Ohio Marine Trades Association
and Government Advantage Group

LEGISLATIVE REPORT

DECEMBER 2023



"Icebreaker" Put on Ice

The proposed project to install wind turbines in Lake Erie is being shelved by developers because of financial issues. This is welcome news to OMTA, the Lake Erie Foundation, and other Lake enthusiasts who have been raising concerns with this project for years. While they did have success before the Power Siting Board and the Ohio Supreme Court, it was ultimately funding challenge that led developers to stop moving forward. While LEEDCo has called this a temporary halt, we certainly hope the project is not resurrected. OMTA will continue to watch for any efforts proponents may undertake to secure additional government money for the project.

H2Ohio Expanding to Rivers

Because of investments provided in the State's most recent operating budget, the DeWine administrative is able to expand is hallmark H2Ohio Program to focus on Ohio's rivers and streams. The focus of these efforts will be expanding state funding to test for forever chemicals and addressing failing dams. "We know that river health in Ohio has improved tremendously in the last several decades, but there is still more work to do," DeWine said in a statement. "Water is one of Ohio's greatest assets, and my administration is dedicated to protecting this invaluable resource."

Read more about this initiative here.

Cincinnati Marina Supported by OMTA

The Ohio Marine Trades Association is putting our support behind a planned marina in Cincinnati on the Ohio River. Cincinnati dealers are calling this project a "game changer". OMTA has joined the Marine Retailers Association of the Americas, the National Marine Manufactures Association and other industry groups to formally express our support to the US Army Corps of Engineers. We hope to see this project come to fruition for the Southern Ohio region.

ODNR Files Rule Package

ODNR's Division of Parks and Watercraft has filed a package of rule revisions. Many of these changes are being proposed for the agency to come into compliance with previously enacted legislation requiring them to reduce the use of restrictive words like "shall". The amendments do not change the practical intent to the rules. For example: "shall" is replaced throughout with "will". Below is a summary of what is proposed. A public hearing is scheduled for January 4th at 2pm. Rules with only technical edits are not listed below. Please let OMTA know if you have concerns with the Department's proposals.

- 1501:46-2-14 Group camping area and facility rental fees – Increases the maximum daily fee for "other facility not specified above" from $800 to $1,000
- 1501:46-2-16 Cabin rental fees – Increases the maximum cabin rental fee from $190 to $250
- 1501:46-7-13 Portable or temporary pools and splash pads – NEW RULE – prohibits people bringing these into parks without written permission from the area manager.
- 1501:46-7-14 Bounce houses and other inflatable amusement– NEW RULE – prohibits people bringing these into parks without written permission from the area manager or special activities permit.
- 1501:46-12-16 Use of devices to limit or reduce ice formation, permit required – NEW RULE – requires written permission be granted through an application to use these devices on state waters. OMTA has previously submitted questions on this rule and received a response from ODNR.

- 1501:46-13-05 Motor vehicles, bicycles, and personal mobility devices – NEW RULE replacing a current rule. Adds definitions and still generally requires written authorization from the area manager to operate these vehicle/modes of transportation on state land. (roads and drives intended to be driven on by the public are exempt).
- 1501:46-13-11 Aviation – Generally prohibits "unmanned aerial craft" (i.e., drones) within the boundaries of any state park except with permission from the chief.
- 1501:47-3-33 Limitations on swimming from watercraft; designation of boat swim areas – filed as a new rule to replace a similar current rule.
- 1501:47-7-13 City of Cuyahoga Falls – horsepower limits for portions of the Cuyahoga River

Sales Tax Receipts

The Ohio Department of Taxation has posted sale tax receipts for motor vehicle and watercraft sales and use taxes for the first half of 2023. These numbers for watercraft represent a slight increase from sales tax collected in the second half of 2022, while sales from motor vehicles decreased.

