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Fiscal Note & Local Impact Statement

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Version: As Introduced

Primary Sponsor: Rep. Schmidt

Local Impact Statement Procedure Required: No

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Highlights

- Local boards of health will incur costs to license and inspect special use pools located at amusement or water park attractions. However, boards may charge fees up to the actual cost associated with conducting these activities. Thus, fee revenues collected should offset costs.
- Local boards of health transmit a portion of the pool license fee to the Ohio Department of Health (ODH). If additional license fees are collected for special use pools at amusement or water park attractions, ODH could realize an increase in fee revenue deposited into the General Operations Fund (Fund 4700).
- Municipal pools will annually pay the Department of Agriculture (AGR) either \$385 or \$545 in permitting and licensing fees for each special feature. It is unclear how many pool facilities will be impacted and how many special features will need to be permitted and inspected.
- AGR will need to hire an additional ride inspector to carry out the duties under the bill, a new payroll cost of approximately \$104,000 per year. These costs will at least be partially offset from additional permitting and inspection fees deposited into the Amusement Rides Fund (Fund 5780). Other costs will be covered by the GRF.
- Local and state entities that operate a public swimming pool, public spa, or special use pool may realize costs to ensure that carbon monoxide detectors are installed in specified areas. The cost will likely be minimal, but will depend on the number of detectors necessary.

Detailed Analysis

Special use pools – ODH and AGR regulatory authority

The bill delineates which regulatory agency has authority, including licensure and inspection authority, over different elements of special use pools. Currently, which agency regulates a special use pool depends on where the pool is located. If a pool has a water slide or wave generating equipment and is located at an amusement park, it is licensed and inspected solely by the Department of Agriculture (AGR). Otherwise, local boards of health solely regulate and license the pool. Under the bill, AGR and the Ohio Department of Health (ODH) each license and inspect different aspects of each special use pool. A local board of health must license and inspect the appurtenant facilities, surrounding areas, water quality, and disinfection of any special use pool. AGR must license and inspect all of the following: (1) operation, (2) components, (3) structural integrity, and (4) physical safety.

AGR and ODH must adopt rules for the regulation of special use pools to reflect the new delegation of authority under the bill.

Fiscal impact

Currently, municipal or public swimming pools with a water slide or other amusement structure are regulated by ODH/local boards of health and amusement parks and water park attractions are regulated by AGR, specifically the Division of Amusement Ride Safety and Fairs. Under the bill, owners of special use pools will need to obtain a license to operate from both AGR and a local board of health. The local board of health will check for water quality and AGR will check for safety and structural integrity. The impacts to both entities are described below.

Local boards of health

Local boards of health receive fee revenue from pool operators for licensing and conducting inspections. Local boards do this in cooperation with ODH. Under current law, the fee charged consists of a local license fee, as well as the state fee. The local portion varies by local board. However, the local portion of the fee charged may not exceed the local board's cost of licensing and inspecting public swimming pools, public spas, and special use pools.¹ Thus, under the bill, local boards of health will incur costs to license and inspect special use pools located at amusement or water park attractions. However, fees collected should cover these costs. It is likely that boards will manage these additional duties with current resources. The state portion of the fee charged is currently \$80 for each public swimming pool, spa, and special use pool and \$55 for each additional pool, spa, or special use pool at the same location. ODH receives the state portion, which is deposited into the General Operations Fund (Fund 4700). If there are additional licenses issued for special use pools at amusement or water park attractions, ODH could receive additional revenues.²

Publically owned or operated pools subject to licensure

Under the bill, pools that have special features will incur additional licensing and inspection costs. Each special feature will require an annual permit costing \$225 and an annual

¹ R.C. 3749.04.

² R.C. 3749.04.

inspection cost of \$160, totaling \$385 per year. However some special features, such as certain water slides, require an additional inspection for \$160, totaling \$545 for that special feature. It is quite possible that publically operated pools have multiple special features that need to be licensed and inspected. While there are approximately 320 pool facilities in Ohio operated by local, state, or federal government, including primary and secondary schools, it is unclear how many facilities have special features and how many special features are present at each location.

Department of Agriculture

As a result of these new licensing and inspection responsibilities, the Division of Amusement Ride Safety and Fairs will need to hire an additional ride inspector. This position will cost approximately \$104,000 per year, including an hourly rate up to \$30.55 and approximately \$40,000 fringe benefit costs. These costs will at least be partially offset from additional permitting and inspection fees. These fees will be deposited into the Amusement Rides Fund (Fund 5780). A portion of the additional expenses will be funded by the GRF under appropriation line item 700511, Ride Inspection. The total number of special features that would need to be inspected is unclear. Permitting and inspections will need to occur on all special features at any public access swimming pool, which includes those operated by private businesses. Special features at water parks and amusement parks, as noted previously, are already permitted and inspected by AGR.

Additional pool-related requirements

The bill also requires a swimming pool, public spa, or special use pool licensed by ODH or a local board of health to ensure that carbon monoxide detectors are installed in all equipment rooms and all rooms adjacent to spaces containing fuel-burning equipment or vents carrying the products of combustion.

Additionally, a licensee must renew their license with ODH or the local board by April 30 of each year, rather than the current renewal date of May 31.

Lastly, the bill authorizes, rather than requires, the Director of Health to annually survey each board of health that licenses public swimming pools, public spas, and special use pools to determine whether or not the board is in substantial compliance with the laws governing those pools and spas. If the Director determines that a board is in compliance, the board is placed on an approved list and may license and regulate pools and spas within its jurisdiction.

Fiscal impact

Municipal or other public pools operated by state or local entities may experience an increase in costs to obtain carbon monoxide detectors under the bill. These costs are likely minimal but will depend on the number of detectors necessary. Additionally, there may be some minimal costs for local boards to adjust the renewal cycle from May 31 to April 30 (e.g., local rule changes, website updates to reflect the new renewal date, etc.). Lastly, ODH and local boards of health may realize some administrative savings if the Director opts to forego the annual survey on each board of health that conducts pool licensure.