



# STATEHOUSE REPORT

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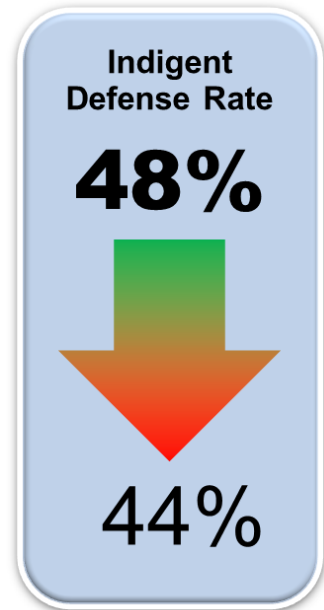
## Public defender reducing state reimbursement rate for indigent defense

State Public Defender Tim Young sent a [memo](#) this week notifying counties that his office will be reducing the reimbursement rate for non-capital cases from 48% to 44%. This change will begin with the reimbursement payments in January 2017 (reimbursing expenses counties paid or processed in November 2016). The reimbursement rate for capital cases will remain at 50%, as the legislature specifically earmarked general revenue funds for those cases.

This development is very disappointing and frustrating as counties worked very hard to lobby for the equal sharing of this expense with the state, and the Ohio House added a substantial amount of money in the budget last year to get to the 50/50 match. But, caseloads have gone up, the non GRF-revenue that helps fund reimbursement has been underperforming, and the language tied to the state reimbursement money has simply been an allocation. Thus, the state does not share in the unexpected budget pressures of this program, and counties have to make up the difference for the budget shortcomings.

CCAO encourages counties to continue to keep your lawmakers in the know about the need for the state to be an equal partner in providing indigent defense services and about this latest, disappointing development. Next state budget is going to be tight and tough, so ongoing dialogue is vital.

If you have questions, please contact CCAO Legislative Counsel John Leutz at [jleutz@ccao.org](mailto:jleutz@ccao.org) or at 614-221-5627.



## Lameduck session full of activity

This year's lameduck session was full of activity, and this edition of the *Statehouse Report* highlights issues impacting county government. The CCAO Policy Team will continue to update



the list below, and will craft county advisory bulletins on matters of particular interest to our members.

Action was taken to pass legislation authorizing public deferred compensation programs to offer a Roth product, thus enabling public employees to make post-tax contributions.

Local control was given to counties, municipalities, and townships regarding approval of favorable tax treatment on certain industrial and commercial property valuations. The CCAO policy team and its members spent a lot of time working with other interested parties and lawmakers for changes to Senate Bill 235, which originally did not provide any local discretion.

In addition, local control was granted to counties and other local governments to regulate concealed carry in certain public buildings. Employers are restricted from prohibiting employees from keeping guns in vehicles on employer property, though employers are not liable for incidents arising from a stored firearm. CCAO will produce a county advisory bulletin on this topic.

Lawmakers also established a better process to address proposed county charters and other initiatives that include unconstitutional authority or authority not vested by statute. House Bill 463, in the case of county charters, requires the board of elections to determine whether the petition falls within the scope to enact various authorities via initiative. If the board of elections' finding is challenged, the board must forward the protest to the Secretary of State to make a determination. The petition will be found to be invalid if any portion of the petition is not within the initiative power. Additional challenges can be filed with the courts; however, this new process allows these constitutional and legal questions to be addressed before the matter goes before voters.

Sadly, no action was taken to address elected official compensation beyond what current law provides.

The CCAO Policy Team would like to thank our members for all their advocacy efforts this past month and throughout the 131<sup>st</sup> General Assembly. And, during this holiday season, please take a moment to show your appreciation to your lawmakers for their work and share with them matters that are important to your county.

