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

December 6, 2024

Qualified immunity constitutional amendment cleared to gather signatures

On Wednesday, the Ohio Ballot Board certified that the citizen-initiated petition to amend the Ohio Constitution to eliminate qualified immunity contains only one proposed amendment. This clears the petition organizers to gather signatures to place the petition on the ballot. Due to the time it takes to gather signatures and for the Secretary of State to verify their validity, the proposed amendment would most likely go to voters on the November 2025 ballot.

The proposed amendment would eliminate immunity for government actions, including qualified, sovereign, and prosecutorial immunities in civil cases.

It would also:

- Allow the state and its political subdivisions to be held accountable for the conduct of their employees.
- Give the Courts of Common Pleas subject matter jurisdiction over cases arising from a claim allowed under the amendment.
- Permit a judge to order the state or government "to take reasonable measures to prevent a similar rights violation from re-occurring" when someone wins a civil case.
- Provide the state or political subdivision the option to terminate the public employee's employment, agreement, or contract when someone wins a case against the government.
- The individual filing a civil suit against a government actor or a public employee gets to select whether the trial is a bench or jury trial.

- A government actor terminating the employment of the public employee involved in the suit has no effect on the actor's liability.

- If the government actor is found liable, the individual who filed the suit is entitled to any or all of the following:

    - Compensation for damages with no limitation
    - Equitable or injunctive relief
    - Recovery of attorney's fees
    - Any other remedies available under state, federal, or common law

- The statute of limitations for a claim of deprivation of a constitutional right is six years.

As a note, the signature requirements to place a constitutional amendment on the ballot are at least 10% of the total votes cast for the office of governor at the last gubernatorial election (currently, the threshold is at least 413,487 signatures) and signatures from at least 44 counties.

For a county to count, the organizers must gather at least 5% of the total votes cast for government in the last gubernatorial election (currently, this ranges from 198 signatures in Vinton County to 21,287 signatures in Franklin County).

House session sees passes Public Works reauthorization, other bills of note

This week, the House and the Senate both held sessions. While the bills that the Senate considered did not pertain to counties, several in the House did.

House Joint Resolution 8, Public Works Reauthorization

After being reported out of the House Finance Committee on Tuesday, the full House passed HJR 8 (Representatives Scott Oelslager and Dan Troy) by a vote of 87-4. The joint resolution places an amendment to the Ohio Constitution on the May ballot to reauthorize the State Capital Improvement Program (SCIP) for an additional 10 years with $250 million in funding available annually.

The Senate passed an identical resolution two weeks ago. To place the amendment on the ballot in May, one chamber must adopt the other's resolution. Since the two resolutions received no opposition testimony, one chamber will likely adopt the other before the end of the legislative session.

House Bill 296, Ohio Public and Fire Pension Fund Increase

By a vote of 66-25, the House passed HB 296 (Representatives Cindy Abrams and Thomas Hall), a bill to increase the contribution rates made to the Ohio Police and Fire Pension Fund (OP&F). The bill phases in the increased rate that employers must contribute over a six-year period from the current 19.5% of the officer’s salary to 24% in 2030. The bill will also increase the amount each member pays into the system from 12.25% to 12.5% beginning on July 1, 2030.

The Ohio Municipal League and the Ohio Mayors Alliance, along with 24 municipalities, provided opponent testimony. The testimonies primarily focused on the fiscal impact that the increased employer contribution rate would have on municipality budgets, with many saying that the increased rate would possibly force them to reduce their public safety workforce.

As an important note, counties would not be affected by the changes in this bill. County sheriffs and deputies are in the Ohio Public Employee Retirement System, Law Enforcement (OPERS LE), which is not in the scope of HB 296. However, increasing the employer contribution rate in one pension fund may lead to increases in other pension funds, so CCAO is keeping a close eye on the bill.

House Bill 430, County Engineers

The House unanimously passed HB 430 (Representatives Roy Klopfenstein and Elgin Rogers, Jr.), which makes changes to the law governing county engineers. The bill allows boards of commissions to contract with another county's engineer if the office is vacant and cannot be filled and requires the contracting county to pay the contracted engineer based on the county's population.

