Ohio manufacturing. I'm here today to testify on behalf of the OMA on House Bill 268.

House Bill 268 does essentially two things. First the bill allows all self-insuring employers to purchase private workers' compensation insurance. Second, the bill requires the Administrator of the BWC to waive the requirement that an employer have sufficient assets located in Ohio to qualify for self-insuring status if the employer holds a rating of Ba2 or higher according to Moody's, or a comparable rating from a similar agency. These companies would make up a new Self-Insuring Employers' Guaranty B Fund. It is the second provision of the bill which the OMA would like to address today.

The OMA has long supported self-insurance of workers' compensation in Ohio, and has previously worked with the BWC and this body to ensure that changes to self-insurance qualifications benefit qualified employers without putting the risk pool in jeopardy. An example of this would be when the BWC sought support to waive the 500 employee threshold as one of the considerations for self-insurance so long as the company still had strong financials. This was done first through rule and later statute.

Guarantee Funds act as a mutualized form of insurance that provide coverage for any injured worker whose self-insured employer defaults on its obligations. It is funded by employers granted the privilege to self-insure their worker's compensation losses, and these employers rely on the BWC to ensure that employers granted this privilege have the financial capability to pay for these losses. House Bill 268 would dramatically change which companies would be eligible to self-insure. By lowering the credit threshold to Ba2, Ohio would be allowing companies with non-investment grade financials to be considered for self-insurance for the first time ever, which in turn would create a much weaker guarantee pool. This is a major risk for any company that would

become part of the new “B” fund and likely as well for the state of Ohio, as in the event of cash constraints or bankruptcies during a financial downturn, these sources would be called upon to finance claims in the system as well as claims yet to be filed against these defaulting self-insured employers.

The most significant reason that companies are not granted self-insurance in Ohio is not because of their assets in the state, but rather, it is because their financial positions are not strong enough to cover expected losses from workers’ compensation claims. Strong financials are necessary so that the Guarantee Fund, any guarantee fund, does not go bankrupt under financial pressure. During the Great Recession in 2008, the BWC and the self-insured community shared a significant concern that the Self-Insured Employers’ Guarantee Fund would not be adequate to cover current and future liabilities as companies went out of business and others were teetering on the brink of bankruptcy, and this with the strongest and most financially stable companies. Imagine the potential crisis with a much weaker set of employers.

House Bill 268 adds significant risk to the state of Ohio, potential self-insured employers, and Ohio’s injured workers. Ohio already has a path to self-insurance that works, and there are significant risks to changing this process. At this time and for these reasons, the OMA must oppose House Bill 268. Thank you. I’ll be pleased to attempt to answer any questions you may have.

OSHA's Respirable Crystalline Silica Standard for General Industry and Maritime

Workers who are exposed to respirable crystalline silica dust are at increased risk of developing serious silica-related diseases. OSHA's standard requires employers to take steps to protect workers from exposure to respirable crystalline silica.

What Is Respirable Crystalline Silica?

Crystalline silica is a common mineral that is found in materials such as stone, artificial stone, and sand. When workers cut, grind, or drill materials that contain crystalline silica, or use industrial sand, they can be exposed to very small silica dust particles. These tiny particles (known as "respirable" particles) can travel deep into workers' lungs and cause silicosis, an incurable and sometimes deadly lung disease. Respirable crystalline silica also causes lung cancer, other potentially debilitating respiratory diseases such as chronic obstructive pulmonary disease, and kidney disease. In most cases, these diseases occur after years of exposure to respirable crystalline silica.

How Are Workers in General Industry and Maritime Exposed to Respirable Crystalline Silica?

Workers can be exposed to respirable crystalline silica during the:

- Manufacture of glass, pottery, ceramic, brick, concrete, asphalt roofing, jewelry, artificial stone, dental, porcelain, or structural clay products;
- Use of industrial sand in operations such as foundry work and hydraulic fracturing; and
- Use of sand for abrasive blasting (e.g., maritime operations).

What Does the Standard Require?

The standard for general industry and maritime (29 CFR 1910.1053) requires employers to:

- **Determine the amount of silica that workers are exposed to** if it is, or may reasonably be expected to be, at or above the **action level of 25 µg/m³** (micrograms of silica per cubic meter of air), averaged over an 8-hour day;
- Protect workers from respirable crystalline silica exposures above the **permissible exposure limit (PEL) of 50 µg/m³**, averaged over an 8-hour day;

- **Limit access** to areas where workers could be exposed above the PEL;
- Use **dust controls and safer work methods** to protect workers from silica exposures above the PEL;
- Provide **respirators** to workers when dust controls and safer work methods cannot limit exposures to the PEL;
- Establish and implement a **written exposure control plan** that identifies tasks that involve exposure and methods used to protect workers;
- Restrict **housekeeping** practices that expose workers to silica, such as use of compressed air without a ventilation system to capture the dust and dry sweeping, where effective, safe alternatives are available;
- Offer **medical exams**—including chest X-rays and lung function tests—every three years to workers exposed at or above the action level for 30 or more days per year;
- **Train workers** on the health effects of silica exposure, workplace tasks that can expose them to silica, and ways to limit exposure; and
- **Keep records** of workers' silica exposure and medical exams.



A worker uses a stone grinder that applies water at the work surface to reduce silica dust levels in the air.

Examples—Dust Control Methods

Employers can protect workers from silica exposures by using dust controls such as:

- Wet methods that apply water at the point where silica dust is made;
- Local exhaust ventilation that removes silica dust at or near the point where it is made; and
- Enclosures that isolate the work process or the worker.



While grinding stone, a worker uses local exhaust ventilation to remove silica dust and reduce his exposure.



While abrasive blasting dental castings, a worker uses an enclosure that isolates silica dust.

Photo: New Jersey Department of Health

When Are Employers Required to Comply with the Standard?

General industry and maritime employers must comply with all requirements of the standard by June 23, 2018, except for the following:

- Medical surveillance must be offered to employees who will be exposed at or above the action level for 30 or more days a year starting on June 23, 2020. (Medical surveillance must be offered to employees who will be exposed above the PEL for 30 or more days a year starting on June 23, 2018.)
- Hydraulic fracturing operations in the oil and gas industry must implement dust controls to limit exposures to the new PEL by June 23, 2021.

Additional Information

Additional information on OSHA's silica standard can be found at www.osha.gov/silica. OSHA can provide compliance assistance through a variety of programs, including technical assistance about effective safety and health programs, workplace consultations, and training and education. OSHA's On-Site Consultation Program offers free, confidential occupational safety and health services to small and medium-sized businesses in all states and several territories across the country, with priority given to high-hazard worksites. On-Site consultation services are separate from enforcement and do not result in penalties or citations. Consultants from state agencies or universities work with employers to identify workplace hazards, provide advice on compliance with OSHA standards, and assist in establishing and improving safety and health management systems. To locate the OSHA On-Site Consultation Program nearest you, call 1-800-321-OSHA or visit www.osha.gov/consultation.

How to Contact OSHA

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to ensure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit www.osha.gov or call OSHA at 1-800-321-OSHA (6742), TTY 1-877-889-5627.

This is one in a series of informational fact sheets highlighting OSHA programs, policies or standards. It does not impose any new compliance requirements. For a comprehensive list of compliance requirements of OSHA standards or regulations, refer to Title 29 of the Code of Federal Regulations. This information will be made available to sensory-impaired individuals upon request. The voice phone is (202) 693-1999; teletypewriter (TTY) number: (877) 889-5627.



U.S. Department of Labor



Safety & Workers' Compensation

Private Employer Workers' Comp Rates Fall 12 Percent **March 2, 2018**

Last week, the Ohio Bureau of Workers' Compensation (BWC) Board of Directors approved the proposed 12% cut in rates that will save private employers in the BWC system \$163.5 million over this year's premiums.

BWC Administrator/CEO Sarah Morrison attributes the agency's ability to reduce rates to many factors, including slow growth in medical inflation, fewer claims, a changing workforce and safer workplaces.

The actual premium paid by individual private employers depends on multiple factors that include expected future claims costs in their industry, their company's recent claims history, and their participation in various BWC discount programs. 2/26/2018

Safety Congress Starts March 7 – Not Too Late to Register! **March 2, 2018**



The **2018 Ohio Safety Congress & Expo** (OSC18), sponsored by the Ohio Bureau of Workers' Compensation, helps businesses keep their workforce safe, healthy and productive.

More than 200 educational sessions, guest presenters from various states and more than 250 exhibitors share their knowledge and resources at this free event.

Visit the OMA team at booth #644 in the expo area! 3/1/2018

BWC's Cincinnati Office has Moved **March 2, 2018**

Effective Jan. 16, 2018, the Bureau of Workers' Compensation Cincinnati office location is:

Cincinnati Claims Office
135 Merchant St.
Springdale, OH 45246
The phone numbers remain the same:
Claims – (800) 644-6292
Employer Services – (513) 583-4403
2/28/2018

BWC Board Expected to Vote on Premium Rate Reduction **February 23, 2018**

The Ohio Bureau of Workers' Compensation (BWC) board of directors is expected to approve a 12% reduction in private employer premium rates when it meets today. The rates would be effective beginning July 1. If approved, the reduction would save private employers \$163.5 million over this year's premiums, which the BWC says are at their lowest rates in at least 40 years.

