



May 24, 2022

The Honorable Brett Hillyer, Chair
Ohio House of Representatives Civil Justice Committee
Vern Riffe State Office Building, 11th Floor
77 South High Street
Columbus, Ohio 43215

Dear Chairman Hillyer:

I am unable to attend today's hearing on HB 472. Quite frankly, I am both surprised and disappointed that the bill is receiving further committee consideration.

I am enclosing testimony concerning the bill, and would ask that you share it the members of the Ohio House Civil Justice Committee. Although yesterday I spoke with twenty-eight county seat mayors, the testimony proffered has not been circulated among the chief elected officials of Ohio's 938 municipalities. Therefore, please consider that my testimony represents my views and not necessarily those of our entire membership.

In recent months, the recruitment of public safety officers has been increasingly difficult. The convergence of national and local events has made the public safety profession less desirable. Grand juries and citizens regularly second-guess the split-second decisions that first responders have to make. Further tying the hands of first-responders with onerous legislation is certainly not helpful. To the contrary, it is detrimental.

This past year, I have traveled the state, visiting every county seat mayor. From our largest county seat (the City of Columbus) to the smallest (the Village of McArthur), public safety was one of the six pressing topics of concern that was raised in every jurisdiction. The members of the General Assembly should be working to improve the safety of our citizens, not passing legislation that would have the opposite effect.

I wish my schedule allowed me the opportunity to meet with the members of your committee in person. Certainly if any of you want to communicate with me, I can easily be reached via email (mbarhorst@sidneyoh.com) or by phone (937.498.8792 – city hall).

Sincerely,



Mike Barhorst
President

enc.

c: K. Scarrett
J. Thebout
B. Stahler
B. Cook
file

**Written Testimony Before
the
Ohio House Civil Justice Committee
on
House Bill 472
May 24, 2022**

Chair Hillyer, Vice Chair Grendell, Ranking Member Galonski and members of the House Civil Justice Committee, thank you for the opportunity to provide written testimony in opposition to HB 472.

As you well know, ORC 2744.02 currently provides public safety personnel with immunity for emergency vehicle operations during an emergency response unless their conduct is willful, wanton, or reckless. As currently written, HB 472 would remove those protections.

There are myriad studies that all conclude that response time in emergency situations is critical. For example, fires double in size every minute. I had the opportunity to witness this first-hand in controlled experiments conducted by Underwriters Laboratories Fire Safety Research Institute in Sidney, Ohio in 2018. Using closed circuit television, I watched in real-time a very small spark consume a room and then quickly begin to spread to the remainder of the home.

Numerous studies have also concluded that response time in medical emergencies is every bit as critical. The chances of surviving a major medical incident decreases by more than 10% with each passing minute. If it takes an ambulance six minutes to reach a heart attack victim and medical aid has not been rendered before the crew's arrival, there is but a 40% chance of the victim surviving.

Between 2009 and 2020, 1,363 people in the United States were killed and 947 more were wounded in 240 mass shootings, an average of 20 shootings each year. Among those killed were 362 children and teens killed as well as 21 law enforcement officers killed. Another 35 law enforcement officers were wounded. If we've learned nothing else from these incidents, we've learned that the more quickly law enforcement can arrive and engage the perpetrator, the more quickly the incident is brought to a conclusion.

Whether the first responders are law enforcement, fire suppression, or emergency medical, time is critical in every type of emergency situation. Current law provides that there is no immunity for political subdivisions "when the injury, death or loss is caused by the negligent operation of any motor vehicle by an employee when engaged within the scope of employment and authority, in which case the political subdivision is generally liable for the injury, death, or loss." (ORC2744.02)

The proposed statute would place municipal police, fire and emergency personnel in the same position as the average Ohio motorist, as it relates to his or her responsibilities to

fellow motorists while responding to emergency calls. This would be a significant and potentially catastrophic departure from the current status that has served Ohio municipal corporations and those seeking emergency services throughout the state of Ohio well for many years.

In recent months, the recruitment of public safety officers has been increasingly difficult. The convergence of national and local events has made the public safety profession less and less desirable. Grand juries and citizens regularly second-guess the split-second decisions that first responders have to make. Further tying the hands of first-responders with onerous legislation such as HB472 is certainly not helpful.

As president of the Mayors Association of Ohio, I have traveled the state during the past year, visiting every county seat mayor. From our largest county seat (the City of Columbus) to the smallest (the Village of McArthur), I asked the mayor with whom I was visiting their most pressing problems. Public safety was one of the six most critical topics that was raised in nearly every jurisdiction. The members of the General Assembly should be working to improve the safety of our citizens, not passing legislation that would have the opposite effect.

I wish my schedule allowed me the opportunity to offer my testimony in person. Certainly if any of you want to communicate with me, I can easily be reached via email (mbarhorst@sidneyoh.com) or by phone (937.498.8792 – Sidney City Hall).

Sincerely,



Mike Barhorst, President
Mayors Association of Ohio