## **Agriculture and Rural Affairs**

- ANIMALS RUNNING AT LARGE – Expands the group of animals who are prohibited from running at large onto neighboring property. Specifically changes the terminology from “geese” to include all “poultry.” ([Senate Bill 235](#))
- ANIMAL FIGHTING - Prohibits and establishes an increased penalty for knowingly engaging in activities associated with cockfighting, bearbaiting, or pitting an animal against another. ([Senate Bill 331](#))

## General Government and Operations

- CONCEALED CARRY - Provides discretion to a board of county commissioners to regulate concealed carry in certain county buildings, and restricts employers from prohibiting employees from keeping guns in vehicles on employer property and language specifying an employer is not liable for incidents arising from a stored firearm. ([Senate Bill 199](#), though originally some of these provisions were in House Bill 48)
- DEFERRED COMPENSATION - Authorizes deferred compensation programs to offer a Roth product to their members so that public employees can make post-tax contributions. ([Senate Bill 220](#))
- COUNTY CHARTERS – Establishes a review process of proposed charters and initiatives, if challenged, on whether they would establish powers that are inconsistent with the constitution or powers granted by the General Assembly. Also addresses filing date error in current county charter statute. ([House Bill 463](#))
- SPECIAL ELECTION – Moves the recall of municipal officials to the next general or primary election. Currently a special election for purposes of recall must be held no later than 40 days after the signatures have been collected. ([House Bill 463](#))
- UNEMPLOYMENT COMPENSATION - Makes changes to Ohio's unemployment compensation program. Would freeze benefits for unemployed workers from 2018-2019 while the taxable wage base on employers increases slightly. There is an April 1<sup>st</sup> target for government, labor, and business groups to reach agreement on revisions that bring long-term solvency to the system. ([Senate Bill 235](#))
- AUTISM - Requires coverage of autism services. ([House Bill 463](#))
- HEALTH INSURANCE MANDATES – Requires the superintendent of insurance to conduct a study on the costs of all health care mandates under state law that apply to individual and group health insurance plans that are not subject to the Employee Retirement Income Security Act. ([House Bill 463](#))
- AIRPORT/PORT AUTHORITY MEETINGS – Allows airports and port authorities to conduct meetings via teleconference or interactive video conference. ([House Bill 455](#))
- HUMANE OFFICERS - Provides that a county humane officer can live outside the county of employment. ([Senate Bill 331](#))
- MINIMUM WAGE - Prohibits local jurisdictions from establishing a minimum wage different from that of the state minimum wage. ([Senate Bill 331](#))
- REAL PROPERTY INSTRUMENTS - Creates a presumption of validity of recorded real property instruments and reduces the time period for curing certain defects. ([Senate Bill 257](#))

- MILITARY PUBLIC RECORDS AND EMPLOYMENT PROTECTIONS - Specifies orders for active military services are not public records, and would provide the employment protections members of the Ohio National Guard enjoy to those who work in Ohio but are members of another state's National Guard. ([House Bill 471](#), though originally was in House Bill 423)
- STATE RETIREMENT SYSTEM – Makes changes to the state's retirement systems. ([House Bill 520](#))

## **Health & Human Services**

- MEDICAID - Makes changes to the Medicaid in Schools program. ([House Bill 89](#))
- FAMILY STABILITY COMMISSION - Creates the Ohio Family Stability Commission. ([Senate Bill 30](#))
- HOSPITAL BOARD ATTENDANCE - Provides that hospital board meetings can use telecommunication equipment for purposes attendance. ([Senate Bill 235](#))
- OPIATE ABUSE PREVENTION – Requires registration of pharmacy techs, allow for-profit methadone clinics to open in the state, extends civil immunity to Police and Sheriff's officers who deliver naloxone and provides waivers for local mental health boards that are unable to secure a full continuum of care. ([Senate Bill 319](#))
- COUNTY HOMES – Makes the board of commissioners the appointing authority for employees of a county home that contracts with an outside entity for their superintendent. ([House Bill 290](#))
- CHILD ABUSE REPORTING – Makes changes to the child abuse and neglect reporting law by permitting a single child abuse report to be made by a health care professional in cases where more than one professional has provided care to a child. ([House Bill 493](#))
- INFANT MORTALITY – Provides for the implementation of recommendations of the Commission on Infant Mortality. ([Senate Bill 332](#))

