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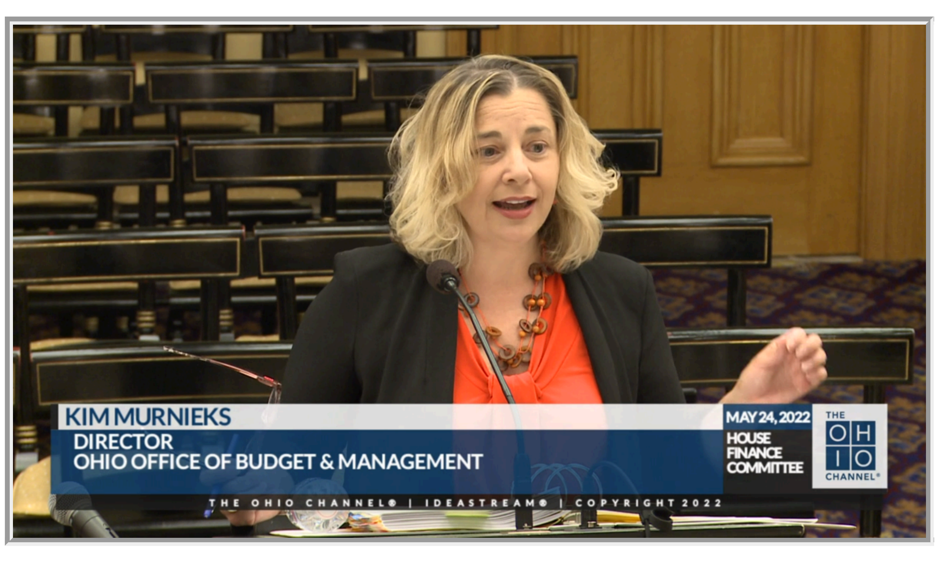
Capital budget debate begins; important opportunity for jail funding advocacy



OBM Director Kim Murnieks providing testimony on the state capital budget to the House Finance Committee on Tuesday.

This week marked the start of the public phase of the state capital appropriations bill debate. The state capital bill process occurs every other year, typically in even-numbered years. Traditionally completed in early spring, this year's capital appropriations process was delayed several months but is likely to be completed in a matter of days or weeks.

Kicking off the process this week was State Office of Budget and Management Director Kim Murnieks, who provided overview testimony (accessible here) of the capital appropriations bill to both the House and Senate Finance Committees. The proposal as outlined called for $3.3 billion in total appropriations, with $2.7 billion in GRF-backed debt funding and nearly $600 million coming from non-GRF backed bonds and other sources. Much of these funds are dedicated to state-owned assets. Two placeholder bills, House Bill 687 and Senate Bill 343 were both introduced this week, but contain no official budgetary language.

While the broad framework of the capital budget has been established, certain provisions are still being negotiated between the House, Senate and administration. The size of the community project fund as well as utilizing surplus GRF funds in place of bonded debt are both being discussed.

Another key topic that remains under discussion is CCAO's request for continued state support for county jail facilities. During her committee testimony, Director Murnieks shared that no funds for county jails were currently in the capital bill, but that this issue is of high importance to Governor DeWine and is currently being discussed with the General Assembly. It is possible that funding would be included as negotiations continue.

CCAO encourages members to continue to share the importance of capital jail funding with state lawmakers in the coming days. The capital budget may be completed as soon as next week, so it is important to talk to your lawmakers now and emphasize the importance of including funds for county jails in the bill. You can access CCAO's one-pager on this request to help guide your conversation.

CCAO Capital Jail Funding Request One-Pager

The CCAO policy team will keep members informed on the latest developments with the capital bill.

CCAO opposes legislation to remove local first responder immunity

The House Civil Justice Committee this week continued to consider legislation that would significantly reduce legal immunity protections for local government first responders.

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.

CCAO, along with the Ohio Township Association, Ohio Municipal League, Ohio Mayors Alliance and Ohio Fire Chiefs' Association provided opposition testimony to the bill this week.

