

The League of Women Voters of Ohio

Legislative Update

Updated Monday, June 19, 2006

News and Announcements:

This will be the last Update until the House and Senate resume sessions in the fall. The final week before they adjourned on May 25 was action-packed with testimony and votes on redistricting, the substitution of TEL Lite for the proposed TEL constitutional amendment, and the passage at last of a strong anti-predatory lending bill. Some legislative activity will continue over the summer; we will keep you informed through FYIs and Action Alerts.

Redistricting Setback: Despite a strong League effort (and other groups as well), HJR13 did not pass in the House (see below). Our advocates are continuing efforts to create a consensus on a proposal for the fall ballot, and need the help of every League member to encourage House and Senate support.

TEL: The proposed tax and expenditure (TEL) constitutional amendment will no longer appear on the fall ballot. Legislative leaders struck a deal with the sponsors of the proposal to allow the sponsors to withdraw the initiative proposal in exchange for enactment of a statutory tax and expenditure limitation. LWVO expressed concern about the process. Withdrawal was effected by tacking on amendments to two bills, HB 321 and SB 312. The full description is at the end of this document (not under the bill numbers).

Hearing on HB 228: The House Health Committee will hold a single hearing on this extremist anti-abortion bill on June 13, beginning at 10:00 a.m. in Room 313 in the Statehouse. Please see Action Alert of June 6, 2006.

HB 3 Implementation: We're not finished with HB 3 yet. Rules are being heard that implement the election reform provisions; LWVO testified re the ambiguity of the new registration rules.

HB9 PUBLIC RECORDS LAW Scott Oelslager (H51-R-N Canton) To revise the Public Records Law.

05/16/2006 Senate Judiciary - Civil Justice (Second)

Position: LWVUS: [Citizen's Right to Know / Citizen Participation](#).**UPDATE******

The bill was passed by the House and is now being considered by the Senate, in the Committee on Judiciary-Civil Justice. The House added a provision that allows an individual with a license to carry a concealed handgun to prohibit that information from being disclosed to a journalist. On May 16, 2006, LWVO testified during the second hearing. The testimony supported the bill with the exception of the denial of access to the identity of individuals with concealed carry permits. The bill may be amended to address a recent Ohio Supreme Court case recognizing executive privilege.

HB91 CONCEALED CARRY LICENSES Tom Brinkman Jr. (H34-R-Cincinnati) To authorize a person to carry a concealed handgun without obtaining a license to the same extent as if the person had obtained such a license if the person qualifies for a concealed carry license and is legally permitted to purchase a handgun; to remove the requirements that a concealed carry licensee must be carrying the license in order to carry a concealed handgun, must inform approaching law enforcement officers that the person has a license and is carrying the handgun when the person is carrying a concealed handgun, and must submit a new or renewed competency certification when renewing the license; to eliminate as premises in which a concealed carry licensee may not carry a concealed handgun public or private institutions of higher education, places of worship, day-care centers and homes, and government buildings other than schools, courthouses, law enforcement offices, and correctional facilities; to replace the prohibitions that apply only to a concealed carry licensee who is carrying a handgun in a motor vehicle with a prohibition against a licensee who is in a motor vehicle that is stopped by a law enforcement officer knowingly menacing or threatening an officer with a loaded handgun or knowingly pointing a loaded handgun at an officer to remove the 'in plain sight or secure encasement' criterion that a concealed carry licensee must satisfy to legally possess a handgun in a motor vehicle; to provide a self-defense exemption from the prohibitions against discharging a firearm in or on a vessel or motor vehicle; and to repeal the 'Journalist exception' to the provision that otherwise makes confidential the records a sheriff possesses regarding concealed handgun licenses and applications for such licenses.

09/13/2005 House Criminal Justice (First)

Position: LWVUS: [Social Policy: Gun Control](#) LWVO does not support this bill, which includes repealing mandated training. Action is now centered on HB 347, which recently passed the House and moved to the Senate.

HB130 RADIOACTIVE WASTE Michael J. Skindell (H13-D-Lakewood) To create the High-level Radioactive Waste Transportation Study Commission to review and evaluate issues relating to the transportation of high-level radioactive waste in this state.

02/22/2006 House Economic Development and Environment (Third)

Position: LWVUS: [Nuclear Issues](#) LWVO believes this bill is unnecessary in view of other critical state needs and scarce state funds, and submitted testimony against the bill on February 22. Two bills introduced into Congress in April (SB 2560 and SB 2589) would strip states of supervisory authority over transport of high-level radioactive waste. The intent is to prevent Western governors impeding shipments to the depository at Yucca Mountain, NV.

