STATEHOUSE REPORT

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CCAO testifies in support of bill to limit excessive public records requests

House Bill 314 (Representatives Dani Isaacsohn and Sharon Ray), a bill to allow public offices to seek court orders to limit or deny excessive public records requests, received a second hearing this week. CCAO Managing Director of Policy Adam Schwiebert provided proponent testimony for the bill.

Schwiebert shared with the House Judiciary Committee that counties often receive broad, duplicative, and/or ongoing public records requests that require staff time, legal review, and technological resources to ensure that the records requested are in fact public records and to convey those records.

The bill would enable counties to seek judicial review when the county feels that the records requests are overly broad and are meant to disrupt the operation of a county function or intimidate county employees. The judicial oversight is a key part of the bill since it protects legitimate record seekers, as does an exemption in the bill that covers journalists, state agencies, and certain litigants/legal representation.

Another key aspect of the bill is the authority it would grant to counties to contract with outside entities to assist in responding to large and/or complex requests. This provision is particularly important for smaller counties that may not have the staff to handle the requisite document locating, legal review, and redactions needed to fulfill certain public records requests.

The Legislative Service Commission estimates that the bill would have a minimal fiscal impact on counties. There may be cost-savings if a court limits or denies an excessive request. While there will be a cost associated with contracting for public record response services, the bill allows the county to factor in the contracting cost in the fee charged to provide the public record, making that provision largely revenue neutral.

The Ohio Prosecuting Attorneys Association, the Ohio Municipal League, the Ohio Association of School Business Officials, the Ohio Association of Chiefs of Police, as well Medina Township and the City of London also provided proponent testimony.

The Legislative Service Commission has a concise overview of existing public records law that readers may find informative.

If you have questions about the bill, please contact Kyle Petty.

Sales tax exemption bill draws opposition from Cuyahoga and Delaware counties, several port authorities

At the bill's third hearing, the Delaware County Commissioners and the Cuyahoga County Executive provided opponent testimony regarding House Bill 147 (Representative Brian Lorenz). The bill would remove the discretionary authority for port authorities to grant sales tax exemptions for construction materials and services sold to contractors if the project is for at least $25 million and the property owner is bound by an agreement to finance or assist in the completion of public infrastructure.

Under the bill, if a port authority does not agree to provide the exemption within 30 days, the entity seeking the sales tax exemption can apply to the Ohio Tax Credit Authority, which is then required grant the exemption.

Delaware County argued that the bill takes away the discretion of port authorities to make local economic development decisions that fit a strategy that suits their community. The county argues that the existing tools that port authorities possess are working and that requiring approval of sales tax exemptions would hinder the ability of a port authority to craft the best developmental agreements for the county's needs.

Cuyahoga County similarly argued that taking discretion away from port authorities would essentially allow developers to negotiate in bad faith since, if the port authority doesn't grant the exemption within 30 days, it is very likely that the Ohio Tax Credit Authority would be statutorily mandated to grant it.

While the bill does not create a new sales tax exemption, the legislation's mechanisms would increase the frequency that an existing exemption would be utilized. The Legislative Service Commission arrived at a rough estimate of an $8.5 million loss per year for the state, which would equate to potentially $2.1 million loss for counties.

Other entities providing opponent testimony this week were the Ohio Council of Port Authorities and 12 port authorities/developmental finance authorities.

If you have any questions about HB 147, please contact Research Analyst Nick Ciolli.

Bill requiring public bodies to accept public comments receives first hearing

This week, House Bill 609 (Representatives David Thomas and Meredith Craig) received its first hearing in the House General Government Committee.

The bill would require public bodies consisting wholly or partially of elected officials to allow for at least one period of public comment and testimony at each meeting. The bill's language specifies that the public comment period must be held before the body moves to agenda items.

The public comment period would have to be "of reasonable duration and accessibility," and the public body would not be permitted to charge a fee for advance notice of meetings.

CCAO is monitoring the bill.

If you have questions about HB 609, please contact Outreach & Member Engagement Manager Rachel Reedy.

Legislative Activity

Floor Activity

The following bills that may interest counties received consideration on the floor of one of the two chambers of the General Assembly.

House of Representatives

- House Bill 58 (Representatives Justin Pizzulli and Dontavious Jarrells): To require state certification of recovery housing residences, to establish additional duties regarding services offered by community addiction services providers, and to create the Ohio Recovery Housing Task Force.
    - **PASSED 92-0**
- House Bill 532 (Representative Kevin Miller): To require a public children services agency to take immediate custody of specified children who cannot be released to a parent, guardian, or custodian.
    - **PASSED 91-1**
- Senate Bill 63 (Senators Theresa Gavarone and Bill DeMora): To generally prohibit the use of ranked choice voting, to withhold Local Government Fund distributions from a municipality or chartered county that uses ranked choice voting, and to make changes to election petition records.
    - **PASSED 65-27**

Committee Hearings

The following committees held hearings this week regarding bills that may interest counties.