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.

HB 472 is scheduled for another hearing on Tuesday of next week. Any CCAO members interested in submitting opposition testimony can contact the CCAO policy team.

Questions regarding HB 472 can be directed to CCAO Legislative Counsel Kyle Petty.

Bill to exempt firearms from sales tax receives third hearing

House Bill 471 (Rep. Cutrona) received its third hearing in the House Ways and Means Committee this week. The bill creates a new sales tax exemption for certain firearms, specifically any non-shotgun firearm that is 50 caliber or smaller, and any shotgun that is 10 gauge or smaller, and the ammunition for these weapons.

CCAO submitted written opposition testimony, noting that the Legislative Service Commission estimates annual revenue losses to counties and transit authorities between $7.2 and $9.8 million. An additional smaller loss would occur through a reduction in Local Government Fund distributions. CCAO's testimony pointed out that the legislation will remove funds that are needed to support the criminal justice system and other critical functions of county government.

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

House Committee hears legislation requiring notice to each property owners before levy vote

The House Ways and Means Committee heard sponsor testimony from Rep. Tom Young on House Bill 677, the Tax Transparency Act. The legislation adds new procedures that must be fulfilled before a property tax levy appears on the ballot. Under the bill, a county auditor must send certain information to each property owner that would be subject to proposed tax. The notice must be sent at least 60 days before the election. The notice must include the following information:

- The name of the taxing authority;
- Whether the proposed tax is an additional levy, a renewal, replacement, or substitution of an existing tax, or a renewal or replacement of an existing tax with an increase or a decrease;
- The purpose of the tax;
- The term of years of the tax or if the tax is for a continuing period of time;
- The date of the election at which the question of the tax will appear on the ballot;
- The tax year in which the tax will first be levied and the calendar year in which the tax will first be collected;
- The rate of the proposed tax in the first year it will be levied and, if the tax is a renewal, replacement, or substitution levy, the rate of the existing tax in the last year it will be levied, both expressed in mills for each one dollar in tax valuation;
- The amount of taxes that the auditor estimates will be charged against the recipient's property and attributable to the proposed tax in the first year the tax is levied, and, if the proposed tax is a renewal, replacement, or substitution levy, the amount of taxes the auditor estimates will be charged against the recipient's property and attributable to the existing levy in the last year the existing tax is levied.

If the auditor has an email address for a property owner, the auditor may send the notice to that internet identifier of record. If not, or if the property owner requests, the auditor must send the notice by regular mail. The taxing authority proposing the tax must reimburse the county auditor for any expenses incurred. The bill creates a similar notice requirement for income tax ballot questions for joint economic development districts and transportation improvement districts.

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

Proposed constitutional amendment to prevent non-citizen voting clears House

The Ohio House took action Wednesday on a proposed constitutional amendment that is likely headed to Ohio voters for the November election.

House Joint Resolution 4, sponsored by Reps. Jay Edwards and Bill Seitz, would clarify that non-citizens would not be eligible to vote in local elections. Existing state and federal law already prohibit non-citizens from voting in federal and state elections. The bill's supporters argue that home rule municipalities may allow non-residents to vote in local elections.

The only Ohio municipality to attempt to allow non-citizen voting was the village of Yellow Springs, which enacted a charter amendment in 2020 to allow non-citizens to vote in municipal elections. Ohio Secretary of State Frank LaRose later order the Greene County Board of Elections to reject any non-citizen voter registrations.

HJR4 passed the House on Wednesday by a vote of 68-28. A companion resolution, Senate Joint Resolution 6, is currently being considered in the Ohio Senate. If passed by the General Assembly, the issue would go before voters on the November 2022 ballot.

Bill Introductions

SB 683 (Stephens) - To eliminate the requirement that county prosecutors annually report all case resolutions to the board of county commissioners and all fire-related case resolutions to the State Fire Marshal.