



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

March 24, 2017

CALL TO ACTION: CCAO seeks removal of mandatory upfront vote on proposed MVL fee



The Ohio Senate unanimously approved the state transportation budget (HB 26) after the Senate Transportation, Commerce and Workforce committee reported the same bill earlier the same day. The Ohio House unanimously rejected the Senate version of the budget and asked for a committee of conference to resolve differences between the Senate and House versions of the bill.

The conferees for the transportation budget include Representatives Ryan Smith (R-Gallipolis), Robert McColley (R-Napoleon) and Alicia Reece (D-Cincinnati) and Senators Frank Larose (R-Copley), Scott Oelslager (R-North Canton) and Charleta Tavares (D-Columbus). The conferees are expected to confer over the weekend and a meeting of the conference committee is scheduled for Monday, March 27th. A conference committee report is expected to be voted on by both chambers March 29th.

Earlier this past week a substitute bill of the transportation budget was adopted by the Senate Transportation, Commerce and Workforce Committee which included a provision requiring counties to submit the question of enacting a \$5 permissive motor vehicle license (MVL) fee to the voters, rather than permitting counties to enact such a MVL fee by resolution. CCAO supports counties having the option of enacting the MVL fee by resolution, in addition to the optional authority to submit to the voters.

In response to these developments CCAO provided [testimony](#) to the committee urging the retention of the option for counties of enacting the MVL fee by simply resolution, subject to a possible referendum to repeal, as is the case under existing law for all permissive county taxes.

Speaking on behalf of CCAO were Wayne County Commissioner Ron Amstutz (recently a tenured state legislator), Montgomery County Administrator Joe Tuss, and CCAO Managing Director of Research Brad Cole. Testimony for Commissioner Amstutz is available [here](#) and for Administrator Tuss, [here](#).



Commissioner Amstutz

Commissioner Amstutz expressed support for concept of Ohio having a representative democracy or republic where elected officials represent the public and are charged with the duty and responsibility of representing the interests of the public and making decisions on behalf of the public. The commissioner suggested “a middle ground between the House language and this version’s (Senate) language to give commissioners options of either running a process that leads to their making the policy decision or to a direct voter decision.”

Commissioner Amstutz also expressed support for provisions in the Senate version of the transportation budget that appropriate an additional \$48 million (\$16 million in SFY 18 and \$32 million in SFY 19 for the very popular Local Transportation Improvement Program (LTIP) for local road and bridge construction projects distributed on a competitive basis by the Ohio Public Works Commission.

Administrator Tuss highlighted for the committee the 320 miles of roads, 514 bridges and 1500 culverts that Montgomery County must maintain with a 2017 budget of \$13.4 million. He pointed out that the county engineer’s budget in 1990 was \$14.6 million, \$1.2 million less than the funding 27 years ago.

For additional information on the transportation budget, please contact Brad Cole of the CCAO staff at bcole@ccao.org.

ACTION ITEM: Lobby the Transportation Budget Conference Committee

The conference committee meets this **Monday (3/27/17)**. Please call your state legislators AND the conference committee members (mentioned above) and relay these talking points:

Permissive County Motor Vehicle License Fee

Support either of the following:

- the House-Passed Version; OR
- Add new language to HB 26 that is similar to existing law, giving flexibility to locally elected officials (a board of county commissioners or a county council) to either (1) pass a resolution, that is subject to voter referendum, OR (2) place the question on the ballot for up front voter approval.

These options conform to the longstanding approach of giving flexibility to locally elected officials to decide whether to enact a range of optional fees and taxes that are customized to the

needs of each of our communities. When these fees and taxes are enacted, they are explicitly subject to local voter referendum as one of the checks on this authority.

Additional Funding for LTIP – Local Road and Bridge Projects

Support Senate-Passed Version providing additional funding to the Public Works Commission's Local Transportation Improvement Program (LTIP) by requiring 1.25 cents in FY 18 and 1.50 cents in FY 19 and beyond to support the program (current allocation is 1 cent per year). This will divert \$48 million over the biennium to local road and bridge projects.

We are still requesting your CALL TO ACTION: Indigent defense reimbursement

Representative Steve Arndt is leading the effort to require the state to reimburse the counties for at least 50% of their indigent defense costs and reimburse the counties for all of their costs in capital cases.

We have added seven additional co-sponsors to this amendment during the week. We have two weeks remaining to obtain additional co-sponsors and we need your immediate help to gain as many co-sponsors as possible. Last session we obtained 56 co-sponsors – WE MUST DO BETTER THIS SESSION.

We received, and truly appreciate, the strong bipartisan support in the House of Representatives last Session to provide an increase in funding to obtain 50% reimbursement for our indigent defense costs. While we were successful in obtaining a level of funding which at the time was thought to provide 50% reimbursement, due to extraordinary circumstances this goal was unable to be obtained.

We want to build on this strong bipartisan support and carry it over to this budget and HB 49. It is critically important for you to personally contact your State Representatives and urge them to co-sponsor this amendment. Republicans should contact Representative Arndt while Democrats should contact either Representatives John Rogers or Mike O'Brien.

We currently have seventeen co-sponsors on our amendment: Representatives Marlene Anielski, Steve Arndt, Nickie Antonio, Lou Blessing, Rick Carfagna, Bob Cupp, Theresa Gavarone, Doug Green, Dave Greenspan, Steve Hambley, Scott Lipps, Mike O'Brien, John Rogers, Gary Scherer, Andy Thompson, Nino Vitale and Scott Wiggam – Please **CALL** them – to **THANK** them for co-sponsoring our indigent defense amendment.



CCAO Legislative Counsel, John Leutz [testified](#) in support of the amendment this week before the House Finance Transportation Subcommittee and urged the subcommittee to recommend the amendment be included in the state budget bill by the House.

**Indigent Defense
Advocacy Materials**

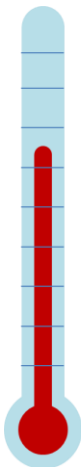
[Sample Letter](#)
[Sample Resolution](#)
[Talking Points](#)
[Amendment](#)

Commissioner Ehemann testifies on Medicaid MCO sales tax

Shelby County Commissioner Julie Ehemann testified in Columbus before the House Ways and Means committee on Wednesday to explain the impacts of the loss of the MCO sales tax on counties. Her testimony highlighted the challenges faced by county budgets and the need for a solution that provides fiscal stability. You can read her [testimony](#) here.



Shelby County also held a [meeting](#) with their county officials this week to discuss this issue.



All 88 Counties!

- 80
- 70
- 60
- 50
- 40
- 30
- 20
- 10

Action Item: Send your MCO sales tax resolutions to your state legislators

64 counties have passed resolutions urging their state legislators to protect counties from the negative effects of the Medicaid managed care sales tax loss. If your county has passed a resolution, be sure to send a copy of it to your state [reps](#) and [senators](#).

County commissioners testify at the Statehouse

With a variety of critical issues concerning counties circulating through the Ohio Legislature, several commissioners took the opportunity to testify at the Statehouse this week.

Adams County Commissioner Brian Baldrige testified before the House



Commissioner Baldrige

Finance subcommittee on Primary and Secondary Education on Wednesday. Commissioner Baldrige spoke in support of the Manchester School District, explaining the impact that two coal fire generation plant closures will have on his county. You can read his testimony [here](#).

Shelby County Commissioner Tony Bornhorst [testified](#) to the Ohio House Finance Subcommittee on Agriculture, Development and Natural Resources requesting additional funding for Ohio State University Extension and Soil & Water Conservation Districts, along with other items of importance to the CCAO Agriculture and Rural Affairs Committee.



Commissioner Bornhorst

In regards to Extension, Bornhorst noted that the Administration's budget proposal in the As Introduced Version of HB 49 slightly reduces funding for Extension, and he urged the Subcommittee to increase the level of state support.

He also recognized that the proposed funding for Soil & Water Districts is only \$10.28 million, that would result in an historically low level of match at \$0.71 per local dollar invested. He urged additional funding in light of the valuable work the Districts do.

He also noted that the Ohio Agriculture Research and Development Center (OARDC) and Ohio's Sea Grant Program are funded at their FY 2016-2017 levels. And, he plugged the good work of The Ohio State University's College of Food, Agricultural and Environmental Sciences, and urged adequate funding for them, which is consistent with CCAO's Legislative Platform.

Commissioners Gary Lee and Dan Troy, co-chairs of the Joint Committee on Election Administration that CCAO and the Ohio Association of Elections Officials have formed to discuss and manage issues of mutual concern between commissioners and boards of elections, testified before the House Finance Subcommittee on State Government and Agency Review. Joining them in presenting testimony was Tim Ward, Madison County Board of Elections Director who is also a member of the joint committee.

Lee, ([Lee testimony](#)), Troy ([Troy testimony](#)), and Ward urged the House to include funding for new voting machines in HB 49, the state biennial budget bill. CCAO and OAEO are asking the Legislature to develop and finance a plan that will lead to the timely replacement of the current voting equipment which was purchased back in 2016 under the Help America Vote Act and is quickly reaching the end of its useful life.



Commissioner Lee



Commissioner Troy

CCAO, OAEO, and the Secretary of State's Office have been working with the state Department of Administrative Services to place voting equipment from the various vendors on state term contract to provide fixed pricing for the counties. Once those prices are known the boards of elections and the county commissioners/councils are to meet and prepare a letter of intent to send to the Secretary of State which expresses their interest in certain equipment and their estimated cost for purchasing this equipment. The Secretary will then compile the county responses and notify the General Assembly and Administration with an estimated total state-wide cost for new elections equipment which will be

available prior to completing the deliberations on HB 49, the FY18/19 biennial state budget.

Commissioner Tom Whiston submitted testimony on the Governor's proposal to make changes to the Bureau of Children with Medical Handicaps (BCMh). The proposal, which creates a new BCMh program within the Dept. of Medicaid and allows a phase out of the current BCMh program housed within the Dept. of Health, garnered a lot of attention in this week's committee. Whiston spoke in support of the proposal, citing his experience as a registered pharmacist as well as a commissioner. You can read Commissioner Whiston's [testimony](#) here.



Commissioner Whiston

These BCMh materials released by the Governor's Office of Health Transformation offer a lot of helpful information on the proposal: [BCMh proposal](#)
[BCMh FAQ](#)

Department of Rehabilitation and Correction's (DRC) proposal to require Felony 5 offenders to remain in the community receiving CCAO's attention

The Governor's budget includes a proposal by the Department of Rehabilitation and Correction's (DRC) to require Felony 5 offenders to remain in the community. Under the Targeting Community Alternatives to Prison (T-CAP) program, DRC would provide grant funding to the participating counties to treat low-level offenders in their communities and provide a variety of supervision services within the community.

This proposal was the subject of the CCAO Justice and Public Safety Committee meeting held this Tuesday. This meeting was open to the general membership and 17 commissioners were in attendance. Representatives from the Buckeye State Sheriffs Association (BSSA), the Ohio Prosecuting Attorneys Association (OPAA), and the Ohio Judicial Conference (OJC) along with several judges also were present.

DRC Director Gary Mohr and his staff, along with Clinton County Common Pleas Judge Tim Rudduck, presented the proposal, answered questions and engaged in a dialogue with the 35 people in attendance for almost two and a half hours.

After the conclusion of this meeting the commissioners present stayed and discussed the proposal for over an hour and developed the attached [white paper](#) which outlines seven key issues of concern that leads CCAO to be unable to support the program at this time.

On Wednesday CCAO Legislative Counsel, John Leutz presented this white paper in testimony before the House Finance Transportation Subcommittee which has jurisdiction over the DRC budget. Then on Thursday morning the Subcommittee Chair, Representative Rob McColley, convened an interested parties meeting with DRC Director Mohr and representatives from CCAO, OJC, BSSA, and OPAA to discuss the various issues regarding the proposed T-CAP program. As a result of that meeting Representative McColley indicated that he intends to prepare a draft for the interested parties to review for a revised T-CAP program.

As we understand it, the draft will remove the provision requiring mandatory participation by the counties, allow discretion to the common pleas judges to send an F5 offender to prison under certain conditions and make provisions for reimbursement to the county from the grant funds for time served by an F5 offender in the county jail.

Proposal to trade county funding responsibility for elections & indigent defense in lieu of LGF \$

The concept of counties trading their funding responsibility for administering elections and providing indigent defense in exchange for the state keeping counties' Local Government Funds that would go into their general fund is being researched further.

This idea came up most recently at the CCAO legislative briefing in Lima by the Allen County Commissioners. Prior to that, the idea was submitted for consideration during CCAO's Legislative Platform Development process last fall.

Representative Keith Faber, whose district includes Allen County, is working with the Legislative Service Commission (LSC) to analyze how the numbers add up. They are working to compile figures for a four-year time period to see how counties would fair.

Stay tuned for more information on this concept. If you have thoughts, please feel free to contact CCAO Staffer Cheryl Subler at 614-220-7980 or at csubler@ccao.org.

Deadline for input on ODJFS changes is TODAY (3/24/17)

The Ohio Department of Job and Family Services (ODJFS) is amending an Ohio administrative rule that will change the methodology behind child support allocations. The deadline to comment on this rule is **today** (3/24/17).

The new rule states that beginning in state fiscal year (SFY) 2018, ODJFS will:

- Allocate a base amount of 10% of the total statewide amount equally to each CSEA;
- Allocate the remaining funds based on each county's cases with established support orders and each county's collection base percentage; and
- Apply a hold harmless provision of 10%.

If you would like to enter comments on how this would affect your current child support allocations, please click this [link](#) and see description "8035 State Child Support Allocations."

Statehouse, Etc.



Post-traumatic stress disorder (PTSD) amendment discussed during BWC budget hearing. The House Insurance Committee received testimony from several witnesses on Wednesday requesting an amendment that would allow workers comp claims for PTSD that is not related to a physical injury for peace officers, fire fighters and emergency medical workers. The amendment was not adopted, but a separate bill ([SB 118](#)) was introduced yesterday by Senators LaRose and Brown that addresses the same issue.

CCAO is continuing to monitor and have conversations on both the BWC budget bill (HB 27) and SB 118. In the past, we have advocated that PTSD coverage should be obtained through private insurance, rather than the workers comp program.

If you have any questions, please contact [Kate Neithammer](#).

Bills Introduced



SB 103

EMERGENCY PROGRAMS ([COLEY, B.](#))

To permit a board of county commissioners, as an alternative to entering into an agreement to establish a countywide emergency management agency, to enter into a contract of not longer than four years with the county sheriff or a chief of a fire department that has countywide authority to implement a countywide emergency management program.

SB 112

INFRASTRUCTURE FUND ([SCHIAVONI, J.](#))

To establish the green infrastructure fund and to make an appropriation.

SB 113

FUEL TAX ([COLEY, B.](#))

To levy an additional registration tax on passenger cars, noncommercial motor vehicles, and commercial cars and trucks beginning on January 1, 2020; to authorize a per-gallon motor fuel retail price reduction for consumers that is equal to the state per-gallon motor fuel tax of \$.28; and to exempt each gallon of motor fuel that is sold at the reduced retail price from the state motor fuel tax.

SB 116

MILITARY TRANSFERS ([LAROSE, F.](#), [WILLIAMS, S.](#))

To permit persons who quit work to accompany the person's spouse on a military transfer to be eligible for unemployment compensation benefits.

HB 137

CHILD ABUSE REPORTING ([KENT, B.](#))

To make municipal and county peace officers mandatory reporters of child abuse or neglect.

HB 138

WAGE DISCRIMINATION ([SMITH, K.](#), [BOYD, J.](#))

To require the Ohio Civil Rights Commission to establish a system for individuals to make anonymous complaints regarding employers discriminating in the payment of wages.

HB 139

PUBLIC DISCLOSURE ([PERALES, R.](#), [KELLER, C.](#))

To eliminate the public disclosure exemption for any permanently retained record 100 years after the date of its creation.

HB 142

CONCEALED WEAPONS ([WIGGAM, S.](#))

To eliminate the requirement that a concealed handgun licensee notify a law enforcement officer that the licensee is carrying a concealed handgun when stopped.

HB 147

HUMANE SOCIETIES ([HAMBLEY, S.](#))

To make changes to humane society law and to make humane society agents subject to bribery law.

HB 156

VISION CARE INSURANCE ([SCHURING, K.](#))

Regarding limitations imposed by health insurers on vision care services.

HB 158

MILITARY TRANSFERS ([PERALES, R.](#), [CRAIG, H.](#))

To permit persons who quit work to accompany the person's spouse on a military transfer to be eligible for unemployment compensation benefits.

Hearing Schedule



MONDAY, MARCH 27

Conference Committee on HB 26

(Chr. [Smith, R.](#), [\(614\) 466-1366](#)), Rm. 313, 3:00 pm

HB 26

TRANSPORTATION BUDGET ([MCCOLLEY, R.](#))

To make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of those programs. --1st Hearing-Possible amendments & vote

TUESDAY, MARCH 28

House Financial Institutions, Housing & Urban Development

(Chr. [Dever, J.](#), [\(614\) 466-8120](#)), Rm. 122, 9:00 am

HB 46

COUNTY INVESTMENTS ([SPRAGUE, R.](#))

To modify the qualifications regarding notes eligible for investment of county inactive moneys and money in the public library fund. --2nd Hearing-Proponent-Possible amendment

HB 104

CREDIT ACCOUNT DEBT ([SCHAFFER, T.](#))

To allow vendors to receive a refund of sales tax remitted for bad debts on private label credit accounts when the debt is charged off as uncollectible by the credit account lender. --2nd Hearing-Proponent-Possible amendment

House Finance

(Chr. [Smith, R.](#), [\(614\) 466-1366](#)), Rm. 313, 9:00 am

HB 28

IC BUDGET ([BRINKMAN, T.](#))

To make appropriations for the Industrial Commission for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of Commission programs. --1st Hearing-Sponsor-Possible amendments & vote-Pending referral

HB 49

BIENNIAL BUDGET ([SMITH, R.](#))

To provide authorization and conditions for the operation of state programs. --6th Hearing-All testimony

House Ways & Means

(Chr. [Schaffer, T.](#), (614) 466-8100), Rm. 121, 9:00 am

SB 9

SALES TAX HOLIDAY ([BACON, K.](#))

To provide for a three-day sales tax "holiday" in August 2017 during which sales of clothing and school supplies are exempt from sales and use taxes. --3rd Hearing-All testimony-Possible substitute & vote

HB 116

SALES TAX ([MERRIN, D.](#))

To exempt prescription eyeglasses, contact lenses, and other optical aids sold by licensed dispensers from sales and use tax. --2nd Hearing-Proponent

HB 118

PROPERTY TAX COMPLAINTS ([MERRIN, D.](#))

To expressly prohibit the dismissal of a property tax complaint for failure to correctly identify the property owner. --2nd Hearing-Proponent

Senate Insurance & Financial Institutions

(Chr. [Hottinger, J.](#), (614) 466-5838), Finance Hearing Rm., 9:30 am

Confirmation hearing on governor's appointment of Phillip Buell, Credit Union Council

SB 87

DENTAL SERVICES ([HACKETT, B.](#), [HUFFMAN, M.](#))

To prohibit a health insurer from establishing a fee schedule for dental providers for services that are not covered by any contract or participating provider agreement between the health insurer and the dental provider. --1st Hearing-Sponsor

SB 93

HEARING AID COVERAGE ([BROWN, E.](#))

To require health insurers to offer coverage for hearing aids. --1st Hearing-Sponsor

SB 91

UNIVERSAL HEALTH CARE ([SKINDELL, M.](#), [TAVARES, C.](#))

To establish and operate the Ohio Health Care Plan to provide universal health care coverage to all Ohio residents. --1st Hearing-Sponsor

House Rules & Reference

(Chr. [Rosenberger, C.](#), (614) 466-3506), Rm. 119, 11:00 am

WEDNESDAY, MARCH 29

[House Transportation & Public Safety](#)(Committee Documents)

(Chr. [Green, D.](#), [\(614\) 644-6034](#)), Rm. 017, 9:00 am [Add to Calendar](#)

[House Finance](#)

(Chr. [Smith, R.](#), [\(614\) 466-1366](#)), Rm. 313, 9:00 am

[HB 49](#)

BIENNIAL BUDGET ([SMITH, R.](#))

To provide authorization and conditions for the operation of state programs. --7th Hearing-All testimony

[House Government Accountability & Oversight](#)

(Chr. [Blessing, L.](#), [\(614\) 466-9091](#)), Rm. 114, 9:30 am

[HB 18](#)

SPECIAL ELECTIONS ([PELANDA, D.](#), [RETFERFORD, W.](#))

To eliminate the requirement of holding a special election to fill a vacancy in a party nomination for the office of representative to Congress under certain circumstances. --3rd Hearing-All testimony- Possible amendments & vote

[HB 41](#)

VOTER REGISTRATION ([PELANDA, D.](#))

To modify the law concerning challenges to voter registrations, the appointment of observers, and the procedures for processing absent voter's ballots and for casting absent voter's ballots in person. --3rd Hearing-All testimony

[Senate Government Oversight & Reform](#)

(Chr. [Coley, B.](#), [\(614\) 466-8072](#)), Finance Hearing Rm., 9:45 am

[House Rules & Reference](#)

(Chr. [Rosenberger, C.](#), [\(614\) 466-3506](#)), Rm. 119, 10:45 am

[Senate Rules & Reference](#)

(Chr. [Obhof, L.](#), [\(614\) 466-7505](#)), Majority Conf. Rm., 11:00 am

[Senate Session](#)

(Chr. [Obhof, L.](#), [\(614\) 466-4900](#)), Senate Chamber, 1:30 pm

[House Session](#)

(Chr. [Rosenberger, C.](#), [\(614\) 466-3357](#)), House Chamber, 1:30 pm

Senate Energy & Natural Resources

(Chr. [Balderson, T.](#), (614) 466-8076), Finance Hearing Rm., 2:30 pm or after session

Confirmation hearing on governor's appointment of Brandon Calhoun, Technical Advisory Council on Oil and Gas

SB 51

LAKE ERIE ([SKINDELL, M.](#), [EKLUND, J.](#))

To authorize the creation of a special improvement district to facilitate Lake Erie shoreline improvement. --2nd Hearing-Proponent

House Community & Family Advancement

(Chr. [Ginter, T.](#), (614) 466-8022), Rm. 114, 4:00 pm

HB 50

EBT CARDS ([SCHAFFER, T.](#))

To establish requirements for electronic benefit transfer cards issued under the Supplemental Nutrition Assistance Program. --4th Hearing-All testimony

THURSDAY, MARCH 30

House Finance

(Chr. [Smith, R.](#), (614) 466-1366), Rm. 313, 9:00 am

HB 49

BIENNIAL BUDGET ([SMITH, R.](#))

To provide authorization and conditions for the operation of state programs. --8th Hearing-All testimony

House Session

(Chr. [Rosenberger, C.](#), (614) 466-3357), House Chamber, 11:00 am