HB131 RADIATION RESPONSE FUND Michael J. Skindell (H13-D-Lakewood) To require a person shipping certain radioactive material within or through this state to provide the Emergency Management Agency with notice of the shipment and pay the Department of Public Safety a fee for each shipment, and to establish the Radiation Response Fund.

10/19/2005 House Economic Development and Environment (First)

Position: LWVUS: [Nuclear Issues](#) LWVO expects to support this bill if it should have additional hearings.

HB137 SEALED COURT RECORDS Mike Gilb (H76-R-Findlay) To revise the procedure by which a juvenile court may seal records of alleged and adjudicated delinquent and unruly children and adjudicated juvenile traffic offenders.

05/25/2006 House concurred in amendments; emer.; Vote 91-4

Position: LWVO: [Social Policy : Juvenile Justice](#) ******UPDATE****** This bill passed the Senate on May 24 and the House concurred with Senate amendments on May 25; both houses passed the bill as emergency legislation. The bill now goes to the governor for signature. LWVO was unable to speak to the bill with its current consensus position. However, the substitute bill did restore the requirements that the person be notified about the sealing of records and application for expungement.

HB149 HISTORIC BUILDING Charles E. Calvert (H69-R-Medina) To authorize a nonrefundable tax credit for rehabilitating a historic building.

05/17/2006 Referred to Senate Ways/Means & Eco. Dev.

Position: LWVO: [Land Use:](#) ******UPDATE****** LWVO supports both urban revitalization and farmland preservation and the curbing of suburban sprawl. The bill passed in the House on 5/16/06 by a vote of 84-5, and was sent to the Senate, where its

companion bill, SB 60, has had two hearings. LWVO sent an Action Alert early in May about urging the House members to vote for it, and sent written testimony to the Senate committee on 5/23/06.

HB174 BOARD OF REGENTS Jim McGregor (H20-R-Gahanna) To expand the authority of the Ohio Board of Regents to regulate the programs and resources of state institutions of higher education.

05/17/2005 House Finance and Appropriations (F&A) (Third)

Position: LWVO: [Position Summary: Higher Education](#) LWVO opposes this bill to expand the authority of the Ohio Board of Regents to regulate programs and resources of state institutions of higher education. Among its several provisions, HB 174 would give OBOR sole authority to submit higher education appropriation requests to the General Assembly and authority to cut programs, subject to legislative agreement. Local control should remain with the boards of trustees of Ohio's 36 public colleges and universities. Despite numerous concerted efforts, Ohio still falls below the national average in the percentage of its citizens who hold bachelor's degrees. Students have enrolled in increasing numbers in recent years, and have assumed an ever higher proportion of the cost of attending a public college or university in Ohio. Although the current shared governance system for higher education in Ohio has not produced widespread affordability or greater degree attainment, the proposals in HB 174 do not appear to increase the likelihood that either goal can be achieved.

HB180 HEALTH CARE POLICIES Jon M. Peterson (H02-R-Delaware) To prohibit, subject to certain exceptions, discrimination in group care policies, contracts, and agreements in the coverage provided for the diagnosis, care, and treatment of biologically based mental illness.

05/31/2005 House Insurance (First)

Position: LWVUS: [Health Care](#) This bill is identical to the Olman bill that passed the House last session. Its major goal is to end insurance discrimination against mental illness and to provide for parity in coverage with physical illnesses. LWVO can support this bill based on the LWVUS position on health care, which includes mental health, and recently asked local Leagues to help identify business people who would be supportive of the bill. See also SB 116.

HB228 ABORTIONS Tom Brinkman Jr. (H34-R-Cincinnati) To prohibit abortions in this state, to increase the penalties for the offenses of unlawful abortion, unlawful distribution of an

abortion-inducing drug, and abortion trafficking, to enact the offense of facilitating an abortion, and to make conforming changes in related provisions.

10/25/2005 Referred to House Health

Position: LWVUS: [Public Policy on Reproductive Choices](#) ****UPDATE**** LWVO opposes this bill, which was introduced by its sponsor with the hope that it will pass and can be used as a test case to challenge Roe v. Wade. This bill would ban all abortions under any circumstances and increase penalties for distribution of abortion-inducing drugs such as RU-486. A single hearing is being held on June 13 (see Action Alert of June 6); LWVO expects to testify against the bill. A strong presence by pro-choice groups is encouraged by Freedom of Choice Ohio (FOCO).