It also eliminates the separate compensation schedules for engineers with and without a private practice, applying the schedule without a private practice to all engineers.

CCAO provided interested party testimony regarding the bill with suggestions for improvement. These suggestions would align the contracting provisions with similar provisions already in the code for contracting with a different county's coroner. This would require the board of commissioners for the county that the contracted engineer serves to approve the contract and would allow the county commissioners to negotiate compensation rather than requiring the same payment that an elected engineer would receive. Additionally, CCAO requested that commissioners be given the authority to contract with private engineers or private surveyors when a county engineer position is vacant.

Erie County Commissioner Matt Old also provided spoken-only testimony.

None of these recommendations were incorporated into the bill. If HB 430 receives hearings in the Senate, we will continue to push for these improvements.

In CCAO's platform, we advocate for eliminating the dual licensure requirement for county engineers. If county engineers are simply required to possess a professional engineer license, the pool of eligible candidates and appointees would vastly increase, thus diminishing the need for the special statutory provisions governing contracting with other counties.

House Bill 469, Ohio River Commission

HB 469 (Representatives Monica Robb Blasdel and Don Jones) received a second House Economic and Workforce Development hearing on Tuesday and was passed by the House later that day with a 66-20 vote. The bill would create the Ohio River Commission to aid in developing and promoting economic development, marine cargo terminal operations, and travel and tourism along the Ohio River and its tributaries. The Commission will also be able to issue grants and loans for Ohio River infrastructure and transportation.

CCAO Senior Policy Analyst Jon Honeck provided proponent testimony on the bill supporting the creation of the Commission. He emphasized that the Commission would enable a coordinated approach to maximize the region's economic potential by creating a master plan to help direct projects.

CCAO will inform members of opportunities to provide testimony on the bill if it receives hearings in the Senate.

House Bill 683, Drought Appropriations

Over the past three weeks, the House has moved quickly to provide monetary assistance to counties hard hit by the ongoing drought, particularly those in the state's southeast region, via HB 683 (Representative Don Jones). The bill appropriates $10 million to increase state support for soil and water districts and $500,000 to support the Farm Financial Management Institute in dealing with the impacts of the drought and to help implement the federal farm bill.

The bill passed the House 87-4 and now moves to the Senate for consideration.

CCAO provides proponent testimony on Great Lakes Restoration Initiative reauthorization resolution

This week, the Senate held its second hearing on House Concurrent Resolution 14 (Representatives Tom Patton and Michael Skindell), which urges Congress to renew the Great Lakes Restoration Initiative. The resolution asks Congress to renew the program for five more years with $500 million available in each fiscal year.

CCAO Policy Analyst James Kennedy provided proponent testimony, in which he highlighted the successes that the GLRI has had in Ohio. The Ashtabula, Black, Cuyahoga, and Maumee river basins have all benefited from GLRI funding by developing agricultural best management practices, stream restoration, coastal wetlands, management of invasive species, and clean-up of contaminated sediments.

Bills of interest to counties receive hearings, amendments

This week, the General Assembly held hearings on several bills that the Association is monitoring.

House Bill 497, County Omnibus Bill

This week, the Senate Local Government Committee held its third hearing on HB 497 (Representatives Brian Stewart and Roy Klopfenstein), the county omnibus bill backed by CCAO. The hearing, for opponent and interested party testimony, had no witnesses.

Senator Sandra O'Brien, the committee chair, indicated that amendments to the bill will be considered next week and will likely be voted on.

House Bill 635, Water and Sewer Commission and Fund

This week saw the first hearing for HB 635 (Representative DJ Swearingen), a bill to reinstate the Ohio Water and Sewer Commission and the Water and Sewer Fund. The commission and fund had been eliminated in 2012, but the increase in the need for local water and sewer project funding has sparked interest in restarting the program.

