STATEHOUSE REPORT

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President Abbuhl gives proponent testimony on HB 497, County Omnibus Bill

On Tuesday, House Bill 497 (Representatives Brian Stewart and Roy Klopfenstein), the county omnibus bill, received its second hearing before the House State and Local Government Committee. CCAO President and Tuscarawas County Commissioner Chris Abbuhl testified in support of the legislation on behalf of CCAO.

President Abbuhl's testimony focused on the increased efficiency HB 497 will bring to county government operations if enacted. He highlighted provisions of the bill that will:

- Require review and sign off from a committee of elected officials for any projects or change orders over $25,000 during a courthouse or jail construction or renovation project, rather than for all as in current law.
- Require the county prosecuting attorney to review and certify all contracts $20,000 or higher, updating the threshold which has not been increased since 1953.
- Streamline the process for the county to sell or donate unnecessary or obsolete personal property and increase the threshold for these donations to $5,000.

Following testimony, Ranking Member Sean Brennan asked President Abbuhl about the possibility of tying the thresholds in the legislation to the Consumer Price Index (CPI) so the thresholds would not have to be updated through legislation regularly.

The Ohio State Coroners Association also submitted written proponent testimony.

Prior to testimony, the committee adopted an amendment to fix competitive bidding notification requirements. Current law requires counties to provide notice of competitive bidding opportunities for any project estimated to cost more than $50,000, instead of the updated competitive bidding threshold enacted by the operating budget. The amendment aligns the notification threshold with the actual competitive bidding threshold set annually by the Director of Commerce.

We appreciate the bill sponsors, co-sponsors, and the members of the House State and Local Government Committee for the opportunity to bring these commonsense issues forward. If you have questions about HB 497, or wish to testify at a future hearing, please contact the CCAO Policy Team at policy@ccao.org.

House, Senate take action on county-related bills during session

On Wednesday, both chambers passed legislation affecting counties.

Senate

House Bill 305 (Representatives Brian Stewart and Richard Brown), which would allow the filling of pleadings in electronic format by the Clerk of Courts of a common pleas court, municipal court, or county court, became a vehicle for numerous amendments relating to county government within the Senate Judiciary Committee. The committee passed HB 305 on Wednesday and the Senate passed the bill by a vote of 24-7 a few hours later.

The following amendments affecting counties were adopted prior to Senate passage:

- **Indigent Defense Support Fund – Funding Restoration:** Within HB 33 (SFY 24-SFY 25 Operating Budget) there was language that lowered the reinstatement fee for noncompliance driver's license suspensions. The Revised Code imposed a fee of $100 for a first offense, $300 for a second offense, and $600 for a third offense. A portion of the imposed fees were collected and transferred to the Indigent Defense Support Fund as follows: $25 for a first offense, $50 for a second offense, and $100 for a third offense. HB 33, as passed by the General Assembly, lowered the fee to $40 regardless of the number of offenses and the amount transferred to the Indigent Defense Support Fund decreased to $10. The Governor vetoed the language that lowered the fee to $40 for all offenses. The Senate amendment to HB 305 this week reinstates previous allotment totals to $50 for a second offense and $100 for a third offense.

- **Political Subdivision Communications:** The language aligns the two Ohio chartered counties (Cuyahoga and Summit) with the 86 non-chartered counties regarding the type of information that can be communicated while using public funds to publish and distribute newsletters or to publish communications with certain messages, including messages in support of or opposition to a candidate or a levy or bond issue. The amendment would also prohibit a chartered county from paying its employees to engage in activity that influences an outcome of an election regarding a candidate or a levy or bond issue. This language also aligns the two chartered counties with the 86 non-chartered counties that are currently prohibited. The State Auditor's office brought this amendment language to the committee, and it applies to chartered municipalities as well. It's important to note that Senator Hicks-Hudson who serves as the Ranking member of the Judiciary Committee believes that current election law already prohibits any public dollars being used to support or oppose an outcome of an election regarding a candidate or a levy or bond issue.

- **Political Subdivision Soldiers' Memorial:** Under current law, the board of trustees of a political subdivision soldiers' memorial may make rules and regulations for the use, administration, and maintenance of the memorial. The amendment expands the board of trustees' scope to now include making rules and regulations for entertainment, retail, educational, sporting, social, cultural, or art opportunities at the memorial. Also, with the approval of a board of county commissioners, the board of trustees may enter into contracts with political subdivisions or nonprofit organizations for the use of other facilities separate and apart from the memorial.