HB239 ABORTIONS Michelle G. Schneider (H35-R-Madeira) To prohibit the use of public funds or facilities for nontherapeutic abortions, proscribe public employees acting in the scope of their employment from performing or inducing a nontherapeutic abortion, and to declare that it is in the public policy of the state to prefer childbirth over abortion to the extent that is constitutionally permissible.

11/02/2005 House Health (Fifth)

Position: LWVUS: [Public Policy on Reproductive Choices](#) LWVO opposes this bill, which is almost as strict as HB 228. The bill would make it official state policy to favor childbirth over abortion; it would permit tax-funded abortions only when necessary to preserve the life of the mother or when required by federal law. It would prevent use of public facilities or public employees (including public university hospitals and staff), acting in the scope of their employment, to perform abortions that are not necessary to save the life of the mother. It would affect state and local government employees' health insurance policies by limiting permitted coverage to life-of-the-mother situations. This bill was introduced on 5/04/05, referred to the House Health Committee on 5/26/05. It had five committee hearings in October and November, with a variety of people testifying both pro and con. League was in the process of preparing opposition testimony in November when the bill was no longer listed on the committee schedule. It is thought that the bill will not be moving any more, perhaps because the proponents did not have enough votes to vote it out of committee.

HB260 CAPITAL PUNISHMENT Shirley A. Smith (H10-D-Cleveland) To create a Capital Case Commission to study the imposition and administration of capital punishment in Ohio and to make recommendations for improving Ohio's procedures in capital cases and its capital sentencing procedures.

01/19/2006 House Judiciary (First)

Position: LWVO: [Position Summary: Capitol Punishment](#) The League supports the abolition of the death penalty and a moratorium on use of the death penalty, and expects to support this bill.

HB266 JUDGES Bill Seitz (H30-R-Cincinnati) 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.

02/02/2006 House Judiciary (Fourth)

Position: LWVO: [Position Summary: Judiciary](#) A representative of the Ohio Probate Attorney's Association testified against the bill, saying the current six-year term was appropriate. LWVO nevertheless expects to support this bill based on our state judicial independence position. See also SB 149.

HB299 IMPACT FEES Jon M. Peterson (H02-R-Delaware) To authorize counties, townships, and school districts to levy impact fees on new development to finance capital improvements necessitated by that development.

12/15/2005 House Local and Municipal Government & Urban Revitalization (Sixth)

Position: LWVO: [Land Use](#) At the sixth hearing, the Ohio School Boards Association testified for the bill as a means for school districts to cope with rapid growth, using the impact fees to offset costs for new buildings. A witness for the Buckeye Institute stated that impact fees should be a one-time source of revenue and meet certain criteria, including transparency, professional standards and measurement, a well-defined service area, and a sunset provision. The witness also proposed a general review of how local government services are funded. LWVO supports this legislation and sent a letter of support to the committee in October.

HB323 G.A. VOTES Jennifer Garrison (H93-D-Marietta) To require that the General Assembly web site contain information about how each member votes on bills and resolutions.

10/19/2005 House State Government (First)

Position:LWVUS: [Citizen's Right to Know / Citizen Participation](#) LWVO supports this bill, and sent letters to the committee chair, Rep. Stephen Buehrer, and House leadership requesting that hearings be held.

HB347 CONCEALED HANDGUNS Jim Aslanides (H94-R-Coshocton) To revise the laws regarding licenses to carry a concealed handgun and the authority to carry a concealed handgun under such a license; to limit journalist access to information regarding persons who have such a license and who assert reasonable cause to fear a criminal attack; to provide exemptions from certain carrying of firearms-related offenses for persons in compliance with the Ohio Peace Officer Training Commission's firearms requalification program; to specifically provide a self-defense affirmative defense to discharge of a firearm while in or on a vessel or motor vehicle-related offenses; to clarify when a firearm is loaded for purposes of offenses relating to possession of a loaded firearm while in or on a vessel or motor vehicle and carrying concealed weapons; to provide that the sealing or expungement of a conviction or delinquent child record is an affirmative defense to falsification based on the failure to report the record on an application for a concealed handgun license; and to identify, as a general law and matter of statewide concern, the right of any person, except as provided in the Revised Code, to own, possess, purchase, otherwise acquire, transport, carry, sell, or otherwise transfer a firearm, firearm component, or ammunition.

