

Ohio Township Association Legislative Alert



April 13, 2018

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Legislative Activity This Week

Monday, April 9

Sen. Coley, local government groups - HB 34 (public notices)

Tuesday, April 10

Senate Energy & Natural Resources

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

Scheduled for a 3rd hearing but not heard.

Senate Public Utilities

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.

Sponsors Ginter and Rogers provided testimony to the committee explaining the need for the legislation.

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.

The committee accepted a substitute bill that incorporated several changes requested by vocal opponent Crown Castle. A representative of Crown Castle testified that the company is now an interested party. CNX testified, once again, in opposition to the bill. The committee also heard testimony from Kathy Dir who urged the General Assembly to place a moratorium on small cell antennas which she said emit radiation causing cancer and other ill effects.

House Economic Development, Commerce & Labor

HB 171 EMS SHIFTS (Patmon) To limit the hours worked in a work shift and to require work breaks for emergency medical service providers.

After the acceptance of a substitute bill, Rep. Patmon provided sponsor testimony on the legislation.

Sen. Coley, OUPS, local government groups, utilities, contractors - legislative issues

Rep. Carfagna - HB 500 Township Laws

Auditor of State's Office - HB 553 & SB 268 Theft in Office; township issues

House State & Local Government

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

Prior to interested party testimony provided by the County Commissioners Association of Ohio, two amendments were accepted. One amendment removes the provision pertaining to fire personnel removal and the second amendment would allow only limited home rule townships, instead of all townships, the discretionary authority to submit zoning

text or amendments to the county or regional planning commission. Written testimony in support of HB 500 was provided by Milan Township and Vermilion Township in Erie County and Liberty Township in Butler County.

HB 530 LODGING TAX (Hambley, Arndt) To authorize local elected officers that have levied a hotel lodging excise tax, or a designee of such officers to simultaneously hold the position of officer or member of the board of trustees of a convention and visitors' bureau without constituting incompatible offices.

The president of the Lake Erie Shores and Islands testified in support of the measure.

HB 585 FIREARM LAWS (Henne) To expand the definition of dangerous ordnance to include armor piercing ammunition and expand the definition of an automatic firearm to include any device within the federal definition of machine gun; to create additional conditions under which an individual may not possess a firearm or dangerous ordnance and to eliminate the process by which an individual may apply for relief from a weapons disability; to generally prohibit a person from buying, purchasing, obtaining, or furnishing a firearm on behalf of a third party; to provide for the entry of protection orders into the federal NCIC database and LEADS; and to provide for the issuance by a court of an extreme risk protection order.

Rep. Henne provided sponsor testimony on the bill that contains Governor Kasich's recommendations per a working group he convened on the matter.

House Government Accountability & Oversight

HB 342 TAX LEVIES (Merrin) To permit local tax-related proposals to appear only on general and primary election ballots and not on an August special election ballot and to modify the information conveyed in election notices and ballot language for property tax levies.

The bill was scheduled for a 5th hearing but not heard.

SB 79 AGENCY REVIEWS (Jordan) To require standing committees of the General Assembly to establish a schedule for the periodic review of state departments that are currently in the Governor's cabinet, and to require that Auditor of State performance audits be scheduled to coincide with the periodic review.

Senator Jordan provided written sponsor testimony on the bill.

House Public Utilities

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

A substitute bill was accepted by the committee. A representative from the Southeastern Ohio Legal Services' Athens Area Office testified in opposition to the measure. Following the testimony, the committee broke for separate caucuses before returning and favorably reporting the sub bill to the full House for passage by a vote of 12-7.



Speaker Rosenberger announced his resignation effective April 12. Rep. Schuring will serve as Speaker of the House until a new Speaker is chosen.

Wednesday, April 11

Senate Public Utilities

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.

The measure was reported with no discussion and Sen. Williams casting the sole dissenting vote. The full Senate passed the measure later in the day by a vote of 26-7. The House voted to concur on the changes made to the bill while in the Senate by a vote of 72-17.

House Insurance

HB 459 WORKERS' COMPENSATION (Henne) To allow groups of employers to be granted status as a self-insuring employer for purposes of the Workers' Compensation Law.

The Construction Employers Association of Cleveland testified in support of the measure.

Tax Expenditure Review Committee

* Review of sales to churches and certain other non-profit organizations; sales to the state, any of its political subdivisions and certain other states; sales by churches and certain types of non-profit organizations; tangible personal property used primarily in manufacturing tangible personal property and packaging and packaging equipment.

Senate Government Oversight & Reform

SB 268 THEFT IN OFFICE (Wilson) To expand the increased penalties for theft in office based on the amount of property or services stolen and to include as restitution certain audit costs of the entity that suffered the loss involved in the offense.

Sponsor Wilson testified before the committee as to the need of the legislation.

SB 239 REGIONAL GOVERNMENT COUNCILS (Dolan) To modify the law concerning regional councils of governments.

The bill was favorably reported out of committee. Later in the day, the full Senate voted 33-0 to pass the measure, which now heads to the House for hearings.

House Civil Justice

HB 419 EMERGENCY LIABILITY (Henne) To modify the defense to the liability of a member of a police or fire department or emergency medical service of a political subdivision for the negligent operation of a motor vehicle in response to an emergency by requiring that the vehicle has its lights and sirens simultaneously activated.

No testimony was provided on the legislation. The OTA has a meeting set up to discuss concerns with this legislation.

House of Representatives

HB 378 BROADBAND GRANTS (Smith, Cera) To create the Ohio Broadband Development Grant Program, to encourage the Department of Transportation to work with telecommunications providers to lay fiber optic cable, and to make an appropriation.

House voted 85-11 in favor of the legislation, which now heads to the Senate for hearings.

Senate

HB 251 SUBDIVISION INVESTMENTS (Greenspan) To increase from five to ten years the maturity period of other political subdivision's bonds and obligations eligible for investment of a subdivision's interim moneys, a county's inactive moneys, and money in the county public library fund.

Senate voted 33-0 in favor of the measure.

County Commissioners Association - HB 500 Township Laws

Thursday, April 12

Sen. Hackett's office - Township Fire Services

Rep. Duffey - Water & