

Ohio Township Association Legislative Alert



February 16, 2018

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Legislative Activity This Week

Monday, February 12

Court Action

Attorneys representing cities and villages across the state asked Franklin County Common Pleas Court Judge David Cain to issue an injunction to prevent the centralized collection of municipal net profits taxes from going into effect.

Tuesday, February 13

House Government Accountability & Oversight

HB 478 WIRELESS SERVICES (Smith, LaTourette) To modify the law regarding wireless service and the placement of small cell wireless facilities in the public way for municipalities.

Following the adoption of an amendment to clarify video service provider fees and existing rural electric cooperative contracts, the committee voted along party lines to report the measure to the full House for a vote.

House Energy & Natural Resources

HB 422 WATER SEWER ACQUISITIONS (Ginter, Rogers) To govern acquisitions of municipal water-works and sewage disposal system companies by certain larger nonmunicipal water-works or sewage disposal system companies.

No testimony was presented prior to the committee reporting the measure to the full House for passage.

HB 460 RIPARIAN BUFFERS (Patterson, Sheehy) To exempt qualifying riparian buffers in the Western Basin of Lake Erie from property taxation, to reimburse local taxing units for resulting revenue losses, and to require soil and water conservation districts to assist landowners with the creation and maintenance of riparian buffers.

The Ohio Environmental Council, the Ohio Farmers Union, the Ohio Farm Bureau Federation, and the Nature Conservancy testified in support of the measure. All groups touted the benefit the incentive program would have on the environment.

House Public Utilities

HB 143 ELECTRIC COMPANIES (Sprague) To clarify the definition of "electric distribution company" for kilowatt-hour tax purposes.

One Energy, Industrial Energy Users of Ohio, the Ohio Manufacturers Association and the Manufacturers' Policy Alliance testified in support of the measure, while the Ohio's Electric Cooperatives testified in opposition.

HB 402 TELEPHONE REGULATION (Hill) To revise state regulation of telephone companies.

A substitute version of the bill was accepted by the committee prior to testimony being heard from Ohio Telecom Association, AT&T, Southeastern Ohio Legal Services, Pro Seniors, Inc., and the Ohio Poverty Law Center.

Meeting

Rep. Arndt, Rep. Patterson, & Delaware Co. Prosecutor's office - HB 454

Wednesday, February 14

Transportation & Public Safety

HB 436 TRAFFIC SIGNS (Boggs, Leland) To permit a local resident, neighborhood association, or neighborhood organization to request the erection of a stop sign at an intersection and to support a request for a lower prima facie speed limit on certain streets and highways.

Sponsors Boggs and Leland said that the measure is designed to give local communities more control.

State & Local Government

HB 314 SAFETY TAX CREDIT (Schaffer) To allow an income tax credit for law enforcement officials who purchase safety or protective items to be used in the course of official law enforcement activities.

Prior to the bill being favorably reported by the committee to the full House for a vote, an amendment was accepted that would change the effective date of the legislation from 2017 to 2018. Additionally, OML provided written proponent testimony.

HB 454 CEMETERY LOTS (Patterson, Arndt) To require a township to compensate the owner of certain unused cemetery lots and rights which the township reenters after lack of response from the owner.

No testimony was presented and it was noted that there will likely be a substitute bill offered at the next hearing.

HB 470 LIGHTING FUNDS (Edwards) To authorize a property tax levy specifically to fund lighting for roads and public places.

Nelsonville City Council President and the OML presented proponent testimony.

House Session

HB 478 WIRELESS SERVICES (Smith, LaTourette) To modify the law regarding wireless service and the placement of small cell wireless facilities in the public way for municipalities.

The full House passed the bill by a 76-15 margin.

Other

Sen. Hoagland's office - grants for townships

Rep. Landis's office - grants for townships

Rep. Carfagna - omnibus township bill, HB 454

Deceptive Email Received by Townships

The OTA has been informed that a company has sent emails to township officials that requests a "Call to Action Campaign" by the Ohio Township Association. Please note, the OTA **DOES NOT** endorse, nor do we have any contractual relationship with this company. The OTA **HAS NOT** issued a call to action about health insurance providers.

Should you have any questions, please do not hesitate to contact the State Association office.

Recently Introduced Legislation

HB 500 TOWNSHIP LAWS (Carfagna) To make various changes to township law.