## **Jobs, Economic Development and Infrastructure**

- OHIO HOUSING TRUST FUND - Modifies the make-up of the Housing Trust Fund Advisory Committee by reducing the number of members. County government or local government remains present with two members. Adds a county recorder to the Committee. ([House Bill 471](#))
- OHIO MARKET ACCESS PROGRAM - Allows water-sewer districts and other smaller political subdivisions to join larger entities in participating in the Ohio Market Access Program, subject to the state treasurer's determination. ([House Bill 471](#))
- ENERGY STANDARDS - Resumes the state's frozen energy standards as goals for two years. ([House Bill 554](#))

- MICRO WIRELESS FACILITIES - Establishes regulations that can apply to the construction and attachment of micro wireless facilities in a municipal corporation public way. ( [Senate Bill 331](#) )
- WORKFORCE GRANTS – Changes the process for awarding Ohio Workforce Grants ([Senate Bill 3](#))

## **Justice and Public Safety**

- CIVIL ASSET FORFEITURE - Revises the civil asset forfeiture process. Under the bill a civil forfeiture action can only be filed for an amount of money in excess of \$15,000. This figure will be indexed to inflation and will be confined to specific felony offenses. ([House Bill 347](#))
- POST-CONVICTION PROCEDURES - Modifies several post-conviction relief procedures impacting the clerk of courts office. ([Senate Bill 139](#))
- TRAFFIC LAWS - Requires motor vehicles to pass a cyclist at a distance of three feet to the left or greater. ([House Bill 154](#))
- TOWNSHIP POLICE - Provides township police officers serving a population of 50,000 or less to make arrests on national highways that are not part of the interstate highway system. ([House Bill 378](#))
- CRIMINAL JUSTICE COMMITTEE - Extends the life of the Criminal Justice Recodification Committee through June 30, 2017 to allow it to complete its work. ([House Bill 471](#))
- INTERLOCK DEVICES – Permits judges to require ignition interlock devices for first-time DUI offenders. ([House Bill 388](#))

## **Taxation and Finance**

- TAX EXPENDITURE COMMITTEE - Creates a Tax Expenditure Review Committee at the state level to periodically reviewing existing and proposed tax expenditures (i.e., in particular what items are exempted from taxation). ([House Bill 9](#))
- PROPERTY VALUATION FREEZE - Provides permissive authority to counties, municipalities or townships to freeze property valuation on commercial and industrial parcels for taxing purposes until the parcels are developed, sold or meet other criteria. The freeze is for up to 6 years, and an owner can re-apply for the freeze in valuation. ([Senate Bill 235](#))
- TAX INCREMENT FINANCING EXCLUSIONS - Creates a procedure that allows a property owner to exclude their parcel from a tax increment financing incentive district, under specific circumstances, by submitting a written response to the political

subdivision proposing the creation of the incentive district. ([Senate Bill 257](#), though originally was House Bill 12)

- TAX INCREMENT FINANCING RECEIPT - Allows land in a downtown redevelopment district to receive tax increment financing (TIF). ([Senate Bill 235](#))
- TAX INCREMENT FINANCING PAYMENTS – Allows cities to use tax increment financing payments in lieu of taxes to fund infrastructure projects. ([HB 384](#))
- HISTORIC PRESERVATION TAX CREDIT - Permits the third and fourth ranked projects to receive a catalytic certificate through the Historic Preservation Tax credit in addition to the two highest ranked projects. ([Senate Bill 235](#))
- DIGITAL DOWNLOAD EXEMPTION - Clarifies that digital jukebox downloads are not subject to the sales and use tax. ([Senate Bill 235](#))
- OIL AND GAS PRODUCTION PROPERTY EXEMPTION – Adds the distinction under the existing sales tax exemption for sales of tangible personal property (TPP) used or consumed in agriculture or mining that oil and gas production property used “directly in producing” crude oil and natural gas to include all aspects of the “production operation” regulated. ([Senate Bill 235](#))
- EMPLOYMENT SERVICES SALES TAX EXEMPTION CERTIFICATE – Requires purchasers of employment services to provide an exemption certificate to the service provider if the transaction is not subject to sales and use tax. This provision will have no fiscal effect. ([Senate Bill 235](#))
- MORTGAGE FORECLOSURE - Updates mortgage foreclosure laws. ([House Bill 463](#))