- **County or Municipal Court Judge Reimbursement Deadline:** This amendment creates a one-year deadline for counties to submit reimbursement requests to the state for the per diem compensation paid to acting/assigned county or municipal court judges. If the request was sent more than one year after the county paid the judge's per diem, the Ohio Supreme Court must reject the request. Under current law, the reimbursement requests must be submitted quarterly to the Ohio Supreme Court.

- **Clerk of Court Authorization:** The amendment would allow a clerk of a municipal court, county court, or court of common pleas to disburse the additional fee for the computerization of the clerk's office. In the situation where the clerk is appointed, the amendment retains current law which would require the court to make the determination as to whether additional funds are necessary. For clarification, the 86 non-charter County Clerk of Courts are elected whereas the two charter County Clerk of Courts are appointed.

- **Ashtabula County, County Court (House Bill 413):** Replaces the two part-time judgeships in the Ashtabula County County Court with one full-time judge.

HB 305 will now head to the House, where they will have the opportunity to concur with the Senate amendments. For a complete list of the 22 amendments that were included within the bill please click here. For any additional questions pertaining to HB 305, please contact CCAO Policy Analyst James Kennedy at jkennedy@ccao.org.

House

The House passed House Bill 30 (Representative Latyna Humphrey) unanimously. HB 30 requires that municipal, county, and Department of Rehabilitation and Correction (DRC) correctional facilities that house female inmates to provide inmates experiencing a menstrual cycle with an adequate supply of feminine hygiene products at no cost to the inmates. DRC and several county jails already provide these products at no cost. The LSC Fiscal Note states that the cost to local jails not currently providing the products free of charge will depend on several factors. These include the number of inmates experiencing a menstrual cycle, lengths of stay, and the purchasing/procurement process. The bill will now head to the Senate for consideration.

The House also passed House Bill 352 (Representatives Rachel Baker and Sara Carruthers) which would establish the Adverse Childhood Experiences Study Commission, by a vote of 89-5. Under HB 352, the commission is tasked with recommending legislative strategies to the General Assembly for addressing the prevalence and effects of adverse childhood experiences. The commission will work over a four-year period, submitting an annual report each year. Commission members include representatives of the Ohio Association of County Behavioral Health Authorities, Public Children Services Association of Ohio, Association of Ohio Health Commissioners, among others. HB 352 now makes its way across the rotunda to begin the Senate process.

CCAO, other proponents testify on HB 512, children placement crisis bill

On Tuesday, House Bill 512 (Representative Gail Pavliga) received its second hearing before the House Families and Aging Committee. HB 512 would create a streamlined, expedited process to license beds or a facility for crisis stabilization. The bill would also require the Ohio Family and Children First Cabinet Council to continue working with stakeholders, including CCAO, to develop placement crisis and treatment solutions.

CCAO submitted written proponent testimony supporting the need for such short-term stabilization and assessment options. The Public Children Services Association of Ohio (PCSAO) testified in support of the legislation and noted the results of the organization's 2021 study on the placement crisis. The study found that 1 in 4 youth in foster care were there for reasons other than abuse or neglect, and that roughly 6% of youth had spent at least one night in PCSA office while waiting for placement. Youth with complex mental health or developmental disabilities are often unable to access treatment and stabilization. Streamlining the licensing process and ensuring regulations across state agencies are aligned for these crisis stabilization facilities provides a pathway forward to creating more access.

Committee members noted they have heard about the need for additional placement options in their counties as well, and asked PCSAO about funding needs and what these crisis stabilization beds or centers might look like. PCSAO noted that, in an ideal world, there would be regional facilities so placements would be available near every county.

The Portage County JFS director also submitted testimony describing the challenges her agency faces. The Ohio Children's Hospital Association submitted testimony outlining their efforts to support pediatric behavioral health care, the overall shortage of care that exists across the state and the need for these short term options.

If you have questions about the bill, please contact Rachel Reedy at rreedy@ccao.org.

House Commerce and Labor Committee reports E-Verify bill

At its hearing Tuesday, the Ohio House Commerce and Labor Committee favorably reported Substitute House Bill 327, sponsored by Representatives Scott Wiggam and DJ Swearingen.

The bill would make it mandatory for all political subdivisions, including counties, to use the federal employment verification system administered by the US Department of Homeland Security. This requirement also applies to the state; any employer with 75 or more employees in Ohio; and any nonresidential construction contractor with one or more employees in Ohio. Any contract for a nonresidential construction project must include a provision extending the e-verify requirement to all subcontractors that provide construction services on the project, regardless of tier.

The bill also requires each state agency or political subdivision, including a county, that contracts for the construction or maintenance of a public improvement to include a provision requiring the contractor and all subcontractors to use e-verify to confirm the identity and legal working status of (1) all employees hired during the contract term that perform duties in Ohio and (2) all employees assigned to perform work in Ohio on the contract. Maintenance excludes utilities, waste management, software systems, and information technology systems. The e-verify requirement may be waived for an employee who is rehired after being previously confirmed using the e-verify system and individual's eligibility to work does not have to be reconfirmed under federal law. The state attorney general will conduct periodic reviews of public contracts to ensure that the e-verify provision is included. A political subdivision will be fined $5,000 for each failure to include the provision in a contract.

Individuals may file a complaint with the attorney general to allege a violation of the required public contract provision or the employer requirement. If the attorney general finds that reasonable evidence exists that a violation has occurred, the attorney general must conduct a hearing. If a violation is confirmed, the violator is subject to a fine of $1,000 for the first violation, $2,500 for the second violation, and $5,000 for each violation thereafter. If the entity fails to provide satisfactory proof that a violation has been corrected, the attorney general may bring a civil action in the court of common pleas where the entity does business. If the court additionally finds that the entity has committed a reckless violation, the court must order a $10,000 fine for each such occurrence and order that the entity is not eligible to bid or participate in any state contract for a period of one year. Reckless violation is defined as conducting business in bad faith and acting with conscious disregard or indifference to the e-verify program. A state contract is any contract for goods, services, or construction that is paid for in whole or in part with state funds (R.C. 9.242). The Department of Administrative Services will maintain a list of ineligible contractors.

CCAO has been an interested party with respect to the bill. Members with questions should contact Senior Policy Analyst Jon Honeck, jhoneck@ccao.org or 614-220-7982.

County-related bills pass out of committee

This week, multiple county-related bills passed out of their respective committees.

House Bill 315, Township Bill (NCA Changes)

On Tuesday, the House State and Local Government Committee favorably reported House Bill 315 (Representatives Thomas Hall and Bill Seitz), which makes a number of changes to township law. Before the committee reported the bill, it adopted an amendment to address a concern that CCAO had raised during interested party testimony.

The bill would have allowed an urban township (those with a population of at least 15,000) which has adopted limited home-rule to act as the organizational board for a New Community Authority (NCA). In the Association's testimony, Senior Policy Analyst Jon Honeck noted that this would be the second NCA expansion in less than a year and that counties prefer to keep the ability to create NCAs at the county level to ensure cooperation between local governments.

The committee adopted an amendment that removed the NCA provision of the bill before favorably reporting HB 315 out of committee. The bill also contains an appropriation of $3 million over the biennium to make grants to counties and other political subdivisions seeking to modernize regulations and processes tied to zoning efforts.

Senate Bill 186, Prohibit Tax Delinquent Owners from Foreclosure Purchases

Senate Bill 186 (Senators Bill Blessing and Catherine Ingram) was favorably reported by the Senate Ways and Means Committee this week by a unanimous vote. The bill requires payment of property taxes and assessments when a lot is split or transferred and prohibits tax-delinquent property owners from purchasing property at tax foreclosure sales.

The bill creates a new requirement that a purchaser of a **foreclosed** property must submit an affidavit to the officer charged with transferring the title, stating that the purchaser has made an inquiry with the county treasurer in each county in which the purchaser owns property and has been informed by each treasurer that the purchaser does not own property against which delinquent taxes are assessed. The requirement applies to an individual or to a pass-through entity in which the individual owns at least a 10% interest.

If a delinquency exists, the affidavit may also state one of the following along with supporting documentation:

- an assessment was made but the delinquency has since been paid;
- that the delinquency has been misassigned due to a name change, pending transfer, or administrative error;
- the property is the subject of litigation that challenges the ownership and may absolve the owner of delinquency;
- there are other circumstances that demonstrate the delinquency does not result from intentional action on the part of the purchaser.

Current law governing the auditor's sale of lands forfeited to the state after having been offered for sale on two separate occasions prohibits the purchase of property if the purchaser is delinquent on real property taxes in the state, but it does not require the submission of an affidavit.

The bill also creates a new requirement that current and estimated taxes must be paid in order to record a transfer of title with the county recorder. This applies to any property that is being sold, subdivided, or auctioned at a sheriff's sale or other foreclosure proceeding. The Legislative Service Commission's fiscal analysis does not find that there will be any negative impact on county revenues or costs from the bill. In fact, since the bill increases the likelihood that properties are purchased by parties that have a record of paying property taxes, LSC finds it may increase revenue in future years.

