



STATEHOUSE REPORT

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CCAO joins other groups in opposition to House Bill 64

The House Civil Justice Committee held its fourth hearing on [House Bill 64](#) (Representative Darrell Kick and Representative Rodney Creech), a bill to modify the appropriations process that is used by counties, other governmental entities, and public utilities to exercise their eminent domain authority. The bill makes numerous procedural changes, makes it easier for plaintiffs to recover attorney's fees, and increases the county's burden of proof for the necessity of an appropriation.

CCAO joined [dozens of other groups in opposition](#) to the bill due to its potential impact on the ability of the county to place roads and other public infrastructure. Other opponents included, but were not limited to, the Ohio Chamber of Commerce, Ohio Business Roundtable, Ohio Municipal League, Ohio Mayors Alliance, and the County Engineers Association.

[CCAO's testimony informed](#) the committee that changing the standard of judicial review creates an invitation for landowners and their attorneys to second-guess the necessity and justification for governmental decisions about the placement of public infrastructure and will diminish landowners' motivation to negotiate fair compensation and reach a settlement.

Also testifying from a county perspective was Aric Hochstettler, Deputy County Administrator and General Counsel for the Delaware County Board of Commissioners, [who stated that](#) "In its current form, House Bill 64 will unnecessarily punish Delaware County and its taxpayers, along with the vast majority of appropriating authorities throughout the State of Ohio that are good actors. House Bill 64 includes provisions that would place appropriating authorities in untenable negotiating positions, undoubtedly leading to increased litigation and costs for all parties, as well as many fewer negotiated acquisitions."

CCAO will continue to monitor this legislation and discuss policy options with the sponsors. Members with questions should contact Senior Policy Analyst Jon Honeck, [jhoneyck@ccao.org](mailto:jhoneck@ccao.org), 614-220-7982.

SB 119, solid waste modification bill, receives second hearing

[Senate Bill 119](#) (Senator Bill Reineke) makes several changes to the law governing solid waste and solid waste management districts (SWMD) in Ohio. The bill received a second hearing in the Senate Agriculture and Natural Resources Committee on Tuesday.

On Friday, CCAO received a draft of a substitute bill that will likely be adopted at the bill's third hearing next Tuesday. CCAO is reviewing the provisions of the substitute bill and will provide an updated analysis in next week's *Statehouse Report*. The provisions listed below are based on the As Introduced version of the bill and may be changed by the substitute bill.

Senate Bill 119 would make several changes to the fee structure of solid waste and construction and demolition debris. The [LSC Analysis](#) of the bill includes a chart summarizing these fee increases and the [LSC Fiscal Note](#) summarizes the revenue changes that can be expected from the fee increases. The bill:

- Increases the total state fees on the transfer or disposal of solid waste from \$4.75/ton to \$8.50/ton.
 - \$1.00/ton of the new fee increase will go to the newly created Local Landfill Oversight Fund. Local boards of health will receive this funding for the enforcement of the laws governing solid waste.
- Removes the ability for a SWMD to have “tiered fees” and increases the district fee on solid waste disposal to \$7.50/ton. The disposal fee options for a district would go from \$1-2/ton in district and out of state and \$2-4/ton out of district but in state to \$7.50/ton or \$0/ton for all scenarios.
- Increases the fees for transfer and disposal of construction and demolition debris from 85¢/cubic yard or \$1.70/ton to \$3.75/cubic yard or \$7.50/ton.

Senate Bill 119 would also allow a county in a joint SWMD to withdraw from the SWMD without approval from the other counties if the withdrawing county generated more than 75% of the annual revenue of the joint SWMD in the immediately preceding calendar year. Under current law, for a county to withdraw from a joint SWMD, the other counties in the joint district must approve the decision.

The bill also prohibits the Ohio Environmental Protection Agency (OEPA) or a board of health from issuing or renewing a permit for a new or expanded solid waste facility unless the facility will benefit the public and serve the public convenience and necessity.

The Seneca County Commissioners [testified in support](#) of the bill on Tuesday. Commission President Anthony Paradiso spoke about their experiences in their SWMD, the Ottawa Sandusky Seneca Solid Waste District, and how the changes in the bill would help with the regulation of out-of-state waste and oversight of landfill facilities. Several Seneca County residents [also testified in support](#) of the bill.

Senate Bill 119 is scheduled to receive a third hearing where proponent, opponent, and interested party testimony will be heard on Tuesday, May 30th at 4:00 p.m.

If you have questions about the bill or testimony, please contact Rachel Massoud Reedy at rreedy@ccao.org or 614-220-7996.

County-related bills clear the House of Representatives

During its May 24 session, the House of Representatives passed two bills and a resolution of note to counties.

[House Bill 57](#) (Representative Thomas Hall and Representative Steve Demetriou) indexes the homestead exemption amounts to inflation. While CCAO did not take an official position on the bill, the changes in the bill align with language in CCAO's Legislative Platform.

The language in question reads, "Given the large increases in property values in recent years, CCAO supports improvements in the homestead exemption program for low-income senior and disabled homeowners."

The bill passed 89-0 and now moves to the Senate.

[House Bill 66](#) (Representative Thomas Hall and Representative Reggie Stoltzfus) regards the deduction and recover of bad debts for cigarettes, tobacco, and vapor product taxes.

