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# STATEHOUSE REPORT

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**July 28, 2017**

## **State budget - awaiting Senate's action on veto override**

The Senate has yet to confirm when they will return to address the veto overrides passed in the House, however they do have a couple "if needed" session dates for Wednesday, August 16<sup>th</sup> and Wednesday, August 23<sup>rd</sup>. The first official session date on the fall calendar is Wednesday, September 20<sup>th</sup>. We continue to hear that the members of the Senate are supportive of an override on the veto of the MCO proposal that aimed at addressing counties and transit authorities' lost MCO sales tax revenue.

**BUDGET**

We cannot let up on our advocacy! We are aware that the Governor's office is continuing to talk with members of the Senate to encourage them to uphold the Governor's veto. Please continue to talk with your Senator about the importance of this issue to the counties, and your county specifically.

## **CCAO holding meeting for members on T-CAP on August 8**

CCAO Members are urged to attend a meeting hosted by the CCAO General Government and Justice & Public Safety Committees regarding the T-CAP program. The meeting will be held at the CCAO office from 11:00 AM to 1:00pm on Tuesday August 8.

Chris Galli, the Director of DRC's Bureau of Community Sanctions which is responsible for administering the T-CAP grant program, will be present to discuss the program and answer questions regarding the grant application, application process, MOU required to be submitted with the grant, allocation of funding, how reimbursement to the county for housing T-CAP individuals in the county jail is to work, along with other general information regarding the concept of community corrections and community corrections programs.

Lunch will be provided after the meeting so we ask that you RSVP by August 1<sup>st</sup> to Mandi Fuerst at [mfuerst@ccao.org](mailto:mfuerst@ccao.org).

## **T-CAP program grant application – key points:**

- **The application deadline is AUGUST 21 at 8:30 AM.** This is the ONLY OPPORTUNITY for a VOLUNTARY COUNTY to apply for a FY 2018-2019 T-CAP grant.
- TARGET COUNTIES (the ten largest counties) MAY apply NOW for both years of the biennium or WAIT until April/May of 2018 to apply for FY 2019 when they are required to participate.
- The prohibition from sending the T-CAP target population of F5 offenders is not effective until JULY 1, 2018, or the beginning of FY2019.
- The grant application/MOU must be signed by the board of commissioners and the court of common pleas administrative judge along with the sheriff and an official of any municipality operating a local correctional facility to which the common pleas court would sentence offenders under the grant proposal.
- The grant application must contain the per diem jail housing cost that will be applied to F5s housed in the jail and document how that cost was determined
- The grant should not plan to allocate more than 50% of the grant funds received on jail incarceration.
- A voluntary county that sends a T-CAP offender to prison will have their grant funding reduced by \$72 per day per person.
- The grant funding period will run from Sept 2017 through June 30, 2019, with funds distributed quarterly.
- T-CAP program [grant documents](#).

If you have questions, contact John Leutz at [jleutz@ccao.org](mailto:jleutz@ccao.org) or 614-220-7994.

## **Tighter controls on use of government credit cards proposed**

Legislation was introduced this week to require certain political subdivisions and entities to adopt credit card usage policies for their employees and officials, detailing allowable uses, the number of cards, who can use them, credit limits and reissue periods. The measure, [House Bill 312](#), is sponsored by [Rep Dave Greenspan](#) (R-Westlake) and [Rep Kirk Schuring](#) (R-Canton).

Counties are largely excluded from the bill since their enabling statutes include a number of safe guards; however, CCAO staff will continue discussions with the Auditor of State's Office, who initially proposed the measure, along with the bill sponsors to modernize how counties use credit cards to procure goods over the internet, in accordance with a locally adopted policy. The bill would prohibit counties as well as other local governments from issuing debit cards to their employees.

House Bill 312 would apply to soil and water districts, agricultural societies, water and sewer districts, townships, municipalities, schools and park districts. The legislation responds to a

recent [survey](#) conducted by the state auditor which found that 10% of political subdivisions do not have a credit card policy in place; 5% of respondents reported using debit cards to conduct government business; and, some government entities have very large credit limits, including 32 local government entities with limits of \$100,000 or more and another four with credit exceeding \$1 million.