Senior Policy Analyst Jon Honeck provided proponent testimony at an earlier hearing, as did the County Treasurers Association of Ohio, the Ohio Prosecuting Attorneys Association, and Ohio Land Bank Association, as well as a number of individual county treasurers.

ODJFS Director testifies on SNAP E&T redesign rule package

On Tuesday, Ohio Department of Job and Family Services (ODJFS) Director Matt Damschroder testified before the Senate Finance Committee regarding the redesign of the Supplemental Nutrition Assistance Program Employment & Training (SNAP E&T) program redesign. County job and family services agencies administer the SNAP E&T program. The rules for this redesign have been submitted to the Joint Committee on Agency Rule Review.

Director Damschroder described the work group that studied the program options and made the recommendations for the rule package. CCAO and the Ohio Job and Family Services Directors' Association participated in the workgroup, as did seven counties and several business groups and non-profits.

The rule package includes two major changes.

1. The rule packages make the Ohio SNAP E&T program "voluntary." Under the current "mandatory" program, JFS agencies spend most of their administrative time and resources trying to make participants comply, rather than meaningfully engaging those who do participate. All able-bodied adults without dependents (ABAWDs) will still have to complete work or training requirements to receive SNAP benefits for more than three months in a thirty-six-month period. In the "voluntary" program model, SNAP E&T is just one of the ways they can complete this requirement.

2. The rule package addresses the SNAP benefits cliff by increasing program eligibility from 130% of the federal poverty level (FPL) to 200% FPL, creating an "off-ramp" from the program.

The ODJFS plan is for the rules to be effective by the start of the federal fiscal year on October 1.

During the question-and-answer period, Senator Jerry Cirino asked how administrative dollars are currently spent in the "mandatory" program model. Director Damschroder shared the counties spend time contacting ABAWDs who do not participate in the program to track them down to participate. The counties describe only being able to do compliance and having fewer resources to pay for the job and job training services.

Senator Cirino asked about the number of participants expected from increasing SNAP eligibility to 200% FPL. Director Damschroder stated they anticipate an additional 60,000 households per year. The Department has heard from other states and the federal government that they can expect a 5% increase in participants, but also a decrease overall as the program continues because of the “off-ramp.” There are 25 other states currently using this option.

Senator Paula Hicks-Hudson inquired about training for the caseworkers in county JFS agencies to implement the redesign. Director Damschroder replied that his staff is already working on training and Ohio Benefits system changes to support counties.

Senator Mark Romanchuk noted that administrative costs are 70% of the SNAP E&T program budget currently and asked if that would decrease while the actual payment for services increases with the new program design. Director Damschroder responded the hope is they will.

Director Damschroder also submitted written testimony to the House Finance Committee earlier this month on the rule package.

If you have questions about the SNAP E&T redesign rule package, please contact Rachel Reedy at rreedy@ccao.org.

Controlling Board approves Secretary of State requests on e-pollbooks, November election costs

On Monday, the Controlling Board, a joint body between the legislature and the Office of Budget and Management, approved four funding requests ahead of the November general election and one pertaining to electronic pollbook funding.

The Board approved a Secretary of State request to roll over $2.1 million from SFY 2024 to SFY 2025 (which will begin on July 1) to allow counties to purchase or be reimbursed for acquisition of electronic pollbooks. The funding was initially allocated for SFY 2024 under the state operating budget, but in the Secretary's request, the agency notes that due to the quick timeline of several elections (August 2023, November 2023, and March 2024), several county boards of elections have not had time to complete the process. Rolling over the funds to the upcoming fiscal year allows counties more time to apply for and utilize these funds.

The requests concerning the November general election open funds for the Secretary of State to utilize $4.3 million to print and mail absentee ballot applications and $2.0 million to pay for PSAs regarding the election.

Legislative Activity

Committee Hearings

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

House Commerce and Labor

- Senate Bill 96 (Senators George Lang and Steve Wilson): To allow employers to post certain labor law notices on the Internet.
    - Third hearing, no testimony

House Economic and Workforce Development

- House Bill 349 (Representatives Tim Barhorst and Don Jones): To authorize the creation of areas within which incentives are available to encourage the development of natural gas pipelines and other infrastructure and to make an appropriation.
    - Fourth hearing, no testimony