House Children and Human Services

- Presentation by Department of Children and Youth Director Kara Wente
    - Testimony
    - Presentation
- House Bill 647 (Representatives Phil Plummer and Tom Young): To revise the law governing the publicly funded child care program, modify an appropriation for the Child Care Cred Program, and to make an appropriation for a data analytics project.
    - Second hearing, proponent testimony from the Ohio Attorney General and SAS

House Ways and Means

- House Bill 273 (Representative Jason Stephens): To modify the computation of the owner-occupancy property tax rollback and the applicability of the nonbusiness property tax rollback.
    - First hearing, sponsor testimony
- House Bill 673 (Representative Jason Stephens): To expand the statewide owner-occupied residence property tax credit to all tax levies.
    - First hearing, sponsor testimony
- House Bill 504 (Representative Angie King): To authorize counties to temporarily exempt a portion of property's increased value from taxation following a reappraisal.
    - Second hearing, proponent testimony from the Ohio Chamber of Commerce and Americans for Prosperity

House Technology and Innovation

- House Bill 646 (Representatives Gary Click and Kellie Deeter): To create the Data Center Study Commission and to declare an emergency.
    - Second hearing, proponent testimony from various proponents, opponents, and interested parties

House Public Insurance and Pensions

- House Bill 473 (Representative David Thomas): To prohibit a public employer from paying employee contributions to a state retirement system.
    - Third hearing, proponent testimony from the mayor of South Bloomfield and a private individual and opponent testimony from Plain Township

House Agriculture

- House Bill 676 (Representatives David Thomas and Rodney Creech): To establish regulations regarding wolfdog hybrids and to allow a board of county commissioners to abate certain animal nuisances.
    - First hearing, sponsor testimony

Introduction of Bills

The following bill(s) that may be of interest to counties were introduced this week:

- House Bill 704 (Representatives Steve Demetriou and Heidi Workman): To prohibit public support for, and limit the construction of, new data centers.
- House Joint Resolution 7 (Representative Mark Hiner): Proposing to amend Section 2 of Article XII of the Constitution of the State of Ohio to, beginning in 2027, exempt

owner-occupied residences from property tax and to modify the manner and mode of property taxation.

- Senate Joint Resolution 9 (Senator Bill Blessing, III): Proposing to repeal Section 13 of Article XII of the Constitution of the State of Ohio to no longer prohibit wholesale excise taxation of food and nonalcoholic beverages.

Upcoming Committee Hearings

The following committees are currently scheduled to meet and discuss bills that may be of interest to counties. Other committees will likely meet as well, but as of press time for Statehouse Report, they have not released agendas. Please note that these schedules are subject to change.

If you would like to offer testimony on any bill, please visit the committee page and contact the committee chair's office for instructions on how to submit testimony.

Tuesday, March 3

House Finance (10:00 a.m.)

- Invited testimony on forthcoming capital reappropriations bill

House Children and Human Services (11:00 a.m.)

- House Bill 635 (Representatives Phil Plummer and Tom Young): To enact the Child Protection Reform Act.
    - First hearing, sponsor testimony

Senate Ways and Means (11:30 a.m.)

- Senate Bill 359 (Senator Tim Schaffer): To modify the tax enforcement authority of the Department of Taxation, municipal tax administrators, county treasurers, and the Board of tax Appeals and to modify a sales tax exemption for automated car wash services.
    - First hearing, sponsor testimony

Senate Finance (2:00 p.m.)

- Invited testimony on forthcoming capital reappropriations bill
- Senate Bill 315 (Senators Tim Schaffer and Hearcel Craig): To require Ohio's SNAP program to begin using chip-enabled EBT cards.
    - First hearing, sponsor testimony

Wednesday, March 4

House Natural Resources (1:00 p.m.)

- House Bill 182 (Representative Levi Dean): To prohibit a public water system from adding fluoride to its water.
    - Second hearing, proponent testimony
- House Bill 627 (Representative Jason Stephens): To allow a board of county commissioners to disapprove of certain scenic river designations.
    - Second hearing, proponent testimony

Senate Local Government (2:30 p.m.)

- Senate Bill 42 (Senators Michele Reynolds and Hearcel Craig): To authorize local governments to create residential stability zones where homeowners may qualify for a partial property tax exemption.
    - Second hearing, proponent testimony
- House Bill 397 (Representatives Kellie Deeter and Mark Johnson): To expand the allowable uses of profits from jail commissary funds.
    - Second hearing, proponent testimony