WAYS AND MEANS PANELISTS SPAR OVER BID TO EXEMPT FOOD PURCHASES FROM COMMERCIAL ACTIVITIES TAX – HB 399 (Skindell D-Lakewood)

At the meeting of the House Ways & Means Committee on January 12, the committee heard sponsor testimony from Rep. Michael Skindell (D-Lakewood) on HB 399, his proposal to exempt receipts for food from the tax base of the new commercial activities tax (CAT).

Skindell described the application of the CAT to food as “a hidden food tax,” which is barred by the Ohio Constitution. The Constitution forbids the collection of sales taxes “or other excise taxes” on the sale of food that is consumed off the premises from where it is purchased.

“It is always bad tax policy to tax necessities,” Skindell said. “Consumption taxes exacerbate poverty by contributing to the cost of virtually all goods purchased.” Skindell claimed the support of 50 House members for his bill.

Committee Chair Sally Kilbane (R-Rocky River) took a differing view. She called the CAT a tax on the privilege of doing business in the state, not a consumption tax or an excise tax, and said that its application to receipts for food was fair and appropriate. She told the committee that she was opposed to HB 399.

The Ohio Grocers Association is preparing to file a lawsuit seeking to void the application of the CAT to food purchased for off-premises consumption.

LANDFILL MORATORIUM BILL FOR TUSCARAWAS RIVER BASIN HAS FIRST HEARING BEFORE SENATE PANEL – SB 224 (Schuring R-Canton)

At the meeting of the Senate Environment & Natural Resources Committee on January 11, members heard sponsor testimony from Senator Kirk Schuring (R-Canton) on a bill that would impose a moratorium on the issuance of permits for new solid waste facilities and licenses for new construction and demolition debris (CDD) facilities in the 13 counties in the Tuscarawas River Basin.

The bill also would bar the expansion of any existing solid waste facilities or CDD facilities in the region. It would not apply to applications for new facilities that were submitted before October 2005.
Schuring told the panel that SB 224 would impose the moratorium for five years, or until the completion of a U.S. Geological Survey of the area, whichever comes first. The concern that has prompted the bill, Schuring said, is groundwater contamination. SB 224 would authorize solid waste management districts to spend fee monies to pay for the geological survey. An identical companion bill to SB 224 is HB 417 (Oelsager R-Canton). HB 417 has had two hearings in the House Economic Development and Environment Committee.

**SENATE AGRICULTURE COMMITTEE HEARS PROPOSAL TO PROTECT LONGTOWN HISTORICAL VILLAGE AND STIFFEN OVERSIGHT OF CONCENTRATED ANIMAL FEEDING FACILITIES (CAFOs) – SB 230 (Roberts D-Dayton)**

The Senate Agriculture Committee heard sponsor testimony on January 11 on a bill that would place a moratorium on the development of concentrated animal feeding facilities (CAFOs) in the state until the Ohio Department of Agriculture has revised its existing CAFO rules.

Senator Tom Roberts (R-Dayton) said his bill also would protect the village of Longtown, an early African-American settlement in Greene County, from the planned construction of a CAFO nearby by requiring the Ohio Historical Society to place the village on the state registry of historic places.

The bill also would increase livestock permitting fees to fund more inspectors for the Department of Agriculture, bar CAFOs from locating within two miles of cemeteries, churches, schools, hospitals or nursing homes, and mandate groundwater monitoring of all manure treatment and storage facilities.

Roberts said the goal of the bill is to give the Department of Agriculture “the opportunity to set out more stringent guidelines for CAFOs before they become an environmental runaway train in Ohio.”

The authority to regulate CAFOs was transferred from the Ohio EPA to the Department of Agriculture in SB 141 of the 123rd General Assembly.

**SUBLER SPEAKS IN SUPPORT OF BILL TO ALLOW COMMISSIONERS TO MAKE CONTRIBUTIONS TO EMPLOYEE HEALTH SAVINGS ACCOUNTS – HB 46 (Schaffer R-Lancaster)**

At the meeting of the House Health Committee on January 11, CCAO Senior Policy Analyst Cheryl Subler lent CCAO’s support to a bill that grant permissive authority to boards of county commissioners to offer and make contributions to health savings accounts (HSA) for employees.

There has been an assumption that counties already possess this authority. HB 46 clarifies that counties, along with other employers, do possess the authority to make contributions to employee HSAs. Committee Chair John White (R-Vandalia) has scheduled a vote on the measure for January 18.

**BILLS SIGNED BY THE GOVERNOR**

SB 9 (Jacobson R-Dayton) – The “Ohio Terrorism Law.” Among other changes made related to homeland security, the bill prohibits counties, other political subdivisions, and the state from
conducting business with any person or entity that provides material assistance to any organization on the United States Department of State Terrorist Exclusion List. Signed January 11, 2006. Effective in 90 days.

SB 87 (Wachtmann R-Napoleon) – Extends the period of time that a hospice patient may stay in a residential care facility. Also adds four non-voting legislative members to the Medicaid Administrative Study Council. Signed January 10, 2006. Effective in 90 days.

SB 236 (Carey R-Wellston) – Authorizes and appropriates funding for the Third Frontier Research and Development project and Job-Ready Site development approved by voters at the November 2005 election. Also expands the Third Frontier Commission from three members to nine members, adding six regional representatives. Signed January 4, 2006. Effective in 90 days.

BILLS PASSING THE HOUSE

HB 294 (Kilbane R-Rocky River) – Provides an expedited foreclosure procedure, to be implemented by the county board of revision, upon the initiative of the county treasurer, to foreclose on unoccupied lands that have had delinquent tax charges for a specified number of years. January 11, 2006. 85-5.

HB 313 (Stewart R-Athens) – Reduces pledging requirements by public depositories securing repayment of public monies. Also authorizes the investment of county, other political subdivision, and state money in certificates of deposit issued by federally-insured out-of-state banks and savings and loan institutions, under specified conditions. January 10, 2006. 93-0.

HB 363 (Wagner R-Sycamore) – Allows the board of trustees of a law library association, in the years 2006 through 2010 to elect to assume responsibility for paying the entire compensation of the law librarian and all assistant librarians of the law library, despite the current requirement in state law that those costs be jointly paid by the board of trustees and the board of county commissioners during that time period. January 11, 2006. 93-0.

BILLS RECENTLY INTRODUCED

SB 250 (Cates R-West Chester) - Terminates the authority of county commissioners in the state’s five most populated counties to appoint additional members to the county veterans service commission. January 11, 2006.


HB 468 (Hagan R-Alliance) – Expands participation in the Ohio’s Rx program. The bill is an identical companion bill to SB 251 (Spada R-North Royalton) January 11, 2006.

TUESDAY, JANUARY 17

House Session, (Chr. Husted, 644-6008), House Chamber, Webcast, Calendar, 11:00 am
WEDNESDAY, JANUARY 18

Ohio Retirement Study Council, (Chr. Schneider, 228-1346), Rm. (121), 8:30 am

› Presentation on the adequacy of OP&F contribution rates
› Review of legislation and rules

House Agriculture & Natural Resources, (Chr. Aslanides, 644-6014), B. Harrison Rm. (116), 8:30 am

HB 400 MINING OVERSIGHT (McGregor, J.) To revise the distribution of revenues from the severance tax on industrial minerals, to exempt industrial minerals mining operations from the state mine safety laws and instead provide for the adoption of federal mine safety requirements for those operations, to revise the zoning laws concerning industrial minerals mining and to make other changes governing the mining of industrial minerals.--2nd Hearing-Proponent

House Health, (Chr. White, 466-6504), Rm. 018, 9:00 am

HB 46 HEALTH SAVINGS ACCOUNTS (Schaffer) To increase tax-deductibility of unreimbursed medical expenses and to expressly incorporate favorable tax treatment of new health savings accounts.--7th Hearing-All testimony-Possible vote

Committee on Medicaid Technology & Reform, (Chr. Wachtmann, 466-8150), Rm. 122, 10:30 am

› Presentation from the Department of Aging on long term care issues
› Presentation from the Department of Job & Family Services on the Nursing Home Transition Council, MMITS and federal budget reconciliation
› Presentation from the Department of Mental Health on drug purchasing consolidation study

House Session, (Chr. Husted, 644-6008), House Chamber, Webcast, Calendar, 1:30 pm

Senate Session, (Chr. Harris, 466-8086), Senate Chamber, Webcast, Calendar, 1:31 pm

House Economic Development & Environment, (Chr. Collier, 466-1431), Rm. 017, 3:00 pm

HB 262 LANDFILL AUDITS (Law) To require the owner or operator of a solid waste disposal facility to make available for auditing by the solid waste management district in which the facility is located, or in which solid waste that is disposed of at the facility is generated, any daily log of operations of the facility that is required by the Director of Environmental Protection.--1st Hearing-Sponsor

HB 404 URBAN HOMESTEAD ZONES (Wolpert) To permit the creation of urban homestead zones in cities to encourage the repopulation of certain city areas, to create a state urban homestead scholarship program administered jointly by the Department of Development and the Department of Education, and to require tax increment financing in urban homestead zones that participate in the scholarship program to help fund the program.--2nd Hearing-Proponent

HB 417 LANDFILL MORATORIUM (Oelslager) To establish a moratorium on the issuance of permits for new solid waste landfills and expansions of existing landfills and licenses for new construction and demolition debris facilities and expansion of existing facilities in counties that are included in the Regional Hydrologic Study of the Tuscarawas River Basin conducted by the United States Geological Survey and to authorize solid waste management districts to expend money
derived from district solid waste disposal and generation fees to provide funding for geological and hydrogeological surveys.--2nd Hearing-Proponent

Senate State & Local Government & Veterans Affairs, (Chr. Cates, 466-8072), South Hearing Rm., 4:00 pm

SB 149 JUDICIAL TERMS/QUALIFICATIONS (Grendell) To increase the terms of office for judges of the courts of common pleas, courts of appeals, and the Supreme Court, to change the qualifications for all judges, and to require the Supreme Court to establish a qualification program for candidates for judicial office.--1st Hearing-Sponsor

THURSDAY, JANUARY 19

House State Government, (Chr. Buehrer, 644-5091), Taft Rm. (122), 9:30 am

HB 360 CAMPAIGN CONTRIBUTIONS (Healy) To revise the law governing contracts for the purchase of goods or services between a state agency or political subdivision and a business entity that makes certain campaign contributions, and to prohibit business entities that have entered into those contracts from making certain campaign contributions.--1st Hearing-Sponsor

HB 441 PUBLIC MEEETINGS (Evans, C.) To permit a member of any public body to be present at a meeting by teleconference or interactive video teleconference.--1st Hearing-Sponsor

House Judiciary, (Chr. Willamowski, 466-9624), Hayes Rm. (114), 9:30 am

HB 402 DELINQUENT PROPERTY TAXES (Trakas) To provide specific funding sources and methods of payment for private legal counsel who collect certain delinquent property taxes.--1st Hearing-Sponsor

HB 456 POUNDAGE FEES (Peterson) To allow a clerk of a municipal court, mayor's court, or county court to collect a five per cent poundage fee for receiving and disbursing certain fines or costs not established by the court.--1st Hearing-Sponsor

House Local & Municipal Government & Urban Revitalization, (Chr. Wolpert, 466-9690), Rm. 018, 11:00 am

SB 125 JUVENILE DETENTION FACILITIES (Schuring) To authorize joint county juvenile detention facility districts to enter into agreements with the several boards of county commissioners providing for the financing of juvenile detention facility improvements.--4th Hearing-All testimony

HB 365 JOINT DEVELOPMENT DISTRICTS (Setzer) To remove the limitation that only four types of municipal corporations and townships may create a joint economic development district under specified statutes.--4th Hearing-All testimony