In his sponsor testimony, Representative Swearingen noted that the program will offer zero-interest loans to local governments to help them upgrade critical, aging infrastructure and expand these important public health systems to more communities.

CCAO supports the bill and will provide proponent testimony if the bill receives subsequent hearings.

House Bill 638, Sales Tax Refunds from Overpayment

Another bill CCAO supports that received its first hearing this week was HB 638 (Representative Tim Barhorst), a bill to eliminate interest on sales tax refund payments by counties and to extend the recovery period for sales tax refunds from no more than three years to no more than three years to no more than six years.

The bill arose from an issue in Shelby and Logan counties where a Honda facility inadvertently overpaid sales tax for a period of several years. The Department of Taxation, in providing the refund payments, takes an amount out of the sales tax distribution to those counties with an amount of interest calculated from the date of overpayment. This has caused significant reductions to sales tax revenue for Shelby and Logan counties.

The bill would not stop repayment deductions from sales tax distributions but would eliminate interest on the portion deducted from the county permissive distribution. Interest would remain on the portion deducted from state and transit authority sales tax revenue.

CCAO supports the bill and will provide proponent testimony if the bill receives subsequent hearings.

House Bill 583, Accountability for Group Homes

HB 583 (Representatives Andrea White and Phil Plummer), which changes requirements for group homes for children, received its sixth hearing in the House Families and Aging Committee on Tuesday. The committee adopted two amendments to the bill. The new language requires a PCSA to provide prior approval of all services that a community organization provides to a child under the care and supervision of a residential facility.

It also requires the Department of Children and Youth to adopt rules setting a procedure for complaints/concerns regarding a residential facility. Additionally, in statute, DCY would be required to visit each facility once per year, which the department already does, and to establish rules for when DCY would be required to conduct more than one site visit per year at a facility. The bill is marked for a possible vote at a hearing next week on December 10.

House Bill 327, E-Verify Requirement
HB 327 (Representatives Scott Wiggam and DJ Swearingen) received its second Senate General Government Committee hearing. The bill requires public employers, private employers with more than 75 employees, and nonresidential construction contracts to verify new employees' work eligibility through the E-verify system. It also requires contracts for the construction or maintenance of public improvements to require contractors and subcontractors to use E-verify.

Any contracts without such a provision are voided, and state agencies and political subdivisions that violate the bill are subject to a $5,000 fine for each instance of noncompliance.

CCAO did not take a position on the bill but worked with the sponsors to narrow it from all contracts to just those contracts that apply to the construction or maintenance of public improvements.

House Bill 507, Cybersecurity Safe Harbor
The House Technology and Innovation Committee favorably reported HB 507 (Representative Brett Hillyer), a bill extending eligibility for an affirmative defense against claims that an entity did not implement reasonable security controls in the event of a data breach containing personal information.

Currently, the affirmative defense is only available to certain businesses. The bill would allow political subdivisions that create, maintain, and comply with a written cybersecurity program that meets certain requirements to utilize an affirmative defense as well.

CCAO does not have a position on the bill.

Executive agency budget proposals available, analysis to come

News sources have made the budget proposals from executive agencies to the Governor's Office available, outlining their requests for provisions, programs, and appropriations for the 136th General Assembly's operating budget.

CCAO staff are reviewing the proposals and will provide an analysis in subsequent weeks on how the proposals impact CCAO's budget priorities.

CCAO Legislative Platform for the 136th General Assembly approved

At CCAO's Annual Business Meeting earlier this week, the membership approved the draft platform for the upcoming General Assembly. Staff will now begin the process of formatting the platform text into publication style. We expect the platform to be available on CCAO's website soon.

Legislative Activity

Committee Hearings

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

House Criminal Justice

- House Bill 528 (Representative Dan Troy): To increase the criminal penalty for intimidating an election officer.
  - First hearing, sponsor testimony

House Economic Development

- House Bill 375 (Representatives Steve Demetriou and Tom Patton): To make changes to the law relating to tax foreclosures and county land reutilization corporations.
  - Fifth hearing, no testimony
  - **AMENDED** to clarify end dates for a land bank property tax exemption.

