



STATEHOUSE REPORT

Published by: County Commissioners Association of Ohio

209 East State Street • Columbus, Ohio 43215-4309
Phone: 614-221-5627 • Fax: 614-221-6986 • www.ccao.org

June 2, 2023

CCAO President Miller urges indigent defense changes in budget testimony; substitute bill expected June 6

On Tuesday, the Senate Finance Committee held a “general government day” on [House Bill 33](#), the state’s main operating budget. CCAO President and Henry County Commissioner Glenn Miller [testified](#) before the committee on CCAO’s budget priorities: indigent defense reimbursement, restoring the Local Government Fund (LGF), and funding for county jail construction and renovation.

President Miller explained the need for increased reimbursement for indigent defense by describing the rise in caseloads and cost per case and the scarcity of attorneys in many counties. CCAO is asking for an additional \$20 million per fiscal year to bring reimbursement closer to 100%. He also addressed CCAO’s amendments to create a temporary reimbursement cap at \$75 an hour for noncapital cases and \$140 per hour for capital cases and to create a separate line item to directly fund indigent defense services in the counties that contract with the state.

With respect to jail funding, President Miller advocated for a continued state partnership to aid in construction of new jails and renovation of existing facilities. He emphasized that CCAO is not looking for the state to fund 100% of these projects, but to help counties get across the finish line to put shovels in the ground.

President Miller also asked for a further increase in the LGF and expressed CCAO’s support for language currently in the budget bill to raise the lowest amount a county jurisdiction can receive from \$750,000 to \$850,000 and require that the County Budget Commission hold a meeting with the local jurisdictions within each county to review the distribution formula at least once every five years.

Several other local government groups gave testimony on Tuesday, with some echoing requests that CCAO has made:

- The [Ohio Township Association](#) discussed the need for an increase in the LGF and expressed support for the competitive bidding threshold increase included in the bill;
- The [Ohio Municipal League](#) also stressed the importance of an LGF increase, the competitive bidding changes, and applauded the funding for MARCS adoption and the Next Generation 9-1-1 system;

- The [Ohio Mayors Alliance](#) called for more law enforcement funding, both through covering training costs and through a continuation of several law enforcement agency grant programs;
- The [Ohio State Bar Association](#), in testimony submitted in conjunction with the Ohio Judicial Conference, the Ohio Association of Criminal Defense Lawyers, and the Ohio Prosecuting Attorneys Association, requested an increase in funding for indigent defense reimbursement, noting that the system must be adequately funded regardless of what the delivery system is;
- In standalone testimony, the [Ohio Prosecuting Attorneys Association](#) called for funding to be included in the budget to help prosecutors offices comply with requirements put in place by House Bill 343 of the 134th General Assembly (commonly referred to as “Marsy’s Law”).

CCAO is expecting the Senate to release and adopt its substitute bill for the budget next Tuesday, June 6. The policy team will send an alert with key county-related provisions of the substitute bill, with a more detailed analysis coming in next week’s *Statehouse Report*.

Senate adopts substitute SB 119, solid waste modification bill

[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 third hearing in the Senate Agriculture and Natural Resources Committee on Tuesday.

The committee adopted a substitute bill that makes several changes to the legislation. The substitute bill:

- Increases the total state fees on the transfer or disposal of solid waste from \$4.75/ton to \$7.50/ton (down from the introduced version of \$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 \$4/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 \$4/ton or \$0/ton for all scenarios. The introduced version of the bill set the disposal fee at \$7.50/ton.
- 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 and states that these fees must be charged on construction and demolition debris.
- Removes language prohibiting 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 substitute bill preserves a provision that 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.

CCAO submitted [interested party testimony](#) outlining concerns about the unilateral withdrawal provision and the increased district disposal fees. Crawford County Commissioner Doug Weisenauer submitted [opposition testimony](#) citing concerns about the increase in the fees proposed in the legislation. Several solid waste districts testified in opposition or as interested parties.

The Ohio Municipal League, Ohio Chamber of Commerce, Ohio Manufacturers' Association, and the National Waste and Recycling Association, among other organizations, testified in opposition to the legislation. Among those submitting interested party testimony were the Ohio Township Association and NFIB.

Seneca County Commissioner Bill Frankart [testified in support](#) of the legislation again and shared the county's concerns about oversight from the OEPA and the county's desire to form their own SWMD. Several Seneca County residents also testified in support of the bill echoing many of the concerns shared in Commissioner Frankart's testimony.

CCAO continues to work with the Organization of Solid Waste Districts of Ohio (OSWDO) and Senator Reineke to provide suggested changes and alternatives to the current version of Senate Bill 119.

If you have questions about Substitute Senate Bill 119, please contact Rachel Massoud Reedy at rreedy@ccao.org or 614-220-7996.

Petty provides testimony in support of waste, fraud, and abuse legislation

On Wednesday, the Senate Government Oversight Committee heard proponent testimony on [Senate Bill 91](#) (Senator Tim Schaffer), which modifies the law relating to fraud, waste, and abuse of public funds. CCAO Managing Director of Policy Kyle Petty was one of five witnesses to provide proponent testimony during the hearing.

In [his testimony](#), Petty highlighted the fiscal responsibility that county commissioners have, overseeing more than \$3.4 billion of county general fund spending annually, with hundreds of millions more expended from special funds. The bill's creation of specific training materials that detail the state's fraud-reporting system will help counties safeguard these funds.