The BWC cites a number of reasons for the reduction of rates including, reduction in claims, slow-to-moderate growth in medical inflation, and more employers using its safety education and resources. From 2010 through 2015, BWC's Division of Safety & Hygiene saw a 71% increase in the number of employers using its safety programs and services.

The actual premium paid by individual private employers depends on a number of factors, including the expected future claims costs in their industry, their company's recent claims history, and their participation in various BWC discount programs. 2/23/2018

OSHA has New Fact Sheet on Respirable Silica Standard for General Industry **February 23, 2018**

OSHA has recently published this **revised fact sheet** that summarizes the major requirements of the respirable crystalline silica standard for general industry and maritime. Workers can be exposed to respirable crystalline silica during the:

- Manufacture of glass, pottery, ceramic, brick, concrete, asphalt roofing, jewelry, artificial stone, dental, porcelain, or structural clay products
- Use of industrial sand in operations such as foundry work
- Use of sand for abrasive blasting

Generally, general industry employers must comply with all requirements of the standard by June 23, 2018. 2/16/2018

BWC CEO/Administrator Visits OMA Committee
February 16, 2018



This week BWC CEO/Administrator Sarah Morrison visited with the OMA Safety & Workers' Compensation Committee to discuss the bureau's 2018 agenda, which includes a focus on wellness and workplace safety. BWC has launched **Better You, Better Ohio™**, a program offering Ohio workers in small businesses a variety of wellness services. BWC is also planning a public relations campaign to help educate Ohioans how to be more safety conscious at work and at home.

In addition, A.J. Groeber, Executive Director of the State Medical Board of Ohio **provided an overview** of how Ohio's medical marijuana program was going to work and how it might impact employers. Starting September 8, 2018 medical marijuana will be sold in Ohio. 2/15/2018

Pictured: Larry Holmes, VP-Finance, Ft. Recovery Inds., Inc. and committee chairman with Sarah Morrison, BWC CEO/Administrator.

New OSHA Safety Walk-Around Fact Sheet
February 9, 2018

OSHA's new fact sheet, **Safety Walk-Arounds for Managers**, provides suggestions for conducting inspections that can help you evaluate the effectiveness of your current safety and health efforts, and communicate directly with workers about job hazards. 2/5/2018

BWC Names Safety Innovation Award Finalists
February 9, 2018

To spotlight employers' ingenuity and commitment to workplace safety, The Bureau of Workers' Compensation (BWC) annually sponsors **Safety Innovation Awards**. The program recognizes innovations that result in risk reduction, cost savings, and potential application to other workplaces, industries or operations.

After considering dozens of applications and visiting the sites of eight semifinalists, **BWC has announced** the following employers as the four finalists for the 2018 Safety Innovation Awards:

- **MPW Industrial Services** (Hebron) – *M1-RV crawler* – A remote-controlled vacuuming system that cleans clarifier tanks; it eliminates employee exposure from hazards of entering and cleaning clarifier tanks
- **Navistar** (Springfield) – *Cab destructive weld tear down* – An articulating arm that holds a worker's pneumatic tool during weld tear down of truck cabs; it reduces the potential of falling, bad postures and awkward positions due to high reaction forces on employees during the process
- **Ramco Electric Motors** (Greenville) – *Aluminum die-casting automated biscuit return* – A conveyor system that delivers aluminum die-casting byproducts (aka "biscuits") from the casting machine back to the 1,300-degree liquid aluminum bath; the system eliminates the exposures of an

individual performing the task of dropping the biscuits back in the crucible

- **Terracon Consultants Inc.** (Cincinnati) – *YM3000 pin puller* – A redesigned T-handle that is adjustable in height and allows employees to remain standing when pulling 28-inch pins (used for soil density readings) from the ground; it decreases the potential of back or wrist strains from pin pulling, helps reduce fatigue and increases productivity

The four finalists will present their innovations to an independent three-judge panel and the public at the **Ohio Safety Congress & Expo 2018** in Columbus on March 7-9. OSC18 attendees can cast a vote for their favorite innovation to determine the recipient of The People's Choice award. *2/6/2018*

Employers: Post OSHA 300A Until April 30 **February 9, 2018**

Employers are reminded to post their 2017 OSHA Form 300A, Summary of Work-Related Injuries and Illnesses, from February 1–April 30, 2018.

OSHA Form 300A lists the total number of job-related injuries and illnesses that occurred during the previous year, and must be posted even if no work-related injuries or illnesses occurred during the year. It should be displayed in a common area where notices to employees are usually posted so that employees are aware of the injuries and illnesses occurring in the workplace.

A company executive must certify that he or she has examined the employer's OSHA Form 300, Log of Work-Related Injuries and Illnesses, and that he or she reasonably believes—based on his or her knowledge of the process by which the information was recorded—that the OSHA Form 300A is correct and complete. **More info here.** *2/5/2018*

BWC has Mailed Corrected 1099s **February 2, 2018**

The Bureau of Workers' Compensation (BWC) said that due to a printing error, the 1099s it sent to employers related to the 2017 Billion Back rebate were not accurate. BWC has mailed corrected 1099s.

Because this was a printing error, it did not impact the data sent to the IRS. The file BWC sent to the IRS was accurate.

You can view your corrected/accurate 1099 on the BWC website. After you log in, go to the **View IRS 1099s** service offering located on the About Us page. *1/31/2018*

Do You Have a Good Safety Intervention Idea? It Might Qualify for a BWC Safety Grant **February 2, 2018**

Fourteen Ohio employers will share \$341,020 in grants from the Ohio Bureau of Workers' Compensation (BWC) to purchase equipment designed to substantially reduce or eliminate workplace injuries and illnesses.

The Safety Intervention Grant program matches an employer's investment 3-to-1 up to a maximum of \$40,000. Quarterly data reports and follow-up case studies measure the effectiveness of employers' safety interventions and establish best practices for accident and injury prevention. Learn more about the **Safety Intervention Grant Program.** *2/1/2018*

BWC Proposes 12% Premium Reduction **January 26, 2018**

This week, the Ohio Bureau of Workers' Compensation (BWC) **asked its board of directors** to reduce private employer premium rates by 12 percent beginning July 1. The BWC reports that, if approved, the reduction would save private employers \$163.5 million over this year's premiums.

What enables the proposed reduction is fewer workplace injury claims and slow-to-moderate growth in medical inflation according to BWC Administrator/CEO Sarah Morrison.

BWC reported 86,290 allowed claims in 2017, a near 18% drop from 2011. This is the lowest number of claims dating back to at least 1997.

The actual premium paid by individual private employers depends on a number of factors, including the expected future claims costs in their industry, their company's recent claims history, and their participation in various BWC discount programs.

The board is scheduled to vote on the recommendation during its next regular meeting scheduled for Feb. 23. *1/25/2018*

Group Self-Insurance Bill has Hearing **January 26, 2018**

This week Rep. **Mike Henne** (R-Clayton) provided **sponsor testimony** on **House Bill 459** in the House Insurance Committee. The bill would allow groups of employers to be granted self-insured status under the state's Workers' Compensation Law provided the employers have sufficient financial ability to pay their workers' compensation obligations and abide by the regulatory framework which would be established by the BWC Administrator. Rep. Henne testified: "A self-insurance group is a method by which small to medium sized employers within the same industry can pool their workers' compensation liability together and spread it amongst multiple employers. Many self-insured employers can disperse their risk within their own company and have the means to meet the financial obligations of their workers' compensation program. By allowing employers to group together, they can have the same characteristics of the employers that are self-insured."

The OMA Safety and Workers' Compensation Committee will be discussing this bill and much more at its February 13 meeting. *1/25/2018*

Employers Must Post Injury/Illness Summary **Beginning February 1** **January 19, 2018**

OSHA reminds employers of their obligation to post a copy of OSHA's **Form 300A**, which summarizes job-related injuries and illnesses logged during 2017. Each year, between Feb. 1 and April 30, the summary must be displayed in a common area where notices to employees are usually posted.

Businesses with 10 or fewer employees and those in certain low-hazard industries are exempt from OSHA recordkeeping and posting requirements.

Visit OSHA's Recordkeeping Rule **web page** for more information on recordkeeping requirements. Also login to My OMA to view our January 11 recorded webinar, **New to OSHA Recordkeeping?** *1/18/2018*

OSHA Raises Penalty Amounts for 2018 **January 19, 2018**

From OSHA: "On Jan. 2, **civil penalty amounts** for violations of workplace safety and health standards increased by two percent from last year. In accordance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, the Department of Labor is required to adjust penalties for inflation each year. New penalties for willful and repeat violations are \$129,336 per violation; serious, other-than-serious, and posting requirements are \$12,934 per violation; and failure to correct violations is \$12,934 for each day the condition continues." *1/18/2018*

House Introduces Group Self-Insurance Bill **January 19, 2018**

Last week Rep. **Mike Henne** (R-Clayton) introduced yet another workers' compensation bill, this time legislation (**HB 459**) that would permit groups of employers to be granted self-insurance status for the purposes of Ohio's workers' compensation laws. While big on ambition the bill is short on details. The bill kicks the can to the Bureau of Workers' Compensation to develop how the program would work.

OMA will report on developments of this bill and all matters safety and workers' compensation important to manufacturers at its upcoming Safety & Workers' Compensation Committee meeting on February 13. **Register here.** *1/18/2018*

Worker Deaths Rose Nationwide in 2016 **January 19, 2018**

Last month, the Bureau of Labor Statistics released its **National Census of Fatal Occupational Injuries in 2016**, which reports 5,190 workplace fatalities in 2016 — a 7%

increase from 2015. The fatal injury rate also increased from 3.4 per 100,000 full-time equivalent workers in 2015 to 3.6 in 2016. More workers lost their lives in transportation incidents than any other event in 2016, accounting for about two out of every five fatal injuries. Workplace violence injuries increased by 23%, making it the second most common cause of workplace fatality. The report also shows the number of overdoses on the job increased by 32% in 2016.

To help support safe workplaces, OMA offers monthly safety webinars. [Here's the 2018 schedule.](#) 1/18/2018

BWC's January Webinar for Employers **January 12, 2018**

The BWC webinar on Thursday, January 25 at 11:30 a.m. provides information about what it means to certify a claim, Other States Coverage, the Ohio Safety Congress & Expo 2018, important dates and deadlines for private and public employers, and the monthly safety tip. Learn [more and register here.](#) 1/5/2018

BWC Administrator Outlines 2018 Focus: Wellness and Workplace Safety **January 5, 2018**

In [this blog](#), Bureau of Workers' Compensation (BWC) Administrator Sarah Morrison, describes the agency's push for wellness and safety in 2018.

She writes: "An overwhelming amount of research shows us that a healthy lifestyle leads to wellness in virtually every facet of our lives, including the workplace. BWC's **new wellness program** will offer Ohio workers in small businesses a variety of services. Details are being finalized, but the program will offer services such as health risk assessments, biometric screenings, personalized health plans and coaching, chronic disease management and more. This is geared to help workers live a healthy, balanced life – factors that can prevent injury, or recover more quickly if they are hurt on the job."

And, "Safety will continue to take center stage in 2018. ... To increase the awareness of the importance of safety, we will introduce a public health and safety campaign focused on preventing slips, trips and falls, overexertions and motor vehicle accidents (all of which make

up about 60 percent of our injured worker claims each year)." 1/4/2018

BWC Implements Back Surgery Rule **January 5, 2018**

OMA Connections Partner, Bricker & Eckler, posts about a new lumbar fusion surgery rule: "Effective January 1, 2018, the Ohio Bureau of Workers' Compensation (BWC) has a new rule for when injured workers can request lumbar fusion surgery, as well as requirements that must be met prior to seeking authorization for such a procedure ..."

"This rule was created, in part, as a response to the current opiate crisis that exists in Ohio. According to the BWC, 68 percent of lumbar fusion surgeries are unsuccessful. This leaves the majority of injured workers who utilize this type of treatment unhappy and dependent on pain killers, such as opioids. In an effort to reduce this risk, the BWC is requiring injured workers to engage in conservative care management for at least 60 days, except in specific cases. It is hoped that this approach will enable workers with low back pain to benefit from non-surgical interventions and return to work more quickly, reserving lumbar fusion surgery for only the few that require it."

Read [more from Bricker here.](#) 1/2/2018

SHA Accepting Electronically Submitted Injury, Illness Reports through December 31 **December 21, 2017**

OSHA will continue accepting 2016 OSHA Form 300A data through the **Injury Tracking Application (ITA)** until midnight on December 31, 2017. OSHA will not take enforcement action against those employers who submit their reports after the December 15, 2017, deadline but before December 31, 2017, final entry date. Starting January 1, 2018, the ITA will no longer accept the 2016 data.

If you need more information about this you can access an [OMA recorded webinar here](#) (use your MY OMA login.) 12/18/2017

BWC Plans New Website in 2018 **December 21, 2017**

The Bureau of Workers' Compensation (BWC) plans to launch a new website in 2018. BWC

indicates that the site will provide a better customer experience through better design, easier navigation and more relevant content.

The first phase, which is expected go live in early 2018, will focus on those areas users see prior to logging in. Content and services that exist after logging in will be the focus later in the year.

Because the design and content are completely new, users will need to familiarize themselves with the new site. Also, while the **main site** will remain, many individual pages will go away, replaced by new content. This means any saved bookmarks or favorites will no longer work. 12/18/2017

BWC Appoints Pharmacy Program Director **December 21, 2017**



Ohio Bureau of Workers' Compensation (BWC) Administrator/CEO Sarah Morrison announced the appointment of Dr. Nicholas D. Trego to lead the agency's pharmacy operations.

As Pharmacy Program Director, Trego will oversee BWC's pharmacy benefits program, which manages more than 768,000 prescriptions in the BWC system.

Morrison elevated Trego from clinical operations manager, where he managed BWC's prior authorization process, updated and improved its formulary and consulted with private medical providers on appropriate medication plans for their patients. Read **more here**. 12/19/2017

OSHA Guidance on Protecting Workers from Weather-Related Hazards **December 21, 2017**

From OSHA: "As outdoor temperatures drop and winter storms approach, employers should take measures to keep their employees safe. **OSHA's Winter Weather webpage** provides information on protecting employees from hazards while working outside during **severe cold** and snow storms. This guidance includes information on **staying safe while clearing heavy snow from walkways and rooftops**." 12/18/2017

OMA Testifies Against Workers' Comp Self-Insurance Proposal **December 15, 2017**

This week, OMA member Cathy Duhigg Gannon, Manager, Workers' Compensation, Eaton, **testified on behalf of the OMA Safety and Workers' Compensation Committee** before the House Insurance Committee against House Bill 268. The bill proposes, among other things, to create a new, higher risk Ohio Self-Insured Guarantee Fund. In her testimony Duhigg Gannon said, "By lowering the credit threshold to Ba2, Ohio would be allowing companies with non-investment grade financials to be considered for self-insurance for the first time ever, which in turn would create a much weaker guarantee pool. This is a major risk for any company that would become part of the new "B" fund and likely as well for the state of Ohio, as in the event of cash constraints or bankruptcies during a financial downturn, these sources would be called upon to finance claims in the system as well as claims yet to be filed against these defaulting self-insured employers." 12/14/2017

DOT Drug Testing: Employer DOT Policies – the Part 40 Changes **December 15, 2017**

The Department of Transportation (DOT) and the United States Coast Guard have provided guidance to DOT-regulated employers about what their DOT policies will need to contain about the changes to 49 CFR Part 40, which are effective January 1, 2018. See the **DOT notice here**.

Further, participants in the Ohio BWC's Drug-Free Safety Program, DFSP, are required to conform, at minimum, to the federal testing model.

For any questions whatsoever about your drug testing policies or program, contact OMA Connections Partner, **Working Partners®**. You can also email the **BWC DFSP**. 12/14/2017

Get Your Share of BWC Safety Grants
December 8, 2017

The Bureau of Workers' Compensation (BWC) award **16 Ohio employers** a total of \$372,967 in grants in October to purchase equipment designed to substantially reduce or eliminate workplace injuries and illnesses.

The Safety Intervention Grant program matches an employer's investment 3-to-1 up to a maximum of \$40,000. Quarterly data reports and follow-up case studies measure the effectiveness of employers' safety interventions and establish best practices for accident and injury prevention.

Learn more about the **Safety Intervention Grant Program here**. 12/4/2017

Workers' Compensation Legislation
Prepared by: The Ohio Manufacturers' Association
Report created on March 5, 2018

- HB27** **WORKERS' COMPENSATION BUDGET** (BRINKMAN T) To make changes to the Workers' Compensation Law, to make appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of the Bureau's programs.
Current Status: 6/30/2017 - **SIGNED BY GOVERNOR**; eff. 6/30/2017
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-27>
- HB28** **INDUSTRIAL COMMISSION BUDGET** (BRINKMAN T) To make appropriations for the Industrial Commission for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of Commission programs.
Current Status: 6/28/2017 - **SIGNED BY GOVERNOR**; eff. 6/28/17
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-28>
- HB99** **WORKERS COMPENSATION-PNEUMOCONIOSIS** (CERA J) To modify workers' compensation benefit amounts for occupational pneumoconiosis claims and to create the Occupational Pneumoconiosis Board to determine medical findings for such claims.
Current Status: 6/21/2017 - House Insurance, (First Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-99>
- HB133** **DISASTER RELIEF ACT** (RYAN S) To create the Disaster Relief Act to exempt out-of-state disaster businesses and qualifying out-of-state employees from certain taxes and laws with respect to disaster work on critical infrastructure performed in this state during a declared disaster.
Current Status: 11/29/2017 - Senate Ways and Means, (First Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-133>
- HB161** **WORKERS COMPENSATION-PTSD** (PATTON T) To make peace officers, firefighters, and emergency medical workers diagnosed with post-traumatic stress disorder arising from employment without an accompanying physical injury eligible for compensation and benefits under Ohio's Workers' Compensation Law for up to one year and to prohibit such a person from receiving a disability benefit from a state retirement system for post-traumatic stress disorder arising from employment without an accompanying physical injury during the time period the person receives compensation and benefits under the Workers' Compensation Law for the disorder.
Current Status: 5/24/2017 - House Insurance, (First Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-161>
- HB268** **WORKERS COMPENSATION-SELF-INSURERS** (HENNE M) To make changes to the Workers' Compensation Law with respect to self-insuring employers.
Current Status: 12/13/2017 - House Insurance, (Third Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-268>
- HB269** **WORKERS COMPENSATION OVERHAUL** (HENNE M) To rename the entities who carry

out workers' compensation functions in this state, to require the Administrator of Worker Safety and Rehabilitation to develop incentives for employers to participate in safety consultations and loss prevention programs, to require an employee who is receiving temporary total disability compensation to comply with a return to work plan, and to make changes with respect to compensation for permanent total disability and death benefits.

Current Status: 12/13/2017 - House Insurance, (Third Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-269>

HB380 **WORKERS COMP-ILLEGAL ALIENS** (SEITZ B, HOUSEHOLDER L) To prohibit illegal and unauthorized aliens from receiving compensation and certain benefits under Ohio's Workers' Compensation Law.

Current Status: 2/20/2018 - Referred to Committee Senate Insurance and Financial Institutions

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-380>

HB459 **WORKERS COMP-SELF-INSURING EMPLOYERS** (HENNE M) To allow groups of employers to be granted status as a self-insuring employer for purposes of the Workers' Compensation Law.

Current Status: 1/24/2018 - House Insurance, (First Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-459>

SB118 **PTSD TREATMENT-FIRST RESPONDERS** (LAROSE F, BROWN E) To make peace officers, firefighters, and emergency medical workers diagnosed with post-traumatic stress disorder arising from employment without an accompanying physical injury eligible for compensation and benefits under Ohio's Workers' Compensation Law for up to one year and to prohibit such a person from receiving a disability benefit from a state retirement system for post-traumatic stress disorder arising from employment without an accompanying physical injury during the time period the person receives compensation and benefits under the Workers' Compensation Law for the disorder.

Current Status: 11/14/2017 - Senate Insurance and Financial Institutions, (First Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-118>

SB140 **PUBLIC-PRIVATE PARTNERSHIP GRANTS** (SCHIAVONI J) To create the Public-Private Partnership Grant Program for fiscal years 2018 and 2019 to develop, enhance, and promote educational programs to address regional workforce needs; to create the Sector Partnership Grant Program for fiscal years 2018 and 2019 to identify and provide grants to industry partnerships; to support programs that improve access to workforce training opportunities for students; to support economic development and revitalization programs; and to make an appropriation.

Current Status: 5/3/2017 - Referred to Committee Senate Finance

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-140>

TO: OMA Government Affairs Committee
FROM: Ryan Augsburger / Rob Brundrett
SUBJECT: Tax Public Policy Report
DATE: March 7, 2018

Overview

The biggest tax and finance news continues to come from the federal government with the passage of tax reform and the possibilities of steel and aluminum tariffs hitting. In Ohio the business community secured a big court victory over local government and members remain engaged on the manufacturing sales and use tax exemption rule that is being reviewed by the Department along with looking for ways to make Ohio manufacturing even more competitive in regards to tax and economic development policy.

Tax Legislation

Senate Bill 114 / House Bill 155 – Vehicle Training Tax Credit

Senate Bill 114 and House Bill 155 are companion bills that authorize tax credits for expense incurred by employers to train a commercial vehicle operator. These bills would allow businesses to take credits against the CAT. The bills had one hearing in the House and Senate. OMA met with both proponents of the bills and sponsors of the bills. Proponent and sponsors indicated they would follow the advice of the OMA and look at a possible grant program in lieu of a CAT credit.

Senate Bill 132 – Foreign Trade Zone CAT Credit

The bill would establish a five-year pilot program whereby taxpayers with facilities in Ohio with activated foreign trade zone status may claim a nonrefundable commercial activity tax credit equal to the amount redeployed by the taxpayer to job creation and renewable energy resources. OMA participated in an interested party meeting earlier this fall and expressed serious concern over the proposal.

House Bill 185 – Political Contributions Tax Credit

The bill expands the scope of political contributions that qualify for the income tax credit for contributions to political campaigns to candidates for any state, county, municipal, or district office. It had its first hearing last June.

Senate Bill 203 – Throw-Back Rule Reinstatement

The bill would reinstate the municipal income tax "throw-back rule" used in apportioning business income among municipalities. The throw-back rule was eliminated with OMA backing during the budget bill process.

House Bill 216 – Used Vehicle Trade-In Credit

The bill authorizes a sales and use tax trade-in credit for purchases of used motor vehicles from a licensed dealer. The bill had two hearings prior to the summer break last year.

House Bill 262 – Independent Budget Process

The bill would provide for the preparation of a state biennial budget independent of that submitted by the Governor and to authorize the Legislative Service Commission, upon the request of the Speaker of the House of Representatives or the President of the Senate, to arrange for an independent actuarial review of a proposed bill, specified analyses of economic policy initiatives and state benchmarking data, and a study of the state's long-range financial outlook. The bill was introduced and referred to committee last June.

Senate Bill 266 and House Bill 529 – Capital Bill

Last week the House and Senate unveiled the capital appropriations budget bill. The bill is designed to fund capital improvement projects throughout the state. This year the bill is focused on funding opioid treatment with \$222 million for health and human services projects.

Other major funding allocations include \$600 million for school construction, \$483 million for universities and community colleges, \$514 million for local infrastructure projects, \$234 million for parks, and \$147 million for local community projects.

The budget is expected to quickly move through the legislature and be approved this month.

House Bill 320 – Long-Range Financial Outlook Council

The bill creates the Long-Range Financial Outlook Council for the purpose of informing the public and the General Assembly about the financial status of the state by studying financial and other conditions and issuing an annual long-range financial outlook report. The bill had its second hearing in November.

House Bill 525 – Film Tax Credit-Live Theater

House Bill 535 would expand the current motion picture tax credit to live stage theater productions and increase the maximum amount of credits from \$40 million to \$100 million per fiscal year. The bill again is sponsored by Speaker Pro Tem Schuring which makes House passage a real possibility.

Capital Expenditure Investment Tax Credit

OMA tax committee members have been working on a capital expenditure tax credit bill that manufacturers could take advantage of in Ohio. OMA staff has been working with legislators for potential introduction this spring.

Tax News

Muni Tax Collection System Found to be Constitutional

A Franklin County Common Pleas Court judge dismissed a muni tax collection lawsuit brought by about 160 Ohio municipalities that challenged a new law that allows the State of Ohio to collect local business taxes.

House Bill 49, which was Gov. John Kasich's two-year budget bill, allowed business owners the option to file municipal net profit tax returns directly with the Ohio Department of Taxation, instead of with the municipality in which the business operates.

OMA backed this law change because it streamlines the filing process for businesses, which often operate in multiple municipalities.

Tax Dept. Accepts OMA Request to Improve Mfg. Sales/Use Exemption

The Ohio Department of Taxation (ODT) released its latest draft of the Manufacturing Sales and Use Exemption rule review.

Reacting to the previous draft, the OMA working group had advocated for removing this language (4th paragraph, division (B)(1)): “However, the maintain (sic) materials in the same state or form as they are received or measuring raw materials to verify quantities received, does not constitute commitment,” thus arguing for a complete definition of tax exempt materials committed to the manufacturing process.

Responding to the OMA’s comments, ODT agreed to remove the objectionable provision from the draft rule. Keeping that language out of the rule would be a major win for manufacturers.



Creating an Ohio Manufacturing Investment Tax Credit

Background

As of the most recently available data (2015), Ohio manufacturing is responsible for 18% - \$108 billion – of the state's Gross Domestic Product; this is greater than the contribution of any other Ohio industry sector. For comparison, the next most productive sector is government, which contributes \$67.75 billion to GDP. Manufacturing is essential to Ohio's economy.

In the competitive domestic and global economies, every public policy decision that affects Ohio's business climate affects Ohio's manufacturing competitiveness. In turn, Ohio's manufacturing competitiveness determines the ability of the state to grow its economy and create jobs.

Ohio manufacturers require public policies that attract investment and protect the state's manufacturing legacy and advantage. These policies apply to a wide variety of issues that shape the business environment within which manufacturers operate.

Competition for Manufacturing Investment

Manufacturing is capital intensive. Manufacturers must continually innovate and make investments to compete in a global market. These investments include facilities, equipment, technology and materials.

Other states and countries continually try to lure Ohio manufacturers out of state with a mixture of credits and incentives. In order to protect and grow Ohio's foundational manufacturing industry, a state strategy to support the capital projects of manufacturers has much merit.

What can Ohio do to be more Competitive?

Introduction of a Manufacturing Investment Tax Credit which uses capital expenditures as the principle criteria as opposed to jobs created, would create significant economic benefit.

Productivity gains, which keep Ohio manufacturers competitive, are driven by capital investment in technology and equipment. Such investment is necessary for Ohio manufacturers to remain competitive and policies which encourage the investment should be implemented.

A nonrefundable tax credit could be calculated as a credit based on capital investment favoring manufacturing investment. The credit would be used to offset, withholding, sales or use taxes.

It is not that job creation is unimportant; quite the contrary. However, due to innovation in technology, many fruitful capital investments advance the competitiveness of Ohio manufacturers without necessarily or significantly impacting the number of jobs. What we're saying is: creating incentives for manufacturers to make the heavy capital investments that contribute to their companies' future is an investment in manufacturing growth in and of itself. Without which, current and future jobs are potentially at risk.

Contact:

Rob Brundrett
Director, Public Policy Services
rbrundrett@ohiomfg.com
(614) 629-6814



Manufacturing Investment Tax Credit

Background:

According to the most recent available data (2015), Ohio manufacturing is responsible for 18%, - \$108 billion – of Ohio's Gross Domestic product. This is by far the largest economic segment in the state. Ohio manufacturers continually invest in new technology in order to maintain competitiveness. Often, this investment does not result in increased employment. Nevertheless, it is essential in order for Ohio's manufacturers to remain a competitive force in today's global market.

Many of Ohio's economic development efforts are directed at attracting new business, or in job creation. While these policies are important, they ignore an important segment of manufacturing: Those existing businesses, many of them small, continue to drive Ohio's economy. Ohio needs policies that encourages those businesses and assists them in driving investment to remain competitive.

Proposal:

The proposed manufacturing investment credit is designed to assist Ohio manufacturers, especially smaller entities that may not qualify for other existing programs such as the jobs creation or retention tax credits, as they make investment in new and more efficient technologies. Highlights of the credit include:

- Investment is measured over a two-year period (the "investment period") in new manufacturing machinery and equipment
- Amount qualifying for the credit is the amount that exceeds five percent of the aggregate cost of existing machinery and equipment at the location where the investment is made
- New manufacturing machinery and equipment must be installed at a single location
- The credit is equal to 20 percent, or 15 percent, of the amount invested, depending on the unemployment rate of the county in which the investment is made
- There is a \$5 mm cap on the amount of the credit for any single project
- The credit is claimed during the two calendar years following the investment period
- The credit may be claimed against sales tax, use tax, or withholding tax, or any combination of the three
- The credit is not refundable

It is time to reward those persons who have persevered through adversity and who continue to invest in Ohio manufacturing. This credit does that.



(For Immediate Release)

Court Upholds State Law Changing Municipal Tax System

Judge David Cain, Franklin County Common Pleas Court, today (2-21-18) denied a challenge by more than 160 municipalities to a state law creating a new option for Ohio businesses subject to the municipal net profit tax. Judge Cain's ruling both denied a request for a preliminary injunction to block the law and granted final judgement in favor of the State of Ohio.

The ruling upholds the constitutionality of a law (H.B. 49) passed in 2017 by the Ohio General Assembly authorizing an optional, centralized system administered by the Ohio Department of Taxation. The ruling affirmed the General Assembly's long-standing authority to limit local taxation; the law does not impinge on home rule.

Tax Commissioner Joe Testa said the ruling validates the efforts to improve the municipal tax system in Ohio.

"We are pleased that the court found this law to be constitutional. It's an important ruling for business taxpayers in Ohio who for too long have had to deal with this costly, complex process for local tax on business income. This law gives business taxpayers the opportunity to save millions of dollars in the cost of complying with the fragmented municipal tax system. Businesses that want to take advantage of the state's new streamlined system for 2018 taxes have a deadline of March 1 to register through the Ohio Business Gateway. "

(OBG web site is: www.ohiobusinessgateway.ohio.gov)

Testa said the business community has for years urged the state to improve the municipal tax system. He said he's gratified that Ohio now has a better option for businesses to deal with the municipal net profit tax.

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(For questions, please contact Gary Gudmundson, Communications Director, Ohio Department of Taxation at 614,466.0099, or gary.gudmundson@tax.state.oh.us)



September 29, 2017

VIA Electronic Mail

Ohio Department of Taxation
ATTN: Laura Stanley
30 E. Broad St.
Columbus, OH 43216

Re: **OMA Follow Up Comments to Manufacturing Rule; OAC 5703-9-21: Ohio Department of Taxation Draft Revisions**

Dear Ms. Stanley:

As a follow-up to the meeting held at the Ohio Department of Taxation (ODT) on August 30, 2017, The Ohio Manufacturers' Association (OMA) is hereby providing ODT with written comments and suggested rule language to Ohio's Manufacturing Sales and Use tax rule 5703-9-21.

The OMA is dedicated to protecting and growing manufacturing in Ohio. The OMA represents over 1,400 manufacturers throughout Ohio. The OMA supports an equitable and transparent state tax system that encourages investment and growth.

The OMA appreciates the transparent process and the opportunities to offer additional comments to the manufacturing sales and use tax exemption rules OAC 5703-9-21. These rules are important and valuable to Ohio's manufacturing competitiveness.

The OMA remains concerned with certain provisions included the draft proposal. OMA requests that the following language, added by ODT to the fourth paragraph of division (B)(1) of the rule, be deleted: "However, the maintain (sic) materials in the same state or form as they are received or measuring raw materials to verify quantities received, does not constitute commitment."

There are three reasons for this request. First, the prior sentence in the rule states that commitment occurs when the materials have been mixed, measured, blended, heated, cleaned, or otherwise treated or prepared for the manufacturing process. This seems to be inconsistent with then saying that heating, cooling, or agitating materials in order to maintain the condition of the materials is taxable.

Second, this language means that if a manufacturer purchases items separately and combines them, and then heats or agitates them to preserve them, the materials are committed to manufacturing and the items are exempt; but if it purchases the

ingredients already mixed, and still has to heat or agitate them to maintain them, then it has not committed the materials to manufacturing and the items are taxable. This is inconsistent, illogical and isn't good policy.

Finally, no manufacturer is going to the expense to heat or agitate materials that it is not going to use. Those materials are indeed committed to the manufacturing process.

Thank you for the opportunity to comment on this draft to Rule 5703-9-21. We look forward to working with ODT as the rule review moves forward. If ODT has any questions regarding the foregoing, please do not hesitate to contact me at rbrundrett@ohiomfg.com or (614) 629-6814 or OMA's tax counsel, Mark Engel, of Bricker & Eckler LLP at (513) 870-6565.

Sincerely,



Rob Brundrett
Director, Public Policy Services

CC: Matt Chafin

Tax

General Assembly Unveils Capital Budget Bill **March 2, 2018**

This week the House and Senate unveiled the **capital appropriations budget bill**. The bill is designed to fund capital improvement projects throughout the state. This year the bill is **focused** on funding opioid treatment with \$222 million for health and human services projects.

Other major funding allocations include \$600 million for school construction, \$483 million for universities and community colleges, \$514 million for local infrastructure projects, \$234 million for parks, and \$147 million for local community projects.

The budget is expected to quickly move through the legislature and be approved this month. You can view **all the projects to be funded in the proposed budget here**. *3/1/2018*

Plastic Injection Molders: Consider the R&D Tax Credit **March 2, 2018**

From OMA Connections Partner, Tax Credits Group: "... most injection molders who are working to develop new or improved products or processes can meet the necessary requirement to claim the R&D credit. ... these injection molders also have the opportunity lower their tax bill and use the savings to reinvest into further R&D efforts to keep them competitive in the future—which is basically what the R&D tax credit is all about in the first place."

Read more **from Tax Credits Group here**. *2/27/2018*

Muni Tax Collection System Found to be Constitutional **February 23, 2018**

A Franklin County Common Pleas Court judge has **Muni tax class action dismissed**, brought by about 160 Ohio municipalities, challenging a new law that allows the State of Ohio to collect local business taxes. House Bill 49, which is Gov. John Kasich's two-year budget bill, allows business owners the option to file municipal net profit tax returns

directly with the Ohio Department of Taxation, instead of with the municipality in which the business operates.

OMA backed this law change because it streamlines the filing process for businesses, which often operate in multiple municipalities.

Joe Testa, state tax commissioner, said that businesses that want to take advantage of the state's new streamlined system for 2018 taxes have a deadline of March 1 to register through the **Business Gateway**. *2/22/2018*

Understanding Partnership Liability Under New Audit Rules **February 23, 2018**

From OMA Connections Partner, Clark Schaefer Hackett: "The rules from the Bipartisan Budget Act of 2015 are now in effect. One of these rules is that any underpayments of tax by a partnership will be attributed to a partnership's current partners, not those who owned the entity during the year under examination. Many partnerships may be surprised to learn that they are subject to this tax audit rule."

Read **more from CSH** about what partnerships need to know about tax liability, options for relief and how to protect your organization. *2/16/2018*

Recent Money Market Fund Regs Hurt Manufacturers **February 16, 2018**

The Securities and Exchange Commission (SEC) passed a rule, effective October 2016, which requires money market funds (MMFs) to switch from a fixed net asset value (NAV) to a floating NAV, causing many MMF managers to liquidate their funds and exit the MMF business.

This rule negatively affects manufacturers by:

- 1) Causing borrowing costs to rise above the Fed's recent interest rate increases;
- 2) Reducing potential return on short-term cash flow investments.

Join a **brief webinar** on Thursday, Feb. 22 at 10:00 a.m. to hear a complete explanation of the

issue from experts at OMA Connections Partner, Roetzel, and learn what businesses can do to fix this problem. **Register here.** 2/14/2018

New Budget Agreement Brings Additional Tax Changes **February 16, 2018**

This just in from OMA Connections Partner, Clark Schaefer Hackett: "... The Bipartisan Budget Act of 2018 (BBA), which President Trump signed into law on February 9, 2018, contains several tax-related provisions that could reduce the amounts some taxpayers owe for the 2017 tax year."

And: "The BBA's inclusion of provisions applying retroactively to 2017 taxes is sure to cause some confusion, particularly for those taxpayers who have already filed their tax returns. The IRS has indicated that it's reviewing the BBA and plans to provide additional information as quickly as possible. ..."

Read about these provisions here. 2/15/2018

Tax Reform and Pass-Through Entities **February 16, 2018**

OMA Connections Partner, Gilmore Jason Mahler LTD, **offers insights** into the pass-through entity income tax changes that came about as a result of tax reform. 2/15/2018

Use New Withholding Tables Not Later than February 15, 2018 **February 9, 2018**

The Internal Revenue Service (IRS) has released **IRS Notice 1036**, Early Release Copies of the 2018 Percentage Method Tables for Income Tax Withholding. The notice updates the income tax withholding tables for 2018, reflecting changes made by the Tax Cuts and Jobs Act.

Employers should begin using the 2018 withholding tables as soon as possible, but not later than February 15, 2018. The new withholding tables are designed to work with the Forms W-4 that workers have already filed with their employers. 2/5/2018

Understanding Qualified Business Income Deduction Eligibility **February 9, 2018**

According to OMA Connections Partner, Clark Schaefer Hackett: "Small business owners received a substantial benefit with the passage of the Tax Cuts and Jobs Act in December 2017. Owners of pass-through entities, including shareholders in S corporations, partners in partnerships and sole proprietors, are now eligible for a 20% deduction on "qualified business income." Not all income qualifies for the deduction, however. One type of income, guaranteed payments, is not eligible for the deduction. But careful analysis to ensure that items are correctly classified, as well as possible restructuring of this income, could allow organizations to benefit from the new deduction."

Read more from CSH here. 2/7/2018

IC-DISC after Tax Reform – Still Viable? **February 2, 2018**

The IC-DISC (interest charge domestic international sales corporation) survived the Tax Cuts and Jobs Act of 2017 (TCJA). For those who may not be familiar with the IC-DISC, it is an export incentive for U.S. domestic companies whereby income related to export sales can be taxed at a lower capital gain rate.

OMA Connections Partner, Clark Schaefer Hackett (CSH), commented: "While this is great news for companies that have taken advantage of the IC-DISC in the past, other provisions of the new sweeping tax reform may still impact your IC-DISC starting in tax year 2018. Therefore, it's very important to include the IC-DISC when you consider the impact of the overall tax reform changes to your company."

Read **more about this from CSH here.** 1/26/2018

R&D Tax Credit – Why Didn't I get my Payroll Tax Refund? **February 2, 2018**

Beginning in 2016, certain eligible small business taxpayers were able to utilize the IRC Sec. 41 Research Tax Credit to reduce a portion of their payroll taxes.

The process required to claim and utilize the offset has led to some confusion. Thus, puzzled taxpayers are now questioning why they haven't

received their payroll tax refund, even though they elected the option on their Form 6765.

The team at OMA Connections Partner, Tax Credits Group, indicates this is one of the most common questions it has addressed this year. They [explain it here](#). 1/31/2018

C corporation? Pass-through? How Tax Reform Could Affect Your Decision February 2, 2018

OMA Connections Partner, Clark Schaefer Hackett (CSH) posted: "With all the changes in the taxation of businesses enacted under the 2017 Tax Cuts and Jobs Act (Act), many business owners wonder whether they need to revisit the business entity decisions they made when they organized their businesses. The changes under the new Act that are causing questions about optimal tax entity structure include reduction of the tax rate on C corporations to 21%, introduction of the new 20% deduction on qualified business income from pass-through entities, and the repeal of the corporate alternative minimum tax."

More [on the topic from CSH](#). 1/31/2018

RS Issues Updated 2018 Withholding Tables January 26, 2018

OMA Connections Partner, Clark Schaefer Hackett (CSH), posts: "In the wake of passage of the Tax Cuts and Jobs Act (TCJA) late last year, the IRS has taken one of the first critical steps to institute the law's overhaul of the federal income tax regime. The IRS has released updated withholding tables that indicate how much employers should hold back from their employees' paychecks to satisfy workers' tax obligations. The new tables may provide the correct amount of tax withholding for individuals with simple tax situations, but they'll likely cause other taxpayers to not have enough withheld to pay their ultimate tax liabilities under the TCJA."

Read [further analysis from CSH about the new tax tables](#). 1/19/2018

Accounting for Meals and Entertainment Under the New Tax Act January 26, 2018

This from OMA Connections Partner, Clark Schaefer Hackett: "... Although we are anxiously awaiting more guidance regarding many provisions of the new law, the accounting for meals and entertainment expenditures is one area where businesses need to take immediate action."

Here is [guidance from CSH](#). 1/22/2018

Employers Should Be Aware of Significant Changes in New Tax Law January 26, 2018

OMA Connections Partner, Calfee, writes: "... the TCJA (Tax Cuts & Jobs Act) ... includes several significant changes about which employers should be aware. These changes include the elimination of a tax deduction related to nondisclosure agreements in sexual harassment settlements, a tax credit for providing paid family and medical leave, and changes to employee income tax withholding tables, together with a pending revision of Form W-4. Employers of every size will be affected by these changes, ..."

Read [more from Calfee](#). 1/24/2018

New Tax Cuts and Jobs Act Guide Available January 26, 2018

The tax advisors at OMA Connections Partner, Schneider Downs, have just compiled a [tax reform guide](#) that highlights many of the most impactful changes affecting U.S. individual and business taxpayers. 1/19/2018

New Revenue Recognition Standards Compliance: A White Paper January 26, 2018

The complete overhaul of revenue recognition accounting standards has significant repercussions for manufacturing and distribution companies. So, it's critical to understand these guidelines and the potential business impacts.

OMA Connections Partner, Clark Schaefer Hackett, has compiled a white paper that covers important highlights of the new standards and provides examples of how the new guidance might apply for a manufacturer or distributor.

[Download your copy here](#). 1/22/2018

U.S. Supreme Court Will Take Up Major Sales Tax Case
January 19, 2018

OMA tax counsel Justin Cook of Bricker & Eckler **summarizes** the pending case: On January 12, 2018, the U.S. Supreme Court granted a writ of certiorari in *State of South Dakota v. Wayfair, Inc.* Depending on the Supreme Court's decision in this case, it could have an enormous impact on businesses nationally. A 1967 U.S. Supreme Court decision prohibited states from requiring sellers to collect and remit use tax on the sale of goods in states where the seller has no physical presence. This "physical presence" standard was affirmed in *Quill Corp. v. North Dakota* in 1992 and remains the law of the land.

In light of the increasing importance of online sales, South Dakota enacted a statute requiring sellers that derive at least \$100,000 in gross revenue from South Dakota sales or that engage in at least 200 South Dakota sales in a calendar year to collect and remit South Dakota use tax, regardless of whether the seller has a physical presence in the state. A number of large online retailers challenged the South Dakota law as unconstitutional, and the Supreme Court will now reexamine the "physical presence" standard.

If the Supreme Court strikes down the "physical presence" standard, states across the country, including Ohio, could require remote sellers to collect and remit use tax in the same manner that sellers operating from a brick and mortar location in the state collect sales tax from customers. Whether Ohio can impose this obligation on remote sellers depends on the Supreme Court's decision in *Wayfair*, which will be heard in the upcoming term. *1/18/2018*

Manufacturers Can Still Opt-In for Centralized Muni Tax Collection
January 12, 2018

Manufacturers still have time to sign up with the Ohio Department of Taxation (ODT) for the new centralized collections and filing of their municipal net profit taxes.

Taxpayers should opt in now through **ODT's website** to register for centralized filing of 2018 returns.

To file centrally, taxpayers must register on or before the first day of the third month after the beginning of a taxpayer's fiscal year (March 1 for calendar year businesses).

You can learn more about the program from this **ODT video**. *1/11/2018*

OMA Connections Partner Breaks Down Business Benefits of Tax Cuts & Jobs Act
January 5, 2018

According to OMA Connections Partner, Clark, Schaefer, Hackett, "The Tax Cuts and Jobs Act (TCJA), which was signed into law on December 22, contains a treasure trove of tax breaks for businesses. Overall, most companies and business owners will come out ahead under the new tax law, but there are a number of tax breaks that were eliminated or reduced to make room for other beneficial revisions. Here are **the most important changes in the new law** that will affect businesses and their owners." *1/4/2018*

Ohio Tax Amnesty Program is Open Now through February 15
January 5, 2018

All penalties and half the interest will be waived on qualified delinquent taxes for both individuals and businesses in Ohio's tax amnesty program.

The Ohio Dept. of Taxation has created this **comprehensive tax amnesty website** where taxpayers can learn more and calculate penalty and interest savings. *1/4/2018*

IRS Announces 2018 Standard Mileage Rates
January 5, 2018

The Internal Revenue Service (IRS) has issued **these 2018 optional standard mileage rates** used to calculate the deductible costs of operating an automobile for business, charitable, or medical purposes.

The business mileage rate is 54.5 cents per mile, up 1 cent from 2017. *1/4/2018*

R&D Credit Predictions for 2018
January 5, 2018

OMA Connections Partner, Tax Credit Group, writes: "As we enter 2018, we're happy to report that the IRC Sec. 41 Research & Development

Tax Credit has been preserved. Some issues still remain unresolved when it comes to qualification and quantification, but overall we believe the R&D credit will continue to be an important tool for helping U.S. businesses stay competitive in the global marketplace.

“With that in mind, here are **3 R&D tax credit predictions** for the next year.” 1/4/2018

Tax Reform Enacted! **December 21, 2017**

For the first time in 31 years, Congress has acted on major tax reform with the passage of the Tax Cuts and Jobs Act. Among the bill’s changes to business taxes are the following key provisions:

Corporate rate: Lowers the corporate income tax rate permanently to 21%, starting in 2018 — the largest reduction in the corporate rate in U.S. history.

Pass-through businesses: Establishes a 20% deduction of qualified business income from certain pass-through businesses. (Specific service industries, such as health, law, and professional services, are excluded. However, joint filers with income below \$315,000 and other filers with income below \$157,500 can claim the deduction fully on income from service industries. This provision would expire December 31, 2025.)

Capital investments: Allows full and immediate expensing of short-lived capital investments for five years. Increases the section 179 small business expensing cap from \$500,000 to \$1 million.

Research and development: Retains tax incentives for research and development.

Territorial system: Moves the United States to a territorial system of business taxation.

The **Tax Foundation models the effects** of the act: “(T)he Tax Cuts and Jobs Act would increase the long-run size of the U.S. economy by 1.7%. The larger economy would result in 1.5% higher wages and a 4.8% larger capital stock. The plan would also result in 339,000 additional full-time equivalent jobs.” 12/19/2017

Timmons Reiterates Call for Regular Review of Nation’s Tax Code **December 21, 2017**

National Association of Manufacturers (NAM) President and CEO Jay Timmons released **this statement** after the U.S. Senate passed the Conference Report to H.R. 1, the Tax Cuts and Jobs Act.

He wrote: “When this bill becomes law, manufacturers in America will be more competitive than they have been in decades. This is a win for the American economy, and it puts the world on notice: America is even better prepared to compete and win for every job and opportunity.”

And: “... We reiterate our call for a triennial government study to see how our tax code compares to nations around the world—and determine what we can do to become even more competitive.” 12/20/2017

RSM to Cover Tax Reform in Webcast Friday, Dec. 22 **December 21, 2017**

OMA Connections Partner, RSM, plans a webcast this Friday, December 22 at 11:00 a.m. EST, in which its Washington National Tax practice members will provide an update on the status of the Tax Cuts and Jobs Act.

They plan to discuss:

- Key final provisions of the legislation and the possible impact on your tax planning
- Areas where further guidance may be forthcoming from the IRS or the Treasury Department

Click **here to register**. 12/20/2017

Cities File Suit Against State Over Business Income Collections **December 15, 2017**

Last month more than 100 Ohio cities **filed a lawsuit** against the state challenging portions of the municipal income tax changes included in the state budget bill.

The cities oppose new provisions that provide for the centralization of return filing and

collection of municipal net profits taxes by the Ohio Department of Taxation.

Business interests, including manufacturers, successfully advocated for the change in the budget bill arguing that centralized filings would reduce burdens and costs for companies that file in multiple jurisdictions.

Ohio remains an outlier among states when it comes to local tax provisions and this change was seen as one area of improvement in the system. Cities argue that the Home Rule provisions of the Ohio Constitution prevent the state from taking on such authority. *12/14/2017*

Ohio Manufacturers on what Tax Reform Means to their Businesses **December 15, 2017**

The National Association of Manufacturers (NAM) asked a couple Ohio manufacturers why federal tax reform would help their businesses.

Tanya DiSalvo of **Criterion Tool**, a precision manufacturing facility for the medical device, aerospace and photonics industries with 43 employees in Brook Park, said that her company would “Reinvest, additional training, raise the level of our lowest team members to the next level and back-fill their positions,” when asked what she would do with money from tax reform. Karl Reuther of **Reuther Mold and Manufacturing Company** in Cuyahoga Falls answered the same questions this way: “To compete globally, we need a huge investment in newer technology. The newer technology enhances our ability to compete, for our workers to retain their jobs and for us to attract new manufacturing workers.” Reuther Mold has 60 employees and produces tooling for the manufacturing of military and commercial jets and oil production. Read **more from their interviews here**. *12/13/2017*

Medical Device Excise Tax Kicks in 2018? **December 15, 2017**

According to OMA Connections Partner, Plante Moran, an Affordable Care Act tax, absent action by Congress, is about to come back into effect after the expiration of a two-year moratorium.

Plante Moran wrote: “The medical device excise tax (MDET) was enacted as a part of the ACA and took effect in 2013, imposing a 2.3 percent excise tax that manufacturers and importers had to pay on the sales of certain medical devices. When Congress passed the “Protecting Americans from Tax Hikes (PATH) Act of 2015,” legislators granted relief to the medical device industry by enacting a moratorium on the MDET for sales occurring between Jan. 1, 2016 and Dec. 31, 2017.”

Here’s **more from Plante Moran**. *12/13/2017*

Manufacturers Urge Passage of Miscellaneous Tariff Act **December 8, 2017**

The OMA joined the National Association of Manufacturers and a large number of other organizations wrote members of Congress to urge that they expedite passage of the “Miscellaneous Tariff Bill Act of 2017” (H.R. 4318 and S. 2108) to temporarily eliminate out-of-date and distortive taxes on imported products not manufactured or available domestically.

“The Miscellaneous Tariff Bill (MTB) plays an important role in the operations of domestic manufacturers as it corrects, on a temporary basis, historical distortions in the U.S. tariff code by eliminating border tariffs on imported products for which there is no or insufficient domestic production and availability. Such distortions undermine the competitiveness of manufacturers in the United States by imposing unnecessary costs and, in some cases, imposing a higher cost on manufacturers’ inputs than the competing foreign imported finished product,” wrote the organizations. *12/6/2017*

Registration Open for Centralized Filing of Municipal Net Profit Tax Returns for 2018 **December 1, 2017**

OMA Connections Partner, GBQ Partners, posted this: “House Bill 49, Ohio’s budget bill for fiscal years 2018 and 2019, provides a new state-wide centralized filing and collection process for municipal net profit tax returns, beginning with tax year 2018.

“Under centralized collection, the Ohio Department of Taxation will be responsible for all administrative functions of municipal net profit

tax returns filed, including assessments, audits and appeals. Municipalities will continue to administer personal income taxes and employer withholding.”

Here are **highlights of the new system from GBQ. 11/20/2017**

Taxation Legislation

Prepared by: The Ohio Manufacturers' Association
Report created on March 5, 2018

- HB11** **INCORPORATING FEDERAL REVENUE CHANGES** (SCHERER G) To expressly incorporate changes in the Internal Revenue Code since February 14, 2016, into Ohio law.
Current Status: 3/30/2017 - **SIGNED BY GOVERNOR**; eff. 3/30/2017
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-11>
- HB49** **OPERATING BUDGET** (SMITH R) Creates FY 2018-2019 main operating budget.
Current Status: 8/22/2017 - Consideration of Governor's Veto
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-49>
- HB61** **TAX EXEMPTION-FEMININE PRODUCTS** (JOHNSON G, KELLY B) To exempt from sales tax the sale of tampons and other feminine hygiene products associated with menstruation.
Current Status: 10/10/2017 - House Ways and Means, (Second Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-61>
- HB70** **FUEL TAX TRANSPARENCY** (MERRIN D) To enact the "Fuel Tax Transparency Act" requiring stickers to be placed on retail service station pumps displaying the rates of federal and state taxes applicable to gasoline and diesel fuel.
Current Status: 3/15/2017 - House Government Accountability and Oversight, (First Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-70>
- HB86** **MINIMUM WAGE INCREASE** (SMITH K, CRAIG H) To increase the state minimum wage to ten dollars and ten cents per hour beginning January 1, 2019.
Current Status: 2/28/2017 - Referred to Committee House Economic Development, Commerce and Labor
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-86>
- HB89** **AUGUST SALES TAX HOLIDAY** (PATTERSON J, KELLY B) To provide for a three-day sales tax "holiday" in August 2017 during which sales of clothing and school supplies are exempt from sales and use taxes.
Current Status: 2/28/2017 - Referred to Committee House Ways and Means
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-89>
- HB104** **TAX REFUND ON BAD DEBTS** (SCHAFFER T) To allow vendors to receive a refund of sales tax remitted for bad debts on private label credit accounts when the debt is charged off as uncollectible by the credit account lender.
Current Status: 2/20/2018 - Referred to Committee Senate Finance
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-104>
- HB133** **DISASTER RELIEF ACT** (RYAN S) To create the Disaster Relief Act to exempt out-of-state disaster businesses and qualifying out-of-state employees from certain taxes and laws with respect to disaster work on critical infrastructure performed in this state during a declared

disaster.

Current Status: 11/29/2017 - Senate Ways and Means, (First Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-133>

HB155 VEHICLE TRAINING TAX CREDIT (SPRAGUE R, HOWSE S) To authorize a tax credit for expenses incurred by an employer to train a commercial vehicle operator.

Current Status: 5/16/2017 - House Ways and Means, (First Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-155>

HB162 TAX CREDIT-SOUND RECORDING (SMITH K, LATOURETTE S) To authorize a refundable income tax credit for individual investors in a sound recording production company equal to a portion of the company's costs for a recording production or recording infrastructure project in Ohio.

Current Status: 5/9/2017 - House Ways and Means, (First Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-162>

HB173 IN-HOME EMPLOYEES TAX CREDIT (LATOURETTE S, PATTON T) To provide that compensation paid to certain home-based employees may be counted for purposes of an employer qualifying for and complying with the terms of a Job Creation Tax Credit.

Current Status: 5/9/2017 - House Ways and Means, (First Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-173>

HB177 TAX EXEMPTION-COMMUNITY GYMS (WEST T) To exempt memberships to gyms or other recreational facilities operated by charitable organizations from sales and use taxation.