House Finance

- House Bill 573 (Representatives Phil Robinson and Juanita Brent): To increase the proportion of state tax revenue allocated to the Local Government Fund from 1.7% to 3.68% beginning July 1, 2026.
  - First hearing, sponsor testimony

House Ways & Means

- Senate Bill 186 (Senators Bill Blessing III and Catherine Ingram): To require payment of property taxes and assessments when a lot is split or transferred and to generally prohibit tax-delinquent property owners from purchasing tax-foreclosed property.
  - First hearing, sponsor testimony
- House Bill 598 (Representative Phil Robinson): To exempt retirement income of public safety personnel from state income tax and to reimburse the Local Government Fund and Public Library Fund for resulting revenue losses.
  - First hearing, sponsor testimony
- House Bill 465 (Representatives Dani Isaacsohn and Thomas Hall): To authorize a refundable income tax credit or rebate for homeowners and renters whose property taxes or a portion of their recent exceed five per cent of their income.
  - First hearing, sponsor testimony

Senate Local Government

- House Bill 315 (Representatives Thomas Hall and Bill Seitz): To make various township law changes and to make an appropriation.

    - Third hearing, interested party testimony from the Ohio News Media Association, the Ohio Municipal League, the *Cincinnati Enquirer*'s executive editor, and several local newspapers' publisher.
- House Bill 331 (Representatives Adam Mathews and Tom Young): To modify the law regarding village dissolution.
    - Third hearing, interested party testimony from the Ohio Municipal League.

House Homeland Security
- House Bill 603 (Representative Gail Pavliga): To allow a sheriff or deputy sheriff to report violations of community control.
    - First hearing, sponsor testimony

Senate Health
- Senate Bill 255 (Senator Steve Huffman): To revise the law governing coroners and death certificates.
    - Fourth hearing, no testimony.
- House Bill 303 (Representatives Thomas Hall and Nick Santucci): To establish a process for the revision of training subjects for EMS personnel.
    - Third hearing, no testimony.

Senate Ways & Means
- Senate Bill 331 (Senator Bill Blessing III): To require certain liens filed with the county recorder to set forth the last known address of the lien debtor and to require a memorandum of trust or other qualifying instrument concerning real property to be recorded.
    - First hearing, sponsor testimony
- House Bill 496 (Representative Jim Hoops): To revise the law governing property taxes and county auditors.
    - Third hearing, no testimony
- Senate Bill 224 (Senator Tim Schaffer): To modify the sales and use taxation of delivery network services.
    - Fourth hearing, no testimony
    - **FAVORABLY REPORTED**

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

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

Tuesday, December 10
House Criminal Justice (10:00 a.m.)

- House Bill 480 (Representatives Tom Young and Steve Demetriou): To provide for the expedited removal of unauthorized occupants of residential property, to prohibit the use and sale of fraudulent deeds, and to declare an emergency.
    - Fourth hearing, all testimony
    - **POSSIBLE AMENDMENTS**
    - **POSSIBLE VOTE**

House Ways & Means (10:00 a.m.)

- Senate Bill 186 (Senators Bill Blessing III and Catherine Ingram): To require payment of property taxes and assessments when a lot is split or transferred and to generally prohibit tax-delinquent property owners from purchasing tax-foreclosed property.
    - Second hearing, all testimony
    - **POSSIBLE AMENDMENTS**
- House Bill 274 (Representatives Adam Mathews and Richard Dell'Aquila): To authorize an enhanced property tax homestead exemption for certain long-term homeowners.
    - Fourth hearing, all testimony
    - **POSSIBLE AMENDMENTS**
    - **POSSIBLE VOTE**

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

- House Bill 583 (Representatives Andrea White and Phil Plummer): Regarding residential facilities for foster children.
    - Seventh hearing, all testimony
    - **POSSIBLE AMENDMENTS**
    - **POSSIBLE VOTE**