The legislation addresses several items requested from townships or county prosecutors all across Ohio. The bill, among other things:

- addresses several issues pertaining to zoning;
- would remove the acreage limitation for creating a new community authority in a township;
- would permit a township to file an issue or question for the ballot electronically with the board of elections;
- would create a levy option that could be used for permanent improvements and general infrastructure;
- would permit a township to create a community event fee;

- would eliminate the annual inventory report filing requirement with the county engineer;
- would raise the amount a township is authorized to spend on the erection of a veterans memorial; and
- would require the township trustees to sign off on a township road vacation being considered by the county commissioners.

Legislative Committee Schedule For Next Week

Tuesday, February 20

Senate Energy & Natural Resources (Ch. Balderson), Finance Hearing Rm., 9:30 a.m.

HB 225 OIL GAS WELLS (Thompson) To modify the law governing idle and orphaned oil and gas wells.

1st Hearing-Sponsor testimony

House Finance (Ch. Smith), Rm. 313, 10:00 a.m.

HB 378 BROADBAND GRANTS (Smith, Cera) To create the Ohio Broadband Development Grant Program and to make an appropriation.

4th Hearing-All testimony



Federal Update

The House and Senate were both in session this week. The House considered nine bills under suspension of the rules. The Senate opened debate on protecting as many as 1.8 million undocumented young immigrants from deportation, border security, and other immigration proposals with a cloture vote on the motion to proceed to H.R. 2579, an unrelated House-passed tax bill that will serve as the vehicle for the legislation. Congress has until March 5, 2018 to pass legislation protecting the Dreamers, otherwise, they may be subject to deportation from the U.S. beginning on that date. The debate, according to Senate Majority Leader Mitch McConnell (R-KY), will be structured so as to be "fair to everyone." Supporters of the various immigration proposals will need to get 60 votes to quash a filibuster.

On Monday, President Trump sent his proposed FY 2019 budget request to Congress and top Administration officials are scheduled to testify before various congressional committees to make their requests. In a break from a longstanding Republican goal, the plan will not balance the budget in 10 years. The Administration's request had to be adjusted to reflect the recently enacted agreement to raise defense and non-defense discretionary spending caps, which was included in a continuing resolution extending government funding through March 23. The bipartisan budget agreement, covering two years, would provide almost \$300 billion in additional funding and suspend the federal debt ceiling until March 2019. Appropriators are now awaiting their subcommittee's 302(b) allocations so they can hammer out details of an omnibus spending package for the remainder of FY 2018.

President Trump Unveils Infrastructure Plan

On Monday, President Trump unveiled his proposal for bolstering and improving America's infrastructure. [Click here to view a Special Report on the infrastructure proposal.](#) It is expected that at least six House committees and five Senate committees will be involved in the process of getting a version of this proposal signed into law. Congress now has ten months to draft, mark up, and pass legislation in order to move forward with enacting President Trump's proposal before the end of the 115th Congress (January 3, 2019).

Manufactured Homes Program Update

Park Licenses Mailed

- Processing of all manufactured home park license renewals is now complete, and all licenses have been mailed. If you have any

questions, contact Carol Ross at carol.ross@com.state.oh.us or 614-644-3495.

Zoning

- While at the Ohio Township Association trade show last week, our Manufactured Homes Program session sparked a conversation about "exclusive jurisdiction" of Commerce over manufactured homes parks.

- R.C. Sec. 4781.26 of the Ohio Revised Code gives the Division of Industrial Compliance exclusive power to adopt "rules of uniform application throughout the state governing the review of plans, issuance of flood plain management permits, and issuance of licenses for manufactured home parks; the location, layout, density, construction, drainage, sanitation, safety, and operation of those parks; and notices of flood events concerning, and flood protection at, those parks."

- There are a number of other situations where another government agency might have jurisdiction over a manufactured home park or park owner (e.g. a crime committed in a manufactured home park still falls under local law enforcement's jurisdiction, a public water system in a park still falls under the Ohio EPA's jurisdiction, etc.).

- If you have specific questions about the scope of the Division of Industrial Compliance's jurisdiction over manufactured homes parks, please contact us at IC@com.state.oh.us. If you have specific questions about your township's legal ability to draft or enforce regulations that affect parks or park owners, we recommend you contact your legal director.



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