The [LSC Fiscal Note](#) for the bill estimates the loss to state General Revenue Fund revenue may be in the hundreds of thousands. Since 1.66% of GRF tax revenue is deposited into and distributed to local governments through the Local Government Fund, the bill will have a minor effect on the LGF. CCAO did not take a position on the bill.

The bill passed 85-3 and now moves to the Senate.

Provisions mirroring HB 57 and HB 66 are included in [House Bill 33](#), As Passed by the House, the state's main operating budget.

The House also adopted [House Concurrent Resolution 5](#) (Representative Joe Miller and Representative Adam Holmes), which supports and encourages the work of the Ohio Commission for the United States Semiquincentennial in celebrating the nation's 250th anniversary.

CCAO President and Henry County Commissioner Glenn Miller had [testified in support](#) of the resolution on May 9.

Two members of CCAO are on the [commission itself](#). President Miller sits on the commission in his role as the CCAO board of directors president (this seat will rotate as the president changes), and Medina County Commissioner Steve Hambley also sits on the commission. Commissioner Hambley has [written several books](#) about Ohio history, with a particular focus on his home county.

Legislative Activity

Committee Hearings

The Senate has been conducting budget hearings regarding HB 33, the main operating budget, in Senate Finance. The following committees also held hearings that included bills which may be of interest to counties:

Senate Financial Institutions & Technology

- [Senate Bill 50](#) (Senator Steve Wilson and Senator Kent Smith): To make changes to the law governing 9-1-1 service and to repeal program requirements for emergency-service-telecommunicator training.
 - Seventh hearing, interested party testimony from CTIA
 - Substitute bill adopted

- [Senate Bill 94](#) (Senator Andrew Brenner and Senator Al Landis): Regards the Treasurer of State, recorded instruments, powers of attorney, judgment liens, mortgage subrogation, law enforcement towing laws, and state stock banks, and to make an appropriation.
 - Second hearing, proponent testimony from the Ohio Recorders Association, the Ohio State Bar Association, and others.
 - Received a technical amendment.

Senate Agriculture & Natural Resources

- [Senate Bill 119](#) (Senator Bill Reineke): To make changes to the laws governing the transfer and disposal of solid waste and construction and demolition debris, including increasing certain fees.
 - Second hearing; proponent testimony from the Seneca County Board of County Commissioners and several private citizens.

House Civil Justice

- [House Bill 64](#) (Representative Darrell Kick and Representative Rodney Creech): To modify the law regarding eminent domain.
 - Fourth hearing; opponent testimony from CCAO, the Delaware County Board of County Commissioners, the Ohio Chamber of Commerce, the Ohio Business Roundtable, the County Engineers Association of Ohio, and others.

House Ways & Means

- [Senate Bill 43](#) (Senator Andrew Brenner): Modify homestead exemption for the surviving spouse of a disabled veteran.
 - Fourth hearing, no testimony
 - **REPORTED** favorably 17-0
- [House Bill 118](#) (Representative Nick Santucci and Representative Melanie Miller): To exempt certain baby products from sales and use tax.
 - Second hearing, proponent testimony from Groundwork Ohio, the Catholic Conference of Ohio, the March of Dimes, and others.

Introduction of Bills

The following bills that may be of interest to counties were introduced this week:

- [House Bill 181](#) (Representative Brett Hillyer and Representative Josh Williams): To make various changes regarding recorded instruments, powers of attorney, judgement liens, mortgage subrogation, law enforcement towing laws, and state stock banks, and to make an appropriation.
- [House Bill 186](#) (Representative Darnell Brewer and Representative Sean Brennan): To exempt from the sales and use tax sales of firearm safety devices.
- [House Bill 187](#) (Representative Thomas Hall and Representative Adam Bird): To modify the procedures used by the Tax Commissioner to conduct property tax sales-assessment ratio studies.

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, May 30

Senate Finance (2:00 p.m.)

- [House Bill 33](#) (Representative Jay Edwards): Main Operating Budget
 - Sixth hearing, all testimony

Senate Agriculture and Natural Resources (4:00 p.m.)

- [Senate Bill 111](#) (Senator Paula Hicks-Hudson): Relating to temporary greenhouses and building codes, to establish the Urban Farmer Youth Initiative Pilot Program, to codify certain property tax requirements for agricultural land, and to make an appropriation.
 - Second hearing, proponent testimony
- [Senate Bill 119](#) (Representative Bill Reineke): To make changes to the laws governing the transfer and disposal of solid waste and construction and demolition debris, including increasing certain fees.
 - Third hearing, all testimony

Wednesday, May 31

Senate Finance (9:00 a.m.)

- [House Bill 33](#) (Representative Jay Edwards): Main Operating Budget
 - Seventh hearing, all testimony

Senate Government Oversight (11:00 a.m.)

- [Senate Concurrent Resolution 5](#) (Senator Hearcel Craig and Senator George Lang): To support and encourage the work of the Ohio Commission for the United States Semiquincentennial in celebrating the nation's 250th anniversary.
 - First hearing, sponsor testimony
- [Senate Bill 91](#) (Senator Tim Schaffer): Regarding fraud, waste, and abuse of public funds
 - Second hearing, proponent testimony