

TUSCARAWAS COUNTY COMMISSIONERS

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June 9, 2015

To: Members of the House Judiciary Committee
From: Kerry Metzger – Tuscarawas County Commissioner
Re: House Bill 198 – Repeal of ORC2931.18

Chairman Butler, Vice Chairman Manning, Ranking Member Stinziano and members of the House Judiciary Committee, my name is Kerry Metzger and I am currently serving my 4th term as County Commissioner from Tuscarawas County. I previously served as a State Representative for the 97th House District and as Past-President of the County Commissioner Association of Ohio. I am here today, on behalf of the County Commissioners Association of Ohio, to ask the Judiciary Committee to support HB198, which would eliminate ORC 2931.18.

This code section gives humane societies the authority to employ a private attorney, along with allowing them to employ one or more assistant attorneys, to prosecute certain violations of law dealing with cruelty to animals or children. Such attorneys are to be paid out of the county treasury. The County Commissioners Association of Ohio has for a number of years supported the elimination of this mandate and which can currently be found in its 2015-2016 Legislative Program.

To me, the central issues here are ones of accountability and proper governmental oversight. Is it appropriate for a non-profit agency, whose board members are not subject to elected official oversight, to be permitted to continue to prosecute animal cruelty cases without county or municipal prosecutor oversight?

Is it appropriate for humane societies to appoint private special prosecutors or any number of his or her assistant prosecutors without any public oversight to these appointments?

Is it appropriate for humane societies to be able to spend county taxpayer dollars on a special prosecutor or any number of his or her assistants without the fiscal oversight of elected county commissioners serving that county? I would suggest to you Mr. Chairman and members of the committee that the answer to all these questions should be **No**.

As you will see with the other proponents of this bill, there is a large and diverse coalition of groups that support this legislation. I would just like to highlight the fact that commissioners, prosecuting attorneys, and judges, and groups representing both prosecution and defense, have all come together today to support HB198, which should tell you how important it is that this bill pass as introduced.

To be clear, no one is arguing here today that animal abuse should go unpunished. No one denies the important role humane societies play in our communities. The only question that is asked by HB198 is the question of who should oversee the management of prosecutions and public funds. CCAO, and the other stakeholders here today, believe that duty should rest with the elected officials who already deal with these questions every day.

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For these reasons, I support the passage of HB198 to eliminate ORC 2931.18, which will provide the citizens of this state greater accountability and oversight regarding the financing and prosecution of animal cruelty cases in Ohio.

Thank you and I would be happy to answer any questions you may have.