Petty informed the committee of an area of concern with the bill. The bill created a penalty of dereliction of duty on mandatory fraud reporters who recklessly failed to report potential waste, fraud, or abuse. The penalty, a second-degree misdemeanor, would carry a punishment of up to 90 days in jail and a fine of no more than \$750. CCAO believes that this provision may lead to over-reporting as a way for mandatory reporters to avoid incurring punishments, which in turn could reduce the efficiency of the Auditor of State's oversight.

CCAO has worked with Auditor of State Keith Faber and Senator Tim Schaffer, the bill's sponsor, on modifying that provision.

Also testifying on Wednesday in support of the bill were [Auditor of State](#) Keith Faber, the [Ohio Township Association](#), the [Ohio Municipal League](#), and the [Village of South Zanesville](#).

Senate passes three bills during its last May session

During its May 31 session, the Senate passed three bills, each of varying levels of interest to counties.

[Senate Bill 39](#) (Senator Tim Schaffer) exempts certain baby products from the sales and use tax. The [LSC Fiscal Note](#) estimates that the aggregate loss in revenue to counties will be between \$3.0

million and \$4.5 million in SFY 2024 and between \$5.0 million and \$8.3 million in SFY 2025, with losses to the LGF about \$1.0 million.

The language in SB 39 is largely identical to provisions in HB 33, the main operating budget.

[Senate Bill 74](#) (Senator Theresa Gavarone) makes changes to the law regarding the Treasurer of State and the electronic payment of certain taxes. The bill has only a minor impact on counties. It repeals the ability of certain political subdivisions to elect Social Security coverage, which currently applies to some county-related corporations and employees of Cincinnati. According to the [LSC Analysis](#), the only county-related entities that would be affected are Lucas County Recreation Inc., and the Toledo Mud Hens Baseball Club, Inc.

Finally, the Senate passed [Senate Bill 122](#) (Senator Nate Manning and Senator Paula Hicks-Hudson), which makes changes regarding bail. The bill codifies Criminal Rule 46, which provides instructions regarding bail-setting procedures. The bill included an emergency clause enabling the provisions to take effect immediately. The [LSC Analysis](#) summarizes the details of the bill. All three bills passed unanimously, 32-0, and now move to the House of Representatives for consideration.

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 Government Oversight

- [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 Community Revitalization

- [Senate Bill 105](#) (Senator Terry Johnson and Senator Vernon Sykes): Regarding the composition of boards of alcohol, drug addiction, and mental health services; the authority of the boards; and the requirements for operation of recovery housing residences.
 - Third hearing; opponent testimony from the Ohio Association of Health Plans, the Nord Center, the Ohio Community Corrections Association, CompDrug, and four other groups.
 - Received an amendment restoring requirement that an ADAMHS board employee cannot be a close relative of a county commissioner of a county the board serves.

Introduction of Bills

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

- [House Bill 189](#) (Representative Al Cutrona) and [Senate Bill 124](#) (Senator Tim Schaffer): To exempt from the sales and use tax the sale of certain firearms and ammunition and to authorize nonrefundable tax credits for small arms and ammunition manufacturers.
 - *Bills are identical.*

- [House Bill 191](#) (Representative D.J. Swearingen and Representative Bill Seitz): To make changes regarding bail.
 - The House companion to Senate Bill 122, passed by the Senate this week.
- [House Bill 192](#) (Representative Bill Roemer and Representative Steve Demetriou): Regarding the Treasurer of State and the electronic payment of taxes.
 - The House companion to Senate Bill 94, passed by the Senate this week.
- [House Bill 193](#) (Representative Kevin Miller and Representative Brian Lampton): To establish procedures and requirements governing biosolid lagoons and biodigestion facilities, including granting county and township zoning authority over those lagoons and facilities, and to modify the CAUV eligibility requirements for certain land used to produce biofuels.
- [House Bill 196](#) (Representative Josh Williams and Representative Bill Seitz): To change the maximum periods of community control sanctions authorized for felonies and misdemeanors and to modify the confinement sanctions authorized for a technical violation of community control sanction conditions.

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, June 6

[House Families and Aging](#) (11:00 a.m.)

- [House Bill 5](#) (Representative Sharon Ray and Representative Rachel Baker): To express the General Assembly's intent to modernize the adoption process.
 - First hearing, sponsor testimony
 - Substitute Bill
- [House Bill 7](#) (Representative Andrea White and Representative Latnya Humphrey): To enact the Strong Foundations Act
 - Fourth hearing, all testimony
 - Possible Amendments
 - Possible Vote

[House State and Local Government](#) (2:00 p.m.)

- [House Bill 30](#) (Representative Latnya Humphrey): Require correctional facilities supply feminine hygiene products.
 - First hearing, sponsor testimony

[House Ways and Means](#) (2:30 p.m.)

- [House Bill 90](#) (Representative Tom Patton): To authorize a total property tax exemption for the homesteads of totally disabled veterans and their surviving spouses.
 - Second hearing, proponent testimony
- [House Bill 118](#) (Representative Nick Santucci and Representative Melanie Moller): To exempt certain baby products from the sales and use tax.
 - Third hearing, opponent testimony

[House Criminal Justice](#) (3:00 p.m.)

- [Senate Bill 122](#) (Senator Nate Manning and Senator Paula Hicks-Hudson): To make changes regarding bail and to declare an emergency.
 - First hearing, sponsor and proponent testimony
- [House Bill 191](#) (Representative D.J. Swearingen and Representative Bill Seitz): To make changes regarding bail.
 - First hearing, sponsor testimony