05/24/2006 Senate Judiciary - Criminal Justice (Fourth)

Position: LWVUS: [Gun Control](#)******UPDATE****** LWVO issued its second Action Alert in May as the bill was before the Senate Judiciary Criminal Justice Committee. Calls and e-mails from LWVO and other advocacy groups seem to have helped slow this fast-tracking bill. The most serious part of the bill remains the preemption of local firearms ordinances. In 2002, LWVO opposed HB 303, a bill with similar preemption measures. The League testified against preemption and other provisions of HB 347 on January 31, 2006, and resubmitted testimony for the Senate May 19. See testimony on web site. The League believes that the carrying of concealed handguns in our state poses a significant public health risk to our families, schools, workplaces, and communities and local controls are key to public safety.

The clause to limit journalists' access to information regarding persons who have such a license was moved to HB 9, the open records bill.

HB392 ABORTION Stephen P. Buehrer (H74-R-Delta) To require physicians to complete and submit to the Department of Health an individual abortion report for each abortion performed.

01/25/2006 SUBSTITUTE BILL ACCEPTED. House Health (Fourth)

Position: LWVUS: [Public Policy on Reproductive Choices](#) The bill codifies requirements related to abortion reporting that are now administrative rules. Some of the information to

be codified has been found to violate privacy requirements. LWVO expects to oppose the bill as currently written.

HB398 SUSTAINABLE ENERGY Michael J. Skindell (H13-D-Lakewood) To create the Council on Sustainable Energy Development and specify its duties.

03/08/2006 House Public Utilities & Energy (Second)

Position: LWVO: [Energy](#) The League supports action by appropriate levels of government to encourage the use of renewable resources, and will review this bill.

HB400 INDUSTRIAL MINERALS Jim McGregor (H20-R-Gahanna) 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.

03/22/2006 SUBSTITUTE BILL ACCEPTED. House Agriculture & Natural Resources (Fourth)

Position: LWVO: [Land Use](#) LWVO is not supporting this bill. (See SB191)

HB404 URBAN HOMESTEAD ZONES Larry Wolpert (H23-R-Hilliard) 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.

02/01/2006 House Economic Development and Environment (Third)

Position: LWVO: [Land Use and Education](#) The League supports the review of environmental, social and economic impacts of major public and private developments. The League has some concerns over this bill, which would create a school voucher program, and expects to follow its progress.

HB431 SPECIAL EDUCATION SCHOLARSHIPS Jon M. Peterson (H02-R-Delaware) To establish the Special Education Scholarship Program to provide scholarships for handicapped children to attend alternative public and nonpublic special education programs.

03/28/2006 House Education (Third)

Position: LWVO: [Position Summary: Primary and Secondary Education****UPDATE****](#) Numerous questions regarding certain parts of this bill were raised in its third hearing, including what guarantees would be provided to special needs children for special education services and legal rights. A representative of the Department of Education indicated the state board was concerned about unintended consequences of undermining accountability for programs, as well as the costs of overseeing the bill. Several parents testified as to the need for the bill. The League is opposing the bill on the basis of our opposition to vouchers and concerns about accountability. It's possible the bill will be revised before additional hearings are held.

HB469 ABORTION Keith L. Faber (H77-R-Celina) Concerning distribution of medication that will or may result in abortion or termination of life and performance of medical procedures that will or may result in termination of life.

03/01/2006 House Health (Fourth)

Position: LWVUS: [Public Policy on Reproductive Choices](#) The bill is off the agenda of the House Health Committee for the time being; it is rumored that amendments are in the works that may make it more palatable.

This bill, which would protect pharmacists from disciplinary or legal action by their employers and patients if they refuse to fill prescriptions for emergency contraception (the "morning after" pill) or other forms of birth control, has numerous flaws. It is identical to HB 68, which died at the end of the last session. It does not allow for guaranteed access to legal medication, and it does not provide for exceptions for medical emergencies. LWVO will oppose this bill as it is currently written.

HB471 HEALTH CARE COVERAGE Jennifer Garrison (H93-D-Marietta) To require certain employers in this state who do not provide a specified amount of health care coverage to their employees to make contributions to a fund to be used to supplement this state's share of Medicaid costs.

01/24/2006 House Finance and Appropriations (F&A) (First)

Position: LWVUS: [Health Care](#) HB471 was introduced on January 17, and subsequently referred to the House Finance and Appropriations Committee. The bill is modeled after a bill that recently passed the legislature in Maryland over the veto of the Maryland Governor. It would require all employers in the state with 30,000 or more employees, who do not incur employee health coverage costs at least equal to eight percent of qualified wages, to pay the difference into a state "Fair Care Health Care Fund" to help offset Medicaid costs. Non profits not incurring health coverage costs up to six percent of qualified wages would pay the difference into the fund. The employers also would report annually to the state the number of employees and their full/part time status, insured status, and source of insurance for employees not receiving coverage through the employer. The Committee heard sponsor testimony on HB471 on January 24, 2006. The League has not yet taken a position on HB471, but will monitor its progress.

HB480 CHILDREN'S ENVIRONMENTAL HEALTH Kathleen Chandler (H68-D-Kent) To establish the Children's Environmental Health and Safety Advisory Committee.

03/08/2006 House Health (First)

Position: LWV: [Early Intervention for Children at Risk](#) The new committee would examine existing laws, administrative rules and standards to determine if children's health is protected from environmental and safety hazards. Rep. Chandler is most concerned about the effect of chemicals on children, and admitted the bill may be overly broad at this point. LWVO will monitor the bill if additional hearings are held.

HB496 AIR POLLUTION Christopher R. Widener (H84-R-Springfield) To make changes in the Air Pollution Control Law regarding statutory construction, the costs of compliance with rules, permits to install air quality monitoring, best available technology, and affirmative defenses in private civil actions.

03/28/2006 House Economic Development and Environment (Fourth)

Position: LWVUS: [Air Quality](#) LWVO did not support the bill. LWVO sent Action Alert 3/20/2006. A companion bill, SB 265, was passed and becomes effective on August 3, 2006.

HB505 ENVIRONMENTAL LAWS Steve Reinhard (H82-R-Bucyrus) To require that state environmental laws be construed to be no more stringent than the laws' federal counterparts.

03/22/2006 House Economic Development and Environment (Second)

Position: LWVUS and LWVO:[Environmental Policies, Ohio Home Rule](#)The League does not support this bill, and sent an Action Alert 3/27/2006 protesting the weakening of environmental controls.

HB506 HEALTH SAVINGS ACCOUNTS Louis Blessing (H29-R-Cincinnati) To make health savings accounts available to public employees and provide tax benefits to public employees who use health savings accounts, and to increase the deductible permitted under the state income tax for unreimbursed medical care.

05/23/2006 House Committee recommends substitute; Vote 12-5

Position: LWVUS: [Health Care](#) This bill would require the Public Employees Deferred Compensation Board to offer high-deductible medical plans to all employees of the state and local governments, that they may use in conjunction with employee-funded health savings accounts.

Annual deductibles would be least \$1000, for an individual plan, or \$2,000 for a family plan. Out-of-pocket expenses, including deductibles and co-pays may be as high as \$10,200 family/\$5,100 individual coverage in a single year. Insurers offering the plans may, but are not required to, offer plans with “first dollar” coverage for preventive care, such as annual physical examinations, screenings, and immunizations.

Under the bill, employees who can afford to set aside up to \$5,250 in a health savings account for family coverage (\$2,650 for single coverage) may deduct those amounts on their state income tax forms. HB506 also increases the amount of unreimbursed medical expenses deductible from Ohio income tax.

The League shares legislators’ concerns about the increasing costs of health coverage for public employees and for health care services generally in the state. However, we oppose expanded reliance on high-deductible health plans and health savings accounts. First, high-deductible health care plans are attractive primarily to more highly compensated, healthier employees who can afford to set aside money for health care costs, who will benefit more from favorable tax treatment, and who do not anticipate extraordinary health care expenditures. Second, to the extent that wealthier and healthier employees withdraw opt out of traditional coverage, the change can undermine employer-sponsored health care coverage for those who cannot afford high-deductible plans. Third, a move to high deductible health care plans for public employees is likely to do little to control rising health care costs. Experience with these plans indicates that consumers do not have adequate information about price and quality to allow them to shop around successfully for more cost-effective health care services.

While the state could experience some savings for its employee coverage, those savings may not be worth the overall negative impact on health coverage for the majority of public employees. Some of the savings, too, are likely to be offset by account and

management fees charged by financial institutions. The League will submit testimony to the Committee opposing the promotion of high-deductible health plans for public employees.

HB541 FORCE/DEADLY FORCE Stephen P. Buehrer (H74-R-Delta) To provide statutory criteria for when a person may use force or deadly force to defend the person or another person or to prevent or terminate a trespass on or illegal interference with property; to establish a presumption related to use of defensive force intended or likely to cause death or serious physical harm of when the user of the defensive force intended or likely to cause death or serious physical harm generally does not have a duty to retreat; and to repeal the existing statutory provisions regarding the immunity of an owner, lessee or renter of real property as to self-defense or defense of others.

05/23/2006 House Criminal Justice (Third)

Position: LWVUS: [Social Policy: Gun Control](#) LWVO, Ohio Home Rule

******UPDATE****** The key provision of HB 541 is that a person who feels “threatened” does not have a duty to retreat before using deadly force.

HB 541 is riding on the coattails of our recent CCW licensing laws. CCW is public policy which promotes a proliferation of guns in public places and which condones the use of those guns by people ill trained to engage with “deadly force.” Now, HB 541 removes the duty to retreat and grants immunity to a shooter when poor perceptions produce deadly consequences.

This bill is part of a nation wide initiative by the National Rifle Association to have similar bills introduced and passed in all 50 states.

The League of Woman Voters of the United States believes that the proliferation of handguns and semi-automatic assault weapons in the United States is a major health and safety threat to its citizens. The League believes that the carrying of concealed handguns in our state poses a significant public health risk to our families, schools, workplaces, and communities, and local controls are key to public safety. LWVO will oppose this bill.

HB554 ANIMAL FEEDING FACILITIES John M. Schlichter (H85-R-Washington CH) To expand the notification requirements pertaining to concentrated animal feeding facilities by requiring applicable county and township officials to be notified regarding proposals for the establishment or certain expansions of any concentrated animal feeding facilities rather than only proposals involving major concentrated animal feeding facilities.

05/10/2006 House Agriculture & Natural Resources (First)

Position: LWVO: [Water](#): ****NEW**** LWVO supports this bill.

HB574 GREAT LAKES COMPACT Matthew Dolan (H98-R-Novelty) To ratify the Great Lakes-St. Lawrence River Basin Water Resources Compact and to establish related requirements.

05/17/2006 House Economic Development and Environment (Second)

Position: LWVO: [Water](#): ****NEW**** LWVO supports this bill. The League supports this effort to protect Lake Erie for drinking water, tourism, and business. The "Great Lakes-St. Lawrence river basin water resources compact" has been negotiated by representatives of this state and the states of Illinois, Indiana, Michigan, Minnesota, New York, and Wisconsin and the commonwealth of Pennsylvania.

HJR13 REDISTRICTING Kevin Dewine (H70-R-Fairborn) To place redistricting on the November ballot.

05/25/2006 Failed House; Vote 58-37

Position: LWVO: [Apportionment](#): ****NEW**** Rep. DeWine testified in support of the bill on May 10. The League and Ohio Citizen Action (OCA) testified on May 16. OCA urged taking more time to carefully consider the legislation, that the resolution be amended to include more public access, that it require a written explanation for selection of a map, add language so that competition doesn't favor one party or the other; add a provision that lobbyists and major donors to political parties not be permitted to serve as commission members; and create a system for tiebreakers. The League urged addition of a tie-breaker mechanism both for selection of commission members and for selection of a plan, more transparency, and a stronger definition of competition. On May 17 Ned Foley of OSU testified that the plan was a good plan, and that the legislature should not worry about perfection, but adopt the plan because it was better than the current system. David Becker, an attorney from Maryland, opposed the bill saying it was impossible to comply with the Voting Rights Act, compactness, and competition at the same time, and that the proposal would lead to reducing competition and creating litigation. On May 23 Common Cause testified in support of the resolution with certain suggestions for improvement such as using the plan providing the most competitive districts as the tie-breaker, and adding language concerning compliance with the Voting Rights Act. On May 24 Ed Jerse, the director of RON last fall, testified in support of the proposal. Rep. DeWine offered various amendments that were added to the bill. Rep. Beatty offered amendments that were tabled. It was reported out on a party line vote. On May 25 the resolution was voted on in the House, failing to achieve the required 60% of the votes. It was amended to contain HJR 6, a redistricting proposal introduced by Rep. Driehaus last year. That amendment also failed to achieve the required 60% of the votes.

SB116 HEALTH CARE COVERAGE Robert Spada (S24-R-North Royalton) To prohibit, subject to certain exceptions, discriminations in group health care policies, contracts, and agreements in the coverage provided for the diagnosis, care and treatment of biologically based mental illnesses.

09/06/2005 Senate Insurance, Commerce and Labor (Second)

Position: LWVUS: [Health Care](#) This bill is identical to the Olman bill that passed the House last session. Its major goal is to end insurance discrimination against mental illness and to provide for parity in coverage with physical illnesses. LWVO can support this bill based on the LWVUS position on health care, which includes mental health. See also HB 180.

SB149 JUDICIAL QUALIFICATIONS Timothy J. Grendell (H98-R-Chesterland) 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.

01/18/2006 Senate State and Local Government and Veterans Affairs (First)

Position: LWVO:[Position Summary: Judiciary](#) See HB 266.

SB185 CONSUMER SALES PRACTICES Joy Padgett (S20-R-Coshocton) To expand the Consumer Sales Practices Act to include predatory lending.

05/24/2006 Senate agreed to Conference Report; Vote 30-3

LWVUS: Position: [Fair Housing](#) ******UPDATE****** Six long years of advocacy ended successfully with the passage of this important legislation to put an end to predatory lending. The bill has now gone to the governor who is expected to sign it. It will become effective in January 2007. The bill places mortgage lending under the umbrella of the Consumer Sales Practices Act; it also gives the attorney general new authority to prosecute violations. In the latest round of activity, the League was supportive of the Coalition for Responsible Lending but did not take direct action.

SB191 INDUSTRIAL MINERALS Larry Mumper (S26-R-Marion) 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.

02/08/2006 Senate Environment and Natural Resources (Sixth)

Position: LWVO: [Land Use](#) LWVO is not supporting this bill. SB 191 amends county and township zoning laws as applied to aggregate mining operations using “permitted use or conditional use” permits. This bill would repeal Ohio’s mine safety law and rules as they apply to non-coal surface mines and adopt federal Mine Safety and Health Administration rules. This takes the decision-making process of mining laws away from the people most impacted by these rules. Action alert was sent 3/27/06.

SB230 HISTORIC LANDMARKS Tom Roberts (S05-D-Dayton) To revise the law governing concentrated animal feeding facilities, to require the placement of the historic village of Longtown on the State Registry of Historic Landmarks, and to prohibit development on land within an historic site that is on the State Registry and that was formed by freedom or escaped slaves.

01/11/2006 Senate Agriculture (First)

Position: LWVO: [Natural Resources: Water](#) The protection of the historic village of Longtown was resolved amicably; the protection of water quality through more stringent controls over concentrated animal feeding operations (CAFOs) is more difficult to achieve. Following up on the resolution passed at the LWVO 2005 Convention, which requested a moratorium on new permits for mega farms because of the weak enforcement of regulations and lack of stringent standards for water quality, LWVO issued an Action Alert on March 7 (see web site) in an effort to move the Senate Agriculture Committee to hold additional hearings on the bill. To date, no more hearings have been scheduled.

SB253 COLLEGE BOARD APPOINTMENTS Marc Dann (S32-D-Youngstown) To revise the qualifications for appointments to the Ohio Board of Regents, the Ohio Tuition Trust Authority, and the boards of trustees of public colleges and universities.

01/18/2006 Referred to Senate Education

Position: LWVO: [Social Policy: Higher Education](#) LWVO is reviewing the bill and expects to take a position at a later date if hearings are held.

SB264 STATE ENVIRONMENTAL LAWS Timothy J. Grendell (H98-R-Chesterland) To require that state environmental laws be construed to be more stringent than the laws' federal counterparts.

03/08/2006 Senate Environment and Natural Resources (Second)

Position: LWVO: [League Principles, Ohio Home Rule](#) The League does not support this bill. Action Alert was sent 3/27/06.

SB265 AIR POLLUTION Robert Spada (S24-R-North Royalton) To make changes in the Air Pollution Control Law regarding statutory construction, the costs of compliance with rules, permits to install, air quality monitoring, best available technology, and affirmative defenses in private civil actions. EFFECTIVE 8/3/06

05/03/2006 Signed by Governor; eff. 8/3/06

Position: LWVUS: [Air Quality](#)****UPDATE**** LWVO does not support this bill (See HB496). Action Alert was sent 3/27/06. This bill becomes effective on August 3, 2006.

SB289 SEWAGE TREATMENT SYSTEMS Timothy J. Grendell (H98-R-Chesterland) To revise the requirements governing sewage treatment systems rules that the Public Health Council must adopt and to require the Director of Health to adopt rules developed with the Sewage Treatment System Advisory Committee that establish standards and guidelines for approving a sewage treatment system or components of a system.

05/10/2006 Senate Environment and Natural Resources (First)

Position: LWVO: [Water](#): ****NEW**** LWVO will be watching this bill. No position at this time. Prescribe standards for the siting, design, installation, operation, monitoring, maintenance, and abandonment of household sewage treatment systems that may be used in this state. The committee shall use scientific peer-reviewed papers concerning sewage treatment systems or components of a system and third-party evaluations of such systems or components using accepted protocols.

SB293 SEWAGE TREATMENT Ron Amstutz (S22-R-Wooster) To revise the requirements governing sewage treatment systems rules that the Public Health Council must adopt and to require the Director of Health to adopt rules developed with the Sewage Treatment System Advisory Committee that establish standards and guidelines for approving a sewage treatment system or components of a system.