House Finance

- House Bill 7 (Representatives Andrea White and Latyna Humphrey): To support strong foundations for Ohio mothers and babies in their first one thousand days to address maternal and infant mortality, to improve health, developmental, and learning outcomes for babies and mothers through expanded prenatal, postnatal, infant, and toddler health care and early intervention and wraparound services and supports.
    - Fourth hearing, no testimony
    - **FAVORABLY REPORTED**
- House Bill 164 (Representatives Dontavius Jarrells and Bill Seitz): To establish the Foster-to-College Scholarship Program, to require the Department of Education to hire a full-time school foster care liaison, and to make an appropriation for the Foster-to-College Scholarship Program.
    - Fourth hearing, no testimony
    - **FAVORABLY REPORTED**

House Government Oversight

- House Bill 471 (Representatives Rodney Creech and Angela King): To allow an elector who is not a member of a political party to protest a person's candidacy for that party's nomination on certain grounds.
    - Second hearing, proponent testimony from a member of the Putnam County Board of Elections and a member of the Preble County Board of Elections.
- House Bill 467 (Representatives Beryl Piccolantonio and Michele Grim): To create an exemption to the requirement that candidates must provide all names used in the past five years.
    - Third hearing, opponent testimony from a member of the Putnam County Board of Elections and a Mercer County Juvenile Court and Probate Judge.
- House Bill 499 (Representatives Dani Isaacsohn and Adam Mathews): To create grant programs for housing developments near megaprojects and for townships and

municipalities that adopt pro-housing policies, to modify the community reinvestment area law relating to residential property, and to limit the 10% nonbusiness property tax credit.
    - Second hearing, proponent testimony from the Home Builders Association, the Ohio Chamber of Commerce, the Coalition on Homelessness and Housing in Ohio, Ohio REALTORS, the Ohio Municipal League, the Ohio Mayors Alliance, and three development organizations based in Cincinnati.

House Homeland Security

- House Bill 472 (Representatives Bernard Willis and Bob Peterson): To make changes to the Election Law related to voter registration, voting, and the certification of voting systems.
    - Second hearing, proponent testimony from over 30 individuals, many representing the Ohio Election Integrity Network

House State and Local Government

- House Bill 373 (Representatives Scott Wiggam and Brian Stewart): To authorize a clerk of court to conduct the required physical inspection of a motor vehicle in specified circumstances.
    - Third hearing, no testimony

Senate Finance

- Senate Bill 182 (Senator Michele Reynolds): To establish the Foster-to-College Scholarship Program, to require the Department of Education and Workforce to hire a full-time school foster care liaison, and to make an appropriation for the Foster-to-College Scholarship Program.
    - First hearing, sponsor testimony

Senate Ways and Means

- Senate Bill 224 (Senator Tim Schaffer): To modify the sales and use taxation of delivery network services.
    - Second hearing, no testimony
- Senate Bill 256 (Senator Louis Blessing, III): To modify the state's earned income tax credit, to increase the basic state minimum hourly wage, and to declare an emergency.
    - Second hearing, invited testimony from the Ohio Restaurant Association and Policy Matters Ohio.

Joint Committee on Property Tax Review and Reform

The hearing can be viewed on The Ohio Channel here. The Joint Committee heard testimony from the following:

- Policy Matters Ohio
- Buckeye Institute
- County Auditors Association
- Geauga County Auditor
- Ohio Fire Chiefs Association

- Ohio Library Council
- Clark-Shawnee Local School District (Board of Education; Superintendent)
- Ohio Poverty Law Center
- Siegel Jennings Co., LPA
- AARP
- NAIOP, Commercial Real Estate Development Association
- BRG Realty Group
- Lobbyists for Citizens

Introduction of Bills

The following bill(s) that may be of interest to counties were introduced this week:

- Senate Bill 273 (Senator Michele Reynolds): To establish the Child Care Cred Program and to make an appropriation.
- Senate Bill 274 (Senators Theresa Gavarone and Andrew Brenner): To make changes to the Election Law related to voter registration, voting, and the certification of voting systems.
- House Bill 602 (Representatives Sarah Fowler Arthur and Riordan McClain): To exempt home education groups from child care regulations, county and township zoning regulations.
- House Bill 603 (Representative Gail Pavliga): To allow a sheriff or deputy sheriff to report violations of community control.
- House Bill 610 (Representative Mark Johnson): To establish the Child Care Cred Program and to make an appropriation.

Upcoming Special Session Called by Governor

Governor DeWine called a special session of the Ohio General Assembly to begin this coming Tuesday, May 28th. The stated purpose for the session is to pass legislation that addresses ensuring both major party presidential candidates will be on the Ohio ballot in November, as well as legislation that would prohibit campaign spending by foreign nationals.