First Half of 2023 (January 2023 – June 2023)

State Collections	Permissive Collections		Total Collections
Collections from sales of motor vehicles	$ 986,558,196	$ 241,977,093	$1,228,535,289
Collections from the sales of watercraft	$ 14,157,054	$ 3,302,720	$ 17,459,774
Totals	$1,000,715,250	$ 245,279,813	$1,245,995,063

Legislation Removing the "Spotter" Requirement Introduced

Representatives Brett Hillyer and Bill Dean have introduced House Bill 284 to remove the requirement that boats have a "spotter" when participating in towing water sports. Under the bill, a boat with a rearview mirror would be an acceptable alternative to a person serving as the spotter. This is a proposal that has come up for many years now, and at one point was vetoed by Governor Kasich as part of a transportation budget. The Ohio Marine Trades Association is opposed to this proposal for safety reasons. The bill also doesn't take into account risk levels on different bodies of water and at different times of the season, nor skill level of the person being towed.

HB 284 has been assigned to the House Transportation Committee. OMTA representatives are meeting with members of the committee to express our opposition. Should the bill get hearings, OMTA will plan on testifying.

Change for Mobile Food Operators Proposed

The Ohio Department of Health has for years contemplated a proposal for requiring a person in charge certification for mobile food vendors. ODH has filed its latest and likely final version of this change. This proposal will be in effect for new mobile units/licensees, not those that are already in operation. (Unless they are implicated in a foodborne illness outbreak). New license holders would need a PIC certified person at

each location. So, if your business has a mobile food business operating at your location, be aware of this new forthcoming requirement. The certification can be obtained in a variety of ways, including on-line.

Hunting and Fishing Amendment

Should hunting and fishing be a Constitutional right in Ohio? Some Ohio lawmakers think so. Representatives Ron Ferguson and Nick Santucci have introduced House Joint Resolution 5 to start that process of going to the ballot. Legislators cannot solely change the State Constitution. However, they can pass a resolution to take an issue directly to the ballot for a citizen vote. HJR 5 was considered by the House Energy and Natural Resources Committee. Many committee members asked for more clarity on the definition of "traditional methods" of hunting and fishing. However, the House Committee reported the measure without making significant changes.

Organ Donation Bill Passes House

Representatives Kevin Miller and Rodney Creech have introduced House Bill 256 that would allow Ohioans to register to become organ donors when completing their hunting and fishing licenses application. During a hearing before the House Public Health Policy Committee Barry Massa, executive director of the LifeCenter Organ Donor Network, offered support from the state's three organ procurement organizations. "While driver's licenses in Ohio are now renewed every four or eight years, hunting and fishing permits are purchased annually, allowing us to reach more Ohioans on a more regular basis," he said. HB 256 has been unanimously passed by the House of Representatives and will now be considered in the Ohio Senate.

Issue 2 Update

In November, Ohio votes passed an initiated statute to legalize recreational marijuana. This officially went into effect December 7, 2023. The state will take several months to develop regulation for the cultivation and selling of the product in the market. So, practically, the provisions to have gone in effect are the state's legalization of using the product and the legalization of home grow. Provisions of Issue 2 specifically state that: This chapter does not do any of the following: (4) Require any public place to accommodate an individual's use of adult use cannabis; (5) Prohibit any public place from accommodating an individual's use of adult use cannabis. So businesses are encouraged to update their employee handbook or other policies to incorporate contemplation of Issue 2.

The Ohio House, the Senate and the Governor's office are considering making changes to what was passed by the voters. The Governor's office and the Senate appear to want to make more wholesale changes to the law, while the House is more firm in not making drastic changes. Areas they are looking at are: the tax rate, limiting home growing of marijuana, further restrictions on public consumption, allowing local governments to further restrict use and growing, among other things. The Senate had hoped to have something passed in advance of the initiative going into effect December 7th, however, that deadline has passed. While they did pass a proposal that was incorporated into House Bill 86 on December 6th, the House failed to take up the measure before adjourning for the year. Instead, the House had hearings on their own measure, House Bill 354. This will continue to be a matter of discussion in January.