Ohio Marine Trades Association
and Government Advantage Group

LEGISLATIVE REPORT

MAY 2023



State Budget – Passes House

The first half of odd numbered years are dominated by debate on the state's biennial budget bill. The process starts with the Governor's proposal, which has been introduced as House Bill 33. The House passed their version of the proposal on April 26, 2023 by a vote of 77-19. The House made significant changes to the Governor's proposal. The bill will now be considered by the Ohio Senate, who is expected to make significant additional changes. The process will culminate with a conference committee in June to craft a final bill for enactment.

In the Governor's State of the State address on January 31, 2023, DeWine highlighted his priorities for the budget. These continue and expand upon his priorities during his first term as Governor. Those priorities include children's initiatives like his student wellness and success funds and a fair school funding formula. He is also continuing his priorities regarding water quality through the H2Ohio programs and funds. The budget includes funding for H2Ohio programs that will increase focus on the water quality of Ohio's rivers.

The House version of the budget retains the H2Ohio funding levels proposed by the Governor. However, the House did significantly reduce the GRF line items for ODNR compared with what DeWine had requested. LEMTA is planning to testify in the Senate requesting those reductions be restored.

Line items of interest to LEMTA are as follows:

7086 739401 Watercraft Operations	$ 29,805,719	$ 29,405,719
7086 725414 Waterways Improvement	$ 6,195,948	$ 6,170,948
5TD0 725615 Park Maintenance	$ 1,555,208	$ 1,555,208
5TD0 725615 Parks and Watercraft Vehicles	$ 9,636,500	$ 6,415,000
GRF 725505 Healthy Lake Erie Program	$ 911,000	$ 911,000
5140 725606 Lake Erie Shoreline	$ 1,819,849	$ 1,858,936
4U60 725668 Scenic Rivers Protection	$ 100,000	$ 100,000
GRF 235402 Sea Grants	$ 308,228	$ 317,474
GRF 730321 Parks and Recreation	$ 41,303,000	$ 41,303,000 ($16M cut from the as-introduced)
2270 725406 Parks Projects Personnel	$ 4,623,473	$ 4,803,589
5140 725606 State Parks Operations	$ 40,113,609	$ 40,113,609

H2Ohio Specific Appropriations by agency:

Ohio Department of Agriculture:	$ 69,018,000	$ 69,114,000
Lake Erie Commission:	$ 132,000	$ 132,000
ODNR:	$ 53,050,000	$ 53,050,000
Ohio EPA:	$ 31,350,000	$ 31,350,000

The budget also proposes a new Federal Grants Fund. Below is the line item for that as well as the implementing language.

Sec. 1546.24. There is hereby created in the state treasury the parks and watercraft federal grants fund. The fund shall consist of federal funds received by the department of natural resources for purposes of this section and any other money credited to the fund. The chief of the division of parks and watercraft shall use money in the fund for parks and watercraft projects approved by the director of natural resources.

3IK0 7256A1 Parks and Watercraft Fed Grants	$ 18,820,473	$ 16,548,566

Section 343.25. On July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management shall transfer $9,410,237 cash from the Oil and Gas Well Fund (Fund 5180) to the Parks and Watercraft Federal Grants Fund (Fund 3IK0). On July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management shall transfer $16,051,500 cash from the Oil and Gas Well Fund (Fund 5180) to the State Park Maintenance Fund (Fund 5TD0).

The Governor had also proposed changing TourismOhio to the State Marketing Board. As a result of the proposal, LEMTA joined a group led by the Ohio Travel Association, formed to advocate for a continued focus on travel and tourism in Ohio. The House version of the budget did remove the proposed name change of TourismOhio. The agencies mission is still being proposed to be modified to not only focus on promoting Ohio as a travel destination, but instead to promote Ohio as a destination for "living, learning, working and traveling". The sub bill also earmarks $2 million from the TourismOhio budget for an economic impact study on Ohio's trail system.

Policy Changes:

The budget proposes a couple of policy changes. LEMTA has reviewed these changes and did not flag any concerns. They are summarized as follows:

- Removes floatation device designation list from 1547.25
- Amends requirements for powercraft to carry fire hydrants (1547.27)
- Allows 60 days to transfer title, as opposed to 30 days (1548.03)
- Changes what a registrar issues a watercraft trailer from a "placard" to a "license plate" (4503.311)

Oil and Gas Drilling in State Parks and Lake Erie

As previously reported, the Ohio legislature enacted changes to how oil and gas leases are approved by ODNR during the lame duck session through House Bill 507. Ohio Environmental Council, Ohio Valley Allies, Buckeye Environmental Network and Sierra Club are now suing to stop the law. You can read the Columbus Dispatch coverage of the suit here.

Democrat Representative Michael Skindell has introduced House Bill 43 that would ban the removal of oil or natural gas from under Lake Erie. Skindell has introduced similar legislation in the past. HB 43 will be considered by the House Energy and Natural Resources Committee. The bill has had a sponsor hearing, but it is unlikely to gain much traction in the House.

Minimum Wage Legislation and Ballot Initiative

As is the case every General Assembly, legislation has been introduced to increase Ohio's minimum wage. This year it is House Bill 96. HB 96 is sponsored by Representatives Dontavius Jarrells and Ismail Mohamed. Under the bill the minimum wage would increase $1 per year until it reaches $15 in 2028, after that the rate would increase based on inflation.

Separately, a group called Raise the Wage Ohio is pursuing a statewide ballot initiative. They recently had their language certified by the Ohio Attorney General's office and the Ohio Ballot Board. This proposal would take the minimum wage to $15 an hour in January 2026.

Catalytic Converter Legislation

Representatives Bob Young and Bill Roemer have introduced legislation in response to the increase in catalytic converter thefts in Ohio. The bill, House Bill 110, would make catalytic converters a special purchase article, requiring scrap metal dealers who purchase them comply with additional requirements. The bill prohibits a person from selling more than one catalytic converter per day, enhances penalties for theft of a catalytic converter, and creates other regulations. Catalytic converters are a high value item and has made them an increase target for theft at business and of person use vehicles. HB 110 is making progress through the House Criminal Justice Committee.

Distracted Driving Law Goes into Effect

Legislation enacted at the end of 2022 generally made distracted driving a primary offense in Ohio. Drivers have a bit of a grace period before law enforcement starts issuing tickets for violations. For now, police will be issuing warnings, but will start ticketing for violations on October 4, 2023.

Youth Employment Bill Passes Senate

Senator Tim Schaffer (R) has reintroduced Senate Bill 30 regarding youth employment. The bill would allow those under 16 to be employed after 7pm during school year. It would state that with parent or guardian's permission, those under 16 could work until 9pm. The Ohio Senate has already favorably passed SB 30 by a vote of 25-7 and will now be considered by the Ohio House of Representatives.

ODNR Rule Package

ODNR has filed a package of administrative rule changes. A public hearing on this package is scheduled for May 17, 2023, at 10:30am. The full package can be viewed here. Most rules are being amended to comply with SB 9 from a couple of years ago. This new law requires agencies to reduce regulatory restrictions and restrictive words like "shall". To comply, most agencies and departments are amending rules to remove the word "shall" but writing with new language that has essentially the same effect. Like changing "shall" to "will". So, while many of these rules indicated they are being amendment, the changes don't have material effects. Below is a summary of the rules that are changed a bit more substantially.

1501:46-7-04 – Removes from the rule the provision stating the requirement that those participating in towing water sports wear a life jacket. (The requirement remains in the law, 1547.18, it is just being removed from the rule).

1501:46-9-10 – Adds some clarification regarding the tethering of domestic dogs or pet to specify it cannot interfere with or menace any persons on adjacent campsites, shower houses, restroom facilities, paths or other travel routes provided for public use.

1501:47-1-12 – Regarding requirements for buoys, language is proposed to be added to specify that the outline of a circular or diamond shaped insignia of the same orange color is to be clearly visible.

1501:47-3-10 – Limits motorized canoes, kayaks and paddleboard to 4 horsepower. Current rule only applies the limit to canoes.

1501:47-3-14 – Removes the definition of "wake"

1501:47-3-15 – This rule says no watercraft are permitted in Tinker Creek State Park. But their website says there is carry in boat access.

1501:47-3-38 – currently restrict the horsepower on Pymatuning Lake to 20.

1501:47-3-02 – Rescinds the pilot for unlimited horsepower, no wake on Madison Lake. The pilot had expired in 2020 anyways.

1501:47-9-01 – Sets horsepower limitations in the Muskingum Watershed Conservancy District. (Seneca Lake – 399; Tappan Lake – 399; Atwood Lake – 25; others – 10)

Under the Influence of Marijuana Bill

Senator Nathan Manning (R) has re-introduced legislation, Senate Bill 26, to make changes to the offense of operating a vehicle or watercraft under the influence of marijuana. The bill would change THC thresholds from a hard standard to instead "evidentiary standard" to be considered by courts. According to the sponsor testimony given on the proposal in 2021, this change would allow impairment to be judged more fairly. Under the medical marijuana program, how the state currently measures marijuana/THC in the system, could mean those with a medical marijuana card could almost never operate a vehicle as the component measured in the current OVI laws can stay in a person's system for up to a month.

Boating Safety Legislation

Senator Kirk Schuring (R) has re-introduced LEMTA supported legislation, Senate Bill 7. This legislation does two important things.

1. Designates April as "Powerboat Safety Month". Promotion of this month would focus on the dangers of carbon monoxide poison.
2. Increases the maximum boating safety education grants administered by ODNR from $30,000 to $60,000.

This legislation is pending in the Senate Veterans and Public Safety Committee.