

NAIOP

COMMERCIAL REAL ESTATE
DEVELOPMENT ASSOCIATION

NAIOP OF OHIO

NAIOP Weekly Legislative Report
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Supported Bills

- HB10** **REMEDIATION OF CONTAMINATED SITE (SEARS, B)** To authorize refundable tax credits for the completion of a voluntary action to remediate a contaminated site and for the return of such sites to productive use, and to exempt persons through 2017 who have issued covenants not to sue under the Voluntary Action Program from certain fees and penalties for one year after the issuance of such a covenant.
- Current Status:* 3/2/2011 - House Ways and Means, (Fifth Hearing)
 All Bill Status: 2/23/2011 - House Ways and Means, (Fourth Hearing)
 2/16/2011 - House Ways and Means, (Third Hearing)
 2/9/2011 - House Ways and Means, (Third Hearing)
 2/2/2011 - House Ways and Means, (Second Hearing)
 1/26/2011 - House Ways and Means, (First Hearing)
 1/11/2011 - Referred to Committee House Ways and Means
 1/11/2011 - Introduced
- HB17** **TAX CREDIT FOR HIRING UNEMPLOYED (BAKER, N)** To authorize a \$2,400 income tax withholding credit for an employer that hires and employs a previously unemployed individual.
- Current Status:* 1/11/2011 - Referred to Committee House Ways and Means
 All Bill Status: 1/11/2011 - Introduced
- HB18** **TAX CREDIT - EXPANDING BUSINESSES (BAKER, N)** To authorize a nonrefundable tax credit for a business that increases payroll and expands into a vacant facility.
- Current Status:* 2/23/2011 - House Ways and Means, (Fifth Hearing)
 All Bill Status: 2/16/2011 - House Ways and Means, (Fourth Hearing)
 2/9/2011 - House Ways and Means, (Third Hearing)
 2/2/2011 - House Ways and Means, (Second Hearing)
 1/26/2011 - House Ways and Means, (First Hearing)
 1/11/2011 - Referred to Committee House Ways and Means
 1/11/2011 - Introduced

Oppose

- HB50** **TYPE-II ANNEXATION (SNITCHLER T)** To require that a political subdivision owner be included in determining the number of owners needed to sign a petition for an expedited type-II annexation.
- Current Status:* 6/21/2011 - House Local Government, (Fifth Hearing)
 All Bill Status: 6/14/2011 - **BILL AMENDED**, House Local Government, (Fifth

Hearing)
5/24/2011 - **SUBSTITUTE BILL ACCEPTED**, House Local Government, (Fourth Hearing)
3/1/2011 - House Local Government, (Second Hearing)
2/22/2011 - House Local Government, (Second Hearing)
2/15/2011 - House Local Government, (First Hearing)
2/1/2011 - Referred to Committee House Local Government
1/26/2011 - Introduced

Monitoring

- HB134 CAPITAL GAINS INVESTMENTS (SCHURING K)** To reduce the income tax rate on capital gains reinvested in Ohio-based investments.
Current Status: 6/1/2011 - House Ways and Means, (Fourth Hearing)
All Bill Status: 5/11/2011 - House Ways and Means, (Third Hearing)
3/30/2011 - House Ways and Means, (Third Hearing)
3/23/2011 - House Ways and Means, (Second Hearing)
3/16/2011 - House Ways and Means, (First Hearing)
3/2/2011 - Referred to Committee House Ways and Means
3/1/2011 - Introduced
- HB198 PROPERTY TAX COMPLAINTS (COLEY II W)** To permit property tax complaints to be initiated only by the property owner.
Current Status: 5/12/2011 - House Financial Institutions, Housing and Urban Development, (Second Hearing)
All Bill Status: 5/4/2011 - House Financial Institutions, Housing and Urban Development, (First Hearing)
4/12/2011 - Referred to Committee House Financial Institutions, Housing and Urban Development
4/12/2011 - Introduced
- SB89 LABOR REQUIREMENTS (JORDAN K)** To prohibit state agencies from requiring or prohibiting certain labor requirements as a condition of performing public works and prohibit the appropriations of state funds for public works when political subdivisions require or prohibit certain labor.
Current Status: 3/8/2011 - Referred to Committee Senate Joint Committee on Agency Rule Review
All Bill Status: 2/23/2011 - Introduced
- SB115 PROPERTY SALE GAINS (KEARNEY E)** To exempt from income taxation any gains from the sale of Ohio property used in a trade or business and held for at least two years.
Current Status: 3/24/2011 - Senate Ways & Means & Economic Development, (First Hearing)
All Bill Status: 3/15/2011 - Referred to Committee Senate Ways & Means & Economic Development
3/9/2011 - Introduced

Bills Introduced Since 8/1/2011

UNEMPLOYMENT COMPENSATION BENEFITS (MURRAY D) To prohibit disqualifying an individual from receiving unemployment compensation solely because that individual is seeking only part-time

employment, to allow training extension benefits under specified conditions, to create the Unemployment Modernization Review Committee, and to make an appropriation.

PROPERTY OWNERS RESPONSIBILITY-TRESPASSER (SEITZ B) To specify the responsibility of a possessor of real property to a trespasser and the circumstances in which the possessor may be liable in a tort action for the death or injury of a trespasser.

CAYLEE'S LAW (CAFARO C, LAROSE F) To require a parent, legal guardian, custodian, or caretaker of a child under the age of thirteen to report to a law enforcement agency within twenty-four hours after the child is missing, to require a parent, legal guardian, custodian, or caretaker of a child above the age of twelve and under the age of eighteen to report to a law enforcement agency within forty-eight hours after the child is missing, to require a parent, legal guardian, custodian, or caretaker to report to a law enforcement agency within one hour after the parent, legal guardian, custodian, or caretaker discovers that the child is deceased, to increase penalty for falsification to mislead a public official, and to specify that the above provisions are to be known as Caylee's Law.

Week in Review

Friday, August 5, 2011

AGRICULTURE

Veal producers and veterinarians Monday came to the defense of proposed state Ohio Livestock Care Standards Board rules to require group housing for veal calves at the Joint Committee on Agency Rule Review meeting, after the committee delayed the rule at its previous meeting because of complaints from other veal farmers. The committee took no action Monday against the rule, meaning it can take effect. Testimony at a July 11 meeting helped sway committee members to take more time to review the rule. Veal producers, veterinarians and the Ohio Farm Bureau Federation said market forces and the wellbeing of calves make new rules necessary.

The House Agriculture and Natural Resources Committee and Senate Agriculture, Environment and Natural Resources Committee had a joint meeting at the Ohio State Fair Tuesday, hearing testimony from several people involved in agriculture and conservation.

ATTORNEY GENERAL

Attorney General Mike DeWine announced that a Fugitive Safe Surrender event will take place in Mansfield, Oct. 5-8, noting there are 5,500 outstanding warrants in Richland County. DeWine's office has supported the safe surrender program since federal funding was cut.

BALLOT ISSUES

We Are Ohio, the group pushing a referendum on collective bargaining law SB5 (Jones), has raised nearly \$5 million in its efforts to get on the ballot. A report to the secretary of state's office Friday showed the group has raised about \$4.97 million and received nearly an additional \$2 million of in-kind contributions, including donated staff time from various Ohio labor groups.

Attorney General Mike DeWine sent supporters of a referendum on HB194 (Mecklenborg-Blessing) back to the drawing board on Monday, rejecting the summary language for the proposed ballot issue. Fair Elections Ohio is pushing to overturn portions of the election reform law that passed along party lines earlier this year. The group claims portions of the bill will limit access to voting for some Ohioans. DeWine rejected the first submission of summary language, saying it contains statements that are not accurate, and it does not fairly and truthfully describe the matter being referred.

House Minority Leader Armond Budish (D-Beachwood) appointed Cleveland elections attorney Mark Griffin to the Ohio Ballot Board in advance of its first meeting.

The Ohio Ballot Board approved ballot language for the three statewide issues voters will decide in November, notably deciding that a "yes" vote on Issue 2, the SB5 (Jones) referendum, will mean

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maintaining the law, and a "no" vote will mean overturning it. Both sides had sought the "no" side. The board also approved language for Issue 1, a constitutional amendment that would allow judges to seek election up to age 75, and Issue 3, a constitutional amendment aimed at blocking parts of the federal Affordable Care Act from taking effect in Ohio.

Attorney General Mike DeWine rejected a petition Wednesday for the "Ohio Alternative Treatment Amendment," a proposed constitutional change to allow use of medical marijuana, because petitions submitted only 534 valid signatures, compared to the 1,000 needed.

The Greater Cleveland Partnership and the Ohio Chamber of Commerce both announced their boards have voted to endorse SB5 and support those campaigning for the law to be upheld in the Issue 2 referendum.

BUDGET

Gov. John Kasich said Thursday's he's asked Budget Director Tim Keen to keep a close eye on state revenues because of concerns about the faltering U.S. economy. He said he's seen no indication from July figures that revenues are lagging but is prepared to seek additional budget cuts if revenues decline.

CRIMINAL JUSTICE

No one showed up to comment on rules for expansion of DNA testing under 128-SB77 at a public hearing Tuesday, but the issue of testing felony arrestees could be headed for a U.S. Supreme Court challenge based on similar laws in other states.

ECONOMIC DEVELOPMENT

Wendy's International said Thursday it will move its world headquarters back to Dublin and complete an \$11 million renovation of its existing offices there, with the help of \$4 million in incentives from the state and \$8 million from Dublin. Gov. John Kasich said failure to offer incentives could have lead to the nearly 400 jobs already in Dublin being shipped to Wendy's current headquarters in Atlanta.

The Ohio Department of Development (ODOD) announced Thursday that more than \$1.1 million has been awarded to 10 companies for workforce training in advanced energy technologies. Energizing Careers Program grants are made possible through the American Recovery and Reinvestment Act State Energy Sector Partnership Training program, funded through a grant from the U.S. Department of Labor.

ECONOMY

According to the Ohio Department of Job and Family Services, the index of leading economic indicators for Ohio grew 0.2 percent in June to 90.7. This shows that employment, on a seasonally adjusted basis, will continue to grow through the summer and into fall. The number of initial claims for unemployment compensation rose in June. The average workweek in manufacturing fell, while total valuation of housing permits grew. Non-farm wage and salary employment rose 0.2 percent in June on a seasonally adjusted basis to 5,105,600 jobs. The greatest net employment increases were in arts, entertainment and recreation; accommodation and food services; and educational services. The biggest decline was in local government.

EDUCATION

The reconstituted Ohio Department of Education is preparing a statewide outreach to implement new academic standards and model curricula adopted last year by the State Board of Education. State Superintendent Stan Heffner's Revised Standards and New Model Curricula Professional Development Project will commence late fall and run through June 30, 2012. Thirty regional content facilitators (RCFs) will conduct a total of five regional meetings over the 2011-2012 academic year, with the development project continuing through 2013-2014.

Local school districts with proposals on the ballot for the Aug. 2 special election saw a mere 26 percent pass, with a number of repeat proposals losing badly and a handful of others winning over reluctant voters.

Judge John Bender of Franklin County Common Pleas Court granted a partial victory to a group of 10 charter schools suing David Brennan's White Hat Management Co., awarding them the right to discovery for an accounting of how Brennan's company spends public money awarded to charter schools.

ELECTIONS

House Republicans regained fundraising dominance in semiannual campaign reports, showing \$2.3 million raised, compared to \$342,406 for House Democrats. In the Senate, Republicans reported \$2.2 million in contributions, while Democrats showed just \$28,465. Gov. John Kasich raised \$224,583; Attorney General Mike DeWine, more than \$1 million; Auditor Dave Yost, \$94,325; Secretary of State Jon Husted, \$10,100; and Treasurer Josh Mandel, less than \$5,000, although he has been raising federal contributions for an expected U.S. Senate bid.

ENVIRONMENT

Environmental and conservation groups said Thursday they broke the record for number of comments submitted on a proposed U.S. EPA rule, with their comments coming in support of the agency's proposed rule to require reduction of mercury and other air toxins emitted from power plants.

FEDERAL

Eleven of 13 of Ohio's Republican U.S. Representatives voted in favor of the federal debt-ceiling compromise, as did both U.S. senators, Sherrod Brown (D) and Rob Portman (R). All five Democratic representatives opposed it, along with Republican U.S. Reps. Jim Jordan (Urbana) and Mike Turner (Dayton).

The Committee on Education Funding, a coalition of 85 K-12 groups, wrote a letter Aug. 1 to the U.S. Senate objecting to parts of the debt-ceiling compromise, saying \$1.5 trillion in overall federal budget cuts over 10 years and possible "sequestration" of \$3 billion from the U.S. Department of Education could hurt education and early childhood programs.

GAMING

Penn National Gaming officials presented an update to the Casino Control Commission on construction progress at its Columbus and Toledo sites. The Toledo casino has awarded \$128 million in contracts, with \$45 million of that paid out for work completed, and \$29 million of the total contract awards going to minority- or women-owned businesses. The Columbus site has awarded its general construction contract and about 50 percent of its subcontractors, with 20 percent of subcontracts so far going to minority businesses.

GENERAL ASSEMBLY/STATEHOUSE

Rep. Jarrod Martin (R-Beavercreek), charged last week with drunken driving, was found passed out leaning against a car late at night in a parking garage last year, *The Columbus Dispatch* reported Friday. The newspaper said a state trooper found Martin in the early hours of March 24, 2010, intoxicated and asleep while leaning against a vehicle in the Riffe Center parking garage.

After more newspaper reports came out over the weekend detailing incidents involving Rep. Jarrod Martin (R-Beavercreek), Ohio Democratic Party Chairman Chris Redfern announced that he was filing new public records requests in an effort to connect the arrests of Martin and Rep. Bob Mecklenborg (R-Cincinnati) to House GOP leadership.

Rep. Ron Amstutz (R-Wooster) released a statement explaining why he called a GOP campaign staffer in March 2010 to go to the Riffe Center and pick up an intoxicated Rep. Jarrod Martin (R-Beavercreek). He said he'd been informed Martin needed help by former Rep. John Hagan (R-Alliance), whose son is an EMT and was called to assist Martin.

Several Ohio lawmakers were slated to attend the annual meeting in New Orleans of the American Legislative Exchange Council, with workshops set on Medicare, education reform, private-sector solutions for Medicaid, and corrections policies. Meanwhile, People for the American Way and Common Cause both criticized the organization, saying it allows corporate donors too much influence on policy and model legislation.

GOVERNOR

Gov. John R. Kasich announced Friday that he signed Executive Order 2011-18K to make effective rule 5101:2-16-41 issued by the Ohio Department of Job and Family Services, which implements new policies for child care providers that include new payment and quality standards enacted as part of the FY12-13 state budget. The rule becomes effective immediately.

Gov. John Kasich visited the Columbus Metropolitan Club forum Friday, using a lunchtime speech to make his familiar pitch for the just-passed state budget and other highlights from his seven-month tenure. The governor's remarks covered topics including a defense of SB5 (Jones) and explanations of the big-ticket items in his budget, such as Medicaid and sentencing reform.

HEALTH & HUMAN SERVICES

Beginning a year from now, new guidelines issued Monday by the U.S. Department of Health and Human Services will ensure women receive preventive health services at no additional cost. Developed by the independent Institute of Medicine, the new guidelines require new health insurance plans to cover women's preventive services such as well-woman visits, breastfeeding support, domestic violence screening, and contraception without charging a co-payment, co-insurance or a deductible. These guidelines will be applicable to the first plan year (in the individual market, policy year) that begins on or after Aug. 1, 2012.

The Medicaid Information Technology System (MITS), the new Medicaid claims payment computer system, was scheduled to go online Aug. 2. At least seven years in the planning and costing nearly \$115 million, MITS replaces the 20-year-old legacy Medicaid Management Information System (MMIS) and has been a major priority of at least three administrations and of legislators as they have sought to gain control of Medicaid spending. The federal government has funded the bulk of the costs, contributing \$91.8 million of the total.

HIGHER EDUCATION

Ohio University said this week it has hired Candace Boeninger as assistant vice provost and undergraduate admissions director, effective Aug. 1. Boeninger has been in the director's role on an interim basis, and has been in the admissions office for eight years.

The University of Akron announced it raised a record \$46.7 million in private donations in the previous fiscal year, a 14.3 percent increase over the previous year.

Kent State University said the Board of Regents approved the addition of two new two-year degrees related to the grape-growing and wine-making industries in Ohio for its Ashtabula campus.

The Ohio Board of Regents said Thursday its "Enterprise University Plan for Ohio" is on track for a final unveiling next week at the University System of Ohio's Trustee Conference.

Ohio State University announced Thursday that four of its scientists will be a part of a multi-state, \$25 million effort to reduce the number of food-borne illnesses caused by viruses. The five-year grant is being

awarded by the U.S. Department of Agriculture's National Institute of Food and Agriculture. With North Carolina State University leading the effort, the grant allows the formation of the Food Virology Collaborative with more than a dozen universities as well as food and health organizations, including the Centers for Disease Control and Prevention, the Food and Drug Administration, and Cincinnati Children's Hospital.

NATURAL RESOURCES

Ohio received two grants among a larger award of \$115,000 for Great Lakes restoration projects from the Healing Our Waters-Great Lakes Coalition. The Ohio grants will go toward invasive species control and phosphorous/nitrate removal in Western Lake Erie.

The Ohio Lake Erie Commission is accepting nominations for the 2011 Ohio Lake Erie Award, which recognizes people and organizations for their efforts to improve the lake. Nomination forms are available at <http://lakeerie.ohio.gov>.

As Ohio debates the pros and cons of expanded shale drilling on state and private lands, the governor of Pennsylvania has established a commission on the costs and benefits of hydraulic fracturing of shale gas formations in that state.

PEOPLE

The Health Policy Institute of Ohio expanded its board of directors to 18 people, adding seven new members; Jeff Biehl of Access HealthColumbus; Angela Cornelius Dawson of the Commission on Minority Health; Dr. Lesli Johnson of Ohio University's Voinovich School; Jan Ruma of the Hospital Council of Northwest Ohio; Jim Schwab of the Health Foundation of Greater Cincinnati; Dr. Craig Thiele of CareSource; and Shiloh Turner of the Greater Cincinnati Foundation.

Daniel Corcoran, a Pike County farmer, was appointed by the U.S. Department of Agriculture to the United Soybean Board.

Former Secretary of State Ken Blackwell was the featured speaker at Wednesday's Columbus Metropolitan Club forum, touting his new book, "Resurgent: How Constitutional Conservatism Can Save America." During a follow-up press gaggle, he reiterated his support for a possible U.S. Senate run by Congressman Jim Jordan (R-OH).

Former Ohio U.S. Rep. Clarence Miller died Tuesday at age 93 of natural causes at Fairfield Medical Center. He served in the U.S. House from 1967 to 1993.

SZD Whiteboard hired Chris Magill, former Ohio Tax Credit Authority executive director, as economic development manager.

Sen. Frank LaRose (R-Fairlawn) and his wife, Lauren, welcome their first child, Hadley Jeanne LaRose.

The Republicans Senate Campaign Committee hired Christina Lisotto as a fundraising assistant.

REDISTRICTING/REAPPORTIONMENT

The Apportionment Board had its first meeting Thursday, electing Gov. John Kasich as chairman and setting a schedule of 11 public hearings to gather input. House Minority Leader Armond Budish (D-Beachwood) sought to institute a number of board rules that would give Democrats more clout, but Republicans blocked all of them. However, Auditor Dave Yost did support Budish's attempt to add public hearings after maps have been submitted. Secretary of State Jon Husted's office established a website, www.reshapeohio.org, which will allow the public to submit comments and maps.

STATE GOVERNMENT

Department of Commerce Director David Goodman warned of a scam email circulating under the name of the National Association of Unclaimed Property Administrators, of which the department's Division of Unclaimed Funds is a member. Goodman said the division never emails anyone to inform them they have unclaimed funds.

TAXATION

The Department of Taxation said it will stop mailing income tax booklets to state residents as a cost-saving measure, noting nearly 80 percent of returns were filed electronically for 2010 taxes.

Rep. John Carey (R-Wellston), who has served as the chair of both the House and Senate finance committees during his tenure in the General Assembly and is currently vice chair of the House Finance and Appropriations Committee, discussed "tax expenditures" in his latest newsletter to his constituents. He said, "Think tank groups with various agendas, from those who want the government to spend more to those who want a flat tax rate, talked about the elimination of tax expenditures [during the last budget process]. Tax expenditures are actually tax policy that has been decided in the past to encourage or maintain the economy of the state."

UTILITIES

American Municipal Power Inc. (AMP) completed the purchase of the Fremont Energy Center from FirstEnergy Generation Corp., a subsidiary of Akron-based FirstEnergy Corp. The \$500 million-plus transaction closed July 28, and ownership of the 707 megawatt (fired) facility has transferred. AMP and FirstEnergy entered into a definitive asset purchase agreement for the facility in March. The AMP Fremont Energy Center is a natural gas combined cycle (NGCC) facility, which will supply intermediate power to participating AMP member communities.

The Public Utilities Commission of Ohio is proposing to offer discounted power rates to companies that expand hiring and investment

FirstEnergy Corp. announced a request for proposals to secure Solar Renewable Energy Credits for customers of its Ohio utility companies, per the renewable energy standards established in 127-SB221 (Schuler).

House Speaker William Batchelder (R-Medina) sent a letter Wednesday to Gov. John Kasich urging him to embrace competition in the electric utility sector and warning that re-regulation would be bad for the economy. His letter said Rep. Peter Stautberg (R-Cincinnati), chairman of the House Public Utilities Committee, will have hearings in the next several months to assess Ohio's regulatory climate.