Current Status: 11/14/2017 - House Ways and Means, (Third Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-177>

HB185 POLITICAL CONTRIBUTIONS TAX CREDIT (HAMBLEY S) To expand the scope of political contributions that qualify for the income tax credit for contributions to political campaigns to candidates for any state, county, municipal, or district office.

Current Status: 6/6/2017 - House Ways and Means, (First Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-185>

HB216 USED VEHICLE TRADE-IN CREDIT (HAMBLEY S, BRINKMAN T) To authorize a sales and use tax trade-in credit for purchases of used motor vehicles from a licensed dealer.

Current Status: 6/6/2017 - House Ways and Means, (Second Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-216>

HB243 FIREWOOD SALES TAX (PATTERSON J, CERA J) To exempt from sales and use taxation the bulk sale of firewood and certain other heating fuels, and to reimburse the Local Government Fund and Public Library Fund and county and transit sales tax collections for the resulting revenue losses.

Current Status: 6/20/2017 - House Ways and Means, (First Hearing)

State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-243>

[summary?id=GA132-HB-243](https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-243)

- HB262** **INDEPENDENT BUDGET PROCESS** (BUTLER, JR. J, ROMANCHUK M) To provide for the preparation of a state biennial budget independent of that submitted by the Governor and to authorize the Legislative Service Commission, upon the request of the Speaker of the House of Representatives or the President of the Senate, to arrange for an independent actuarial review of a proposed bill, specified analyses of economic policy initiatives and state benchmarking data, and a study of the state's long-range financial outlook.
Current Status: 6/20/2017 - Referred to Committee House Government Accountability and Oversight
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-262>
- HB314** **LAW ENFORCEMENT TAX CREDIT** (SCHAFFER T) To allow an income tax credit for law enforcement officials who purchase safety or protective items to be used in the course of official law enforcement activities.
Current Status: 2/14/2018 - **REPORTED OUT AS AMENDED**, House State and Local Government, (Third Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-314>
- HB320** **LONG-RANGE FINANCIAL OUTLOOK COUNCIL** (HAGAN C, ROEGNER K) To create the Long-range Financial Outlook Council for the purpose of informing the public and the General Assembly about the financial status of the state by studying financial and other conditions and issuing an annual long-range financial outlook report.
Current Status: 11/28/2017 - House Financial Institutions, Housing and Urban Development, (Second Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-320>
- HB337** **TEXTBOOK SALES TAX EXEMPTION** (DUFFEY M) To exempt from sales and use tax textbooks purchased by post-secondary students.
Current Status: 2/20/2018 - **REPORTED OUT AS AMENDED**, House Ways and Means, (Fourth Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-337>
- HB342** **LOCAL TAX ISSUES-ELECTION DATES** (MERRIN D) To permit local tax-related proposals to appear only on general and primary election ballots and not on an August special election ballot and to modify the information conveyed in election notices and ballot language for property tax levies.
Current Status: 2/27/2018 - **BILL AMENDED**, House Government Accountability and Oversight, (Fourth Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-342>
- HB351** **NOAA AND PHS TAX EXEMPTION** (PERALES R, BUTLER, JR. J) To require municipal corporations to exempt from taxation the military pay of members of the commissioned corps of the National Oceanic and Atmospheric Administration and Public Health Service.
Current Status: 1/30/2018 - **REPORTED OUT**, House Ways and Means, (Fourth Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-351>

- HB361** **PROPERTY TAX COMPLAINTS TIMEFRAME** (GREENSPAN D) To increase the time within which boards of revision must decide property tax complaints.
Current Status: 12/5/2017 - **REPORTED OUT**, House Government Accountability and Oversight, (Fourth Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-361>
- HB371** **TAXES ON UNSOLD PROPERTY** (MERRIN D) To exempt from property taxation the increased value of land subdivided for residential development until construction commences or the land is sold.
Current Status: 3/1/2018 - Re-Referred to Committee
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-371>
- HB441** **TAX RETURN-PREPAID CARD** (LANESE L, DEVER J) To allow the Department of Taxation to provide taxpayers who file electronic returns the option of receiving their income tax refund in the form of a prepaid card.
Current Status: 2/13/2018 - House Government Accountability and Oversight, (First Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-441>
- HB460** **RIPARIAN BUFFERS-TAX EXEMPTION** (PATTERSON J, SHEEHY M) To exempt qualifying riparian buffers in the Western Basin of Lake Erie from property taxation, to reimburse local taxing units for resulting revenue losses, and to require soil and water conservation districts to assist landowners with the creation and maintenance of riparian buffers.
Current Status: 2/13/2018 - House Energy and Natural Resources, (Second Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-460>
- HB525** **FILM TAX CREDIT-LIVE THEATER** (SCHURING K) To extend eligibility for the motion picture tax credit to certain live stage theater productions, to increase the maximum amount of credits that may be awarded from \$40 million to \$100 million per fiscal year, and to make other revisions to the law governing administration of the credit.
Current Status: 3/7/2018 - House Government Accountability and Oversight, (First Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-525>
- HB529** **CAPITAL APPROPRIATIONS** (RYAN S) To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30,2020.
Current Status: 3/6/2018 - House Finance, (Third Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-529>
- SB9** **AUGUST TAX HOLIDAY** (BACON K) To provide for a three-day sales tax "holiday" in August 2017 during which sales of clothing and school supplies are exempt from sales and use taxes.

Current Status: 6/13/2017 - **SIGNED BY GOVERNOR**; eff. 6/13/17
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-9>

- SB36** **AGRICULTURAL COMPUTATION (HITE C)** To require that the computation of the capitalization rate for the purposes of determining CAUV of agricultural land be computed using a method that excludes appreciation and equity buildup and to stipulate that CAUV land used for a conservation practice or enrolled in a federal land retirement or conservation program for at least three years must be valued at the lowest of the values assigned on the basis of soil type.
Current Status: 5/16/2017 - Referred to Committee House Ways and Means
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-36>
- SB65** **ENERGY STAR TAX HOLIDAY (BROWN E)** To provide a three-day sales tax "holiday" each April during which sales of qualifying Energy Star products are exempt from sales and use taxes.
Current Status: 3/22/2017 - Senate Ways and Means, (Second Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-65>
- SB114** **CDL TRAINING TAX CREDIT (HITE C)** To authorize a tax credit for expenses incurred by an employer to train a commercial vehicle operator.
Current Status: 5/3/2017 - Senate Ways and Means, (First Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-114>
- SB123** **PROPERTY TAX COMPLAINT PROCESS (COLEY W)** To limit the right to initiate most types of property tax complaints to the property owner and the county recorder of the county in which the property is located.
Current Status: 6/14/2017 - Senate Ways and Means, (Second Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-123>
- SB131** **EMPLOYEE COMPENSATION-TAX CREDITS (DOLAN M)** To provide that compensation paid to certain home-based employees may be counted for purposes of an employer qualifying for and complying with the terms of a Job Creation Tax Credit.
Current Status: 6/6/2017 - Referred to Committee House Ways and Means
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-131>
- SB132** **TAX CREDIT-FOREIGN TRADE (DOLAN M, EKLUND J)** To establish a five-year pilot program whereby taxpayers with facilities in this state with activated foreign trade zone status may claim a nonrefundable commercial activity tax credit equal to the amount redeployed by the taxpayer to job creation and renewable energy resources.
Current Status: 4/26/2017 - Referred to Committee Senate Ways and Means
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-132>
- SB147** **OHIO RURAL JOBS ACT (HITE C)** To enact the "Ohio Rural Jobs Act" which authorizes a nonrefundable tax credit for insurance companies that invest in rural business growth funds, which are certified to provide capital to rural and agricultural businesses.

Current Status: 9/27/2017 - Senate Ways and Means, (Second Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-147>

- SB176** **MUNICIPAL INCOME TAX RESTRICTIONS** (JORDAN K) To prohibit municipal corporations from levying an income tax on nonresidents' compensation for personal services or on net profits from a sole proprietorship owned by a nonresident.
Current Status: 9/7/2017 - Referred to Committee Senate Ways and Means
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-176>
- SB187** **DELINQUENT MUNICIPAL INCOME TAXES** (EKLUND J, WILSON S) To allow municipal corporations to charge delinquent taxpayers the costs of collecting municipal income taxes regardless of whether the costs are incurred before or after a judgment is entered against the taxpayer.
Current Status: 11/7/2017 - Senate Finance, (First Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-187>
- SB203** **MUNICIPAL TAX RULE REINSTATEMENT** (DOLAN M) To reinstate the municipal income tax "throw-back rule" used in apportioning business income among municipalities.
Current Status: 11/15/2017 - Referred to Committee Senate Finance
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-203>
- SB209** **PROPERTY TAX EXEMPTIONS-TIF** (COLEY W, EKLUND J) To modify the conditions that determine the relative priority of property tax exemptions when a parcel subject to a tax increment financing arrangement concurrently qualifies for another exemption.
Current Status: 10/25/2017 - Referred to Committee Senate Ways and Means
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-209>
- SB224** **GOODS TAXATION-FOREIGN DELIVERY** (EKLUND J) To exempt from sales and use tax goods purchased by a foreign citizen or entity if the goods are in Ohio only temporarily for package consolidation before being delivered to a foreign address, and to declare an emergency.
Current Status: 2/6/2018 - Senate Finance, (Second Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-224>
- SB266** **CAPITAL BUDGET** (OELSLAGER S) To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30, 2020.
Current Status: 3/6/2018 - Senate Finance, (Third Hearing)
State Bill Page: <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-266>