05/10/2006 Senate Environment and Natural Resources (First)

Position: LWVO: Water: ****NEW**** LWVO will be monitoring this bill. No position has been taken at this time.

SB295 ANIMAL FEEDING FACILITIES John Carey (S17-R-Wellston) To expand the notification requirements pertaining to concentrated animal feeding facilities by requiring applicable county and township officials to be notified regarding proposals for the establishment or certain expansions of any concentrated animal feeding facilities rather than only proposals involving major concentrated animal feeding facilities.

03/29/2006 Senate Agriculture (First)

Position: LWVO: Natural Resources: Water The League of Women Voters of Ohio has long been concerned about water quality and now sees factory farming as a potential threat to both surface and ground water. In May 2005, the state League called for a moratorium on new such farms.

This bill is a small step in the right direction. It makes notification of intent to build or expand the CAFOs, apply to any of them, not just the “major” ones; thus the local (township & county) officials will know what’s planned for their communities.

SB306 LITTER Kim Zurz (S28-D-Uniontown) To establish penalties for depositing potentially dangerous litter on public or private property or in or on the waters of the state, to increase the penalty for littering from a motor vehicle or watercraft, and to make littering penalties consistent.

05/10/2006 Senate Environment and Natural Resources (First)

Position: LWVO: Solid Waste: ****NEW**** LWVO will support this bill. SB306 responds to an Ohio Department of Transportation report that nearly one million containers of urine are dumped onto Ohio's highways and roads every year.

SB319 GREAT LAKES COMPACT Robert Spada (S24-R-North Royalton) To ratify the Great Lakes-St. Lawrence River Basin Water Resources Compact and to establish related requirements.

05/17/2006 Senate Environment and Natural Resources (Second)

Position: LWVO: [Water](#): ****NEW**** LWVO will support this bill. The League supports this effort to protect Lake Erie for drinking water, tourism, and business. The "Great Lakes-St. Lawrence river basin water resources compact, "has been negotiated by representatives of this state and the states of Illinois, Indiana, Michigan, Minnesota, New York, and Wisconsin and the Commonwealth of Pennsylvania.

General Assembly enacts a statutory tax and expenditure limitation (TEL)

On May 22, 2006, Representative Charles Calvert (R-Medina), Chair of the House Finance and Appropriations Committee, introduced a statutory version of the TEL as an amendment to HB321, the tobacco budget bill. HB321 was before the Committee for its final hearing. The Finance Committee accepted testimony on the statutory proposal in a single hearing that afternoon, and reported it out of committee with minimal opportunity for debate. On May 23rd, the full House approved the bill with the TEL amendment by a vote of 65-30, and sent it to the Senate for approval. The Senate concurred in the amendment within a few hours. Also on May 23rd, the Senate approved an amendment to HB312, related to accessible parking at polling places, to allow a sponsor of an initiative that has been certified for the ballot to withdraw it. The bill passed the Senate that evening, and the House concurred. Governor Taft immediately signed HB312. The Governor signed HB321, with the TEL provision, on June 6, 2006. Each of these bills becomes effective 60 days after the Governor's signature.

As enacted, the statutory TEL in some ways may be less onerous than the proposed constitutional amendment. Most importantly, it does not amend the state's constitution. While the provision requires a two-thirds majority of the General Assembly to override the expenditure limitation, the General Assembly may amend the law by a simple majority vote. In addition, it applies only to state spending and does not effect spending by local governments or special taxing districts. However, the statutory version retains the same spending formula as the original version (the greater of inflation plus population growth, or 3.5%), which fails to account for the true increases in the costs of public investments in education, health care, public safety, roads and highways and other essential public services. As state spending contracts to conform to the TEL formula, funding for local governments and special taxing districts may be reduced and some costs traditionally paid by the state are likely to be shifted to local governments. The LWVO remains opposed to a formulaic and inflexible approach to state budgeting.

Although the statutory version of the TEL may be somewhat less objectionable than the original proposal amending the state's constitution, the LWVO opposed efforts by the General Assembly to rush through a substitute statutory spending limitation. (*Please read the testimony submitted to the House Finance and Appropriations Committee.*) We believe that the process by which the General Assembly enacted the provision violated the spirit, if not the letter, of the Ohio Constitution requiring each house of the General Assembly to hear bills on three different days and restricting bills to a single subject. These provisions are intended to ensure a meaningful opportunity for review and debate

of legislative proposals. We also objected to amending the initiative process without adequate opportunity to consider the implications of amending the initiative process and to provide an opportunity for interested parties to provide input into the legislative process.

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