The sponsors indicated that the bill is responsive, responsible legislation and that without it there is potential exposure for local governments to negligently use or abuse credit cards in a way that will ultimately cost taxpayers dollars.

If you would like additional information, please contact CCAO staffer Cheryl Subler at [csubler@ccao.org](mailto:csubler@ccao.org) or at 614-220-7980.

## **Child support allocation rule to be re-heard by JCARR**

A [proposed rule](#) to change the state funding formula for county child support enforcement agencies (CSEA's) has been refiled and will be heard by the Joint Committee on Agency Rule Review (JCARR) Monday afternoon. Earlier this spring the proposal was considered by JCARR but was pulled by the Ohio Department of Job and Family Services (ODJFS) to correct their fiscal analysis, which was questioned by several counties during testimony.

The proposed change would redistribute dollars among counties. Forty-seven counties will receive an increased child support allocation while forty-one will receive a reduced allocation in SFY 2018. However, the rule incorporates a time delay by including a "hold-harmless" provision that limits the allocation change (increase or decrease) to a set percentage of the allocation amount for that county in the previous state fiscal year; the percentage for the first year the rule will be in effect is four percent (4%) and for each subsequent year it is ten percent (10%). This provision will spread the reduction in resources over a number of years.

The reaction among counties has been mixed. Some counties testified in the past the change in the funding formula does not take into account the work some CSEA's perform before they get to an enforcement order, and said counties that have higher poverty rates will be more affected than others. On the other hand, some contend the current formula creates disparities.

## **Supreme Court rejects municipal red light camera restriction**

The Ohio Supreme Court found various provisions enacted by the legislature regulating the use of red light cameras by municipalities to violate the municipal home rule provisions of the Ohio Constitution. The Court specifically held the provisions requiring that a law-enforcement officer be present at each camera, a ticket cannot be issued unless a vehicle exceeds the posted limit by a stated amount, and municipalities must conduct a safety study and wage a public-information campaign are not general laws and are unconstitutional.

The [5-2 decision](#) in *Dayton v. State*, 2017-Ohio-6909, struck down the three provisions which had been enacted in SB 342 of the 130<sup>th</sup> General Assembly that had passed in December 2014.

A majority of the court found that the restrictions did not meet the four-pronged case law test for what constitutes "general laws" of the state, which would allow them to supersede home rule authority, and was defined in *Canton v. State* a 2002 opinion of the Court. The *Canton* test

requires the legislation to be: part of a statewide and comprehensive legislative enactment; apply to all parts of the state alike and operate uniformly throughout the state; set forth police, sanitary, or similar regulations, rather than purport only to grant or limit legislative power of a municipal corporation to set forth police, sanitary, or similar regulations; and prescribe a rule of conduct upon citizens generally.

Three of the justices found that statute fell short regarding the third component of the test, opining that when a statute expressly grants or limits the legislative power of a municipal corporation to set forth police, sanitary, or similar regulations, without serving an overriding statewide interest, then the statute, or a portion of it, violates the Home Rule Amendment. Two of the justices wrote a concurring opinion based on different grounds, writing that the restrictions violate home rule because they fail to prescribe a rule of conduct upon citizens generally and as a result, violated the fourth component of the test.

Portions of the law that went unchallenged included provisions dictating how citizens can challenge tickets, restrictions on insurance companies using red light camera violations when setting rates, and a requirement that manufacturers of the devices provide maintenance records to cities and annually test their accuracy.

## **Anti-fracking county charter proposals rejected**

Petitions submitted by anti-fracking groups proposing county charters have been rejected by the Medina and Athens county courts.

HB463, enacted last year included language requiring a board of elections or the secretary of state to invalidate local petitions if they determine it falls outside the local government's constitution authority or fails to satisfy the statutory prerequisites.

Athens County Common Pleas Court Judge George McCarthy sided with the local election board in rejecting the proposal from the Athens County Bill of Rights Committee. The Medina County plan, put forth by Sustainable Medina County, met similar resistance when Judge Peter Handwork issued a decision last week upholding the local election board's prior rejection.

In both cases, judges argued the proposals fail to adhere to Ohio law pertaining to the role of elected county officers. Additionally, the Athens judge determined that proposal lacked the required number of signatures - a claim proponents denied and said they intend to correct before appealing.

## **CCAO budget briefing & voting equipment expo**

**ONLINE REGISTRATION WILL BE AVAILABLE SOON!**



**August 14**  
CCAO Voting Equipment Expo  
9 AM to 4 PM  
Camp Perry Lodging and Conference Center  
1000 Lawrence Road – Bldg. 600, Port Clinton

**September 12**  
CCAO Budget Briefing/Voting Equipment Expo  
8 AM to 4:00 PM  
Olde Dutch Restaurant  
12791 OH-664, Logan

**August 28**

**September 18**

CCAO Budget Briefing/Voting Equipment Expo  
8 AM to 4:00 PM  
Warren County Administration Building  
406 Justice Drive, Lebanon

CCAO Budget Briefing  
8 AM to 1:00 PM  
Wood County Administration Building  
One Courthouse Square, Bowling Green

**August 29**

CCAO Budget Briefing/Voting Equipment Expo  
8 AM to 4:00 PM  
Shisler Conference Center  
1680 Madison Ave, Wooster

**September 21**

CCAO Budget Briefing  
8 AM to 4:00 PM  
CCAO Offices, 209 E. State Street  
209 E. State Street, Columbus

**Statehouse, Etc.**



**Budget Highlights** - The policy team has prepared a short document that [highlights](#) some of the issues in the state budget bill that may interest our members. A comprehensive overview of all the items included in the budget that will affect counties is being prepared and will be presented at our regional CCAO budget briefings (see schedule above).

**DRC holding conference call to discuss T-CAP** – DRC has issued a general invitation to anyone interested in the T-CAP program to participate in a conference call on Tuesday August 1, 2017, from Noon to 1:00 PM to answer questions about the T-CAP grant opportunity. If you have specific items you would like addressed, you mail email them ahead of time to DRC Bureau of Community Sanctions Chief [Christopher.galli@odrc.state.ohio.us](mailto:Christopher.galli@odrc.state.ohio.us). The Conference Call number is 1-877-820-7831 and the passcode is 485633#.

**Bills Introduced**



**HB 310**

**CONCEALED WEAPONS (VITALE, N.)**

To permit an elected officeholder of this state or a political subdivision of this state who holds a valid concealed handgun license to carry a concealed handgun in a government facility of this state or a political subdivision of this state.

**HB 312**

**POLITICAL SUBDIVISION SPENDING (SCHURING, K., GREENSPAN, D.)**

Regarding use of credit cards and debit cards by political subdivisions.

## Hearing Schedule



## TUESDAY, AUGUST 1

### Senate Agriculture , House Agriculture & Rural Development

(Chr. [Hite, C.](#), (614) 466-8150; Chr. [Hill, B.](#), (614) 466-8150), Ohio State Fairgrounds-Donahey Nationwide Ag./Hort. Building, 10:00 am

- Testimony from Virgil Strickler, General Manager of the Ohio State Fair; Dave Daniels, Director of the Ohio Department of Agriculture; Olivia Dorman, Fair Youth; Jim Zehringer, Director of the Ohio Department of Natural Resources; Milan Pozderac, FFA Officer; Adam Sharp, Executive Vice President of Ohio Farm Bureau Federation; Crista Wortkoetter, Ohio Fair's Queen; Bob Buxton, President of Ohio Fair Manager's Association; Cathann Kress, OSU Dean of College of Food, Agriculture, and Environmental Sciences; Scott Higgins, Ohio Dairy Producers and Joe Needham, Director, Food and Agribusiness, JobsOhio