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THE STATEHOUSE REPORT

May 20, 2022

A publication of the County Commissioners Association of Ohio

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CCAO discusses importance of local authority for water liens in Senate committee testimony



Fayette County Commissioner Tony Anderson

CCAO this week shared with Senate lawmakers the importance of preserving statutory authority for counties to certify unpaid water charges. The testimony came in opposition to [Senate Bill 193](#), which would prohibit local governments from placing a lien on property when water service charges go unpaid.

Speaking on behalf of CCAO was Fayette County Commissioner Tony Anderson. In his [remarks](#) to the Senate Energy and Public Utilities Committee, Anderson stressed the importance of water liens as a tool to keep water rates affordable for all other customers in the county water system. Without the ability to place liens on properties, counties have few other workable alternatives to collect unpaid charges. These unpaid amounts would ultimately have to be absorbed by all other system ratepayers, necessitating rate increases.

For many counties, placing a lien on a property is an option of last resort. Counties often provide multiple notices to customers prior to certification. Many counties also offer payment plans to assist customers who have fallen behind on water bills. Counties water departments are willing to work with customers to resolve billing disputes.

Counties take seriously their role as a provider of water to many Ohioans. Preserving the statutory tools to ensure unpaid charges are able to be collected is critical for affordable water rates and financially stable county water systems.

Any questions about Senate Bill 193 can be directed to CCAO Policy Analyst [Adam Schwiebert](#).

Local government immunity legislation under consideration in House Civil Justice Committee

The House Civil Justice Committee this week considered legislation that would significantly diminish legal immunity for local government first responders regarding automobile accidents.

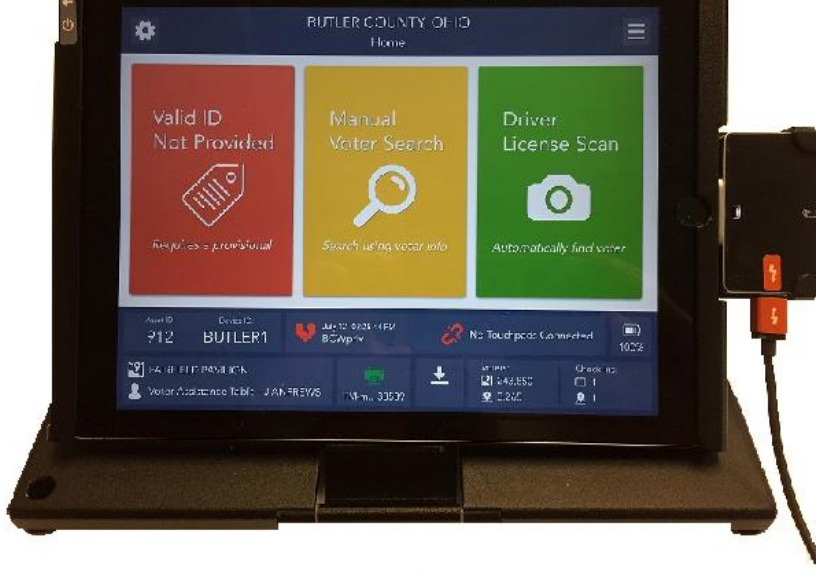
Existing law provides legal protections against a political subdivision’s liability for local first responders’ negligence when operating a motor vehicle in response to an emergency. Current law protects local governments from this legal liability, unless the employee’s driving is “willful or wanton.”

[HB 472](#) would strip immunity from fire and EMS employees for negligent operation of a vehicle and limit immunity for law enforcement to only those situations when a plaintiff is fleeing apprehension for a criminal offense. If enacted, this legislation would erode current statutory provisions protecting first responders from liability for negligence and would result in a significant increase in liability claims against political subdivisions.

Local government insured against these risks would incur significantly greater insurance costs to adequately protect themselves from liability for accidents involving first responders. In turn, these additional costs would be directly absorbed by political subdivisions, and ultimately, their constituents.

CCAO is opposed to HB 472 and will continue to monitor the legislation for further developments.

Legislation to fund electronic pollbook replacement introduced



Earlier this week, [House Bill 673](#) was introduced on a bipartisan basis by state Reps. Sharon Ray and Bride Rose Sweeney. The bill would make available \$7.5 million in state funding for county boards of elections to purchase new or upgrade current electronic pollbooks. The legislation aims to cover 85 percent of the costs, with counties picking up the remaining 15 percent.

Due to aging technology and state security directives, many existing electronic pollbook systems will need to be updated to remain in compliance with state regulations.

CCAO appreciates the bill sponsors for introducing this important legislation. Any questions about HB 673 can be directed to CCAO Policy Analyst [Adam Schwiebert](#).

House passes legislation to expedite Board of Building Appeals process

[House Bill 372](#) (Reps. Roemer and Ray) passed the House this week by a vote of 83 – 7. The legislation establishes an expedited appeals process for appeals before the State Board of Building Appeals in the Department of Commerce and a local municipal or county board of building appeals.

The bill requires that an expedited appeal be commenced within one day of the request and that the hearing be conducted within five days of the request. The person requesting an expedited appeal must pay \$1,000 to the board. When conducting an expedited hearing, the board must provide all parties with a 24-hour advance notice. The board is permitted to use teleconference, video conference, or any other similar electronic technology.

CCAO has not taken a position on the bill. Members with questions should contact Jon Honeck, jhoneck@ccao.org, 614-220-7982.

Bill regarding local mental health, addiction and recovery boards receives second hearing



Lucas County Commissioner Pete Gerken

[House Bill 523](#), sponsored by Representative DJ Swearingen, received its second hearing in the House Behavioral Health and Recovery Supports Committee this week.

The committee adopted a substitute bill that makes several changes to the introduced version. Sub. House Bill 523 would allow the board of county commissioners to change the size of the local mental health, addiction, and recovery board. Under current law, a local board may only have 18 or 14 members. Sub. House Bill 523 would allow for 18, 15, 14, 12, or 9 member boards. If a board of commissioners does not wish to change the size of its local board, it does not have to. The bill also allows commissioners to make a size determination for the board once every 4 years.

Additionally, Sub. House Bill 523 would require the board of commissioners to appoint two-thirds of the local mental health, addiction, and recovery board members. The Ohio Department of Mental Health and Addiction Services would appoint the other one-third. The bill also alters the categorical appointment requirements for local boards. One-half of the board members would be required to be any of the following:

- A person who has received or is receiving mental health services or who is a parent or relative of such a person
- A person who has received or is receiving addiction services or who is a parent or relative of such a person

Sub. House Bill 523 also outlines a formal process for a county to withdrawal from a joint-county district. Previously, there were no clear guidelines on such a process.

CCAO submitted proponent testimony on the substitute bill. Lucas County Commissioner Pete Gerken, Ottawa County Commissioner Don Douglas, and Scioto County Commissioner Bryan Davis also testified in support of Sub. House Bill 523.

Members with questions should contact Policy Analyst, Rachel Massoud Reedy at reedy@ccao.org or 614-220-7996.

House passes second round ARPA funds for townships and small cities

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[House Bill 377](#) (Reps. Hall and Swearingen) provides the second round of federal American Rescue Plan Act (ARPA) funding for townships and municipalities with populations under 50,000. The bill passed the House 87 – 11 earlier this week and now heads to the Senate for consideration. The first round of funds was distributed last year through House Bill 168. These local governments are considered “non-entitlement units” or NEUs under ARPA, and therefore are not eligible for a direct distribution from the US Treasury. Instead, the funds are passed through the state. The total amount of funding received by Ohio NEUs from the two tranches will be \$844 million.

According to the Ohio Office of Budget and Management, NEUs will not be required to reapply if they received funds from the first tranche. Payments will be distributed automatically after the bill is enacted into law. If an NEU did not apply for the first tranche, however, it is not eligible for the second tranche. The funds are subject to the same ARPA rules as counties, including the ability to claim up to \$10 million in revenue loss through the standard allowance. The funds must be obligated by December 31, 2024 and spent by December 31, 2026. A listing of NEUs and their total allocations is available [here](#).

Members with questions should contact Jon Honeck, jhoneck@ccao.org, 614-220-7982.

Bill Introductions

[SB 677](#) (Young, T.) - To require local governments to provide certain information to residents regarding proposed property and income tax levies and to name this act the Tax Transparency Act.

[SJR 6](#) (Blessing) - Proposing to amend Section 1 of Article V, Section 3 of Article X, and Section 3 of Article XVIII of the Constitution of the State of Ohio to prohibit local governments from allowing persons who lack the qualifications of an elector to vote in local elections.

[HJR 4](#) (Edwards, Seitz) - Proposing to amend Section 1 of Article V, Section 3 of Article X, and Section 3 of Article XVIII of the Constitution of the State of Ohio to prohibit local governments from allowing persons who lack the qualifications of an elector to vote in local elections.

