



**State Representative
John Patterson**

House Bill 323
Sponsor Testimony
State and Local Government Committee
November 1, 2017

Chairwoman Anielski, Vice-Chair Hambley, Ranking Member Holmes, and distinguished members of the House State and Local Government Committee, thank you for the opportunity to offer sponsor testimony on House Bill 323.

HB 323 would allow all Ohio municipal corporations that charge residents for garbage collection fees to certify unpaid amounts to the county auditor. The county auditor, in turn, would be required to enter those fees on the property tax list to be collected in the same manner as real property taxes.

According to current terms outlined in Ohio Revised Code (ORC) Section 701.10, only municipal corporations located in charter counties may certify unpaid garbage collection fees for collection through a property tax lien. This is an oversight in the ORC that needs to be corrected, as there are several municipalities in my district, and potentially yours, which are not located in charter counties and, therefore, have no recourse to collect these unpaid fees.

Essentially, by not providing a uniform, state-level, mechanism for the collection of these fees across all municipalities, this section of ORC language in its current form is allowing the citizens of some municipalities in Ohio to break local laws and not pay legally-levied fees, but not others. Why should only one subsection of municipal corporations be given the authority to collect unpaid garbage collection fees and not all of them? The answer is: there is no good reason. Because of this, I urge your support on this commonsense piece of legislation to fix what amounts to a very simple oversight in the ORC.

Additionally, ORC 701.10 currently does not specify that the fees must be certified to the county auditor. Rather, this section of code broadly names the county fiscal officer as the entity responsible for that. This has created further confusion amongst constituents in my district, and is another issue fixed by this bill.

Ohio Attorney General Mike Dewine recently issued an opinion regarding this exact issue. According to the opinion, which I would be pleased to provide to the Committee, "pursuant to ORC Section 715.261(B)(1), a county auditor may place on the tax list and duplicate the cost incurred for abating a public health nuisance that is certified to the county auditor by the clerk of

the legislative authority of a municipal corporation, when the public health nuisance is declared in accordance with a valid municipal ordinance.”

I recently met with representatives from the AG’s opinion section, and we agreed that while the opinion certainly brings more clarity to the issue, HB 323 is necessary and has their support.

Thank you for your consideration. We would be glad to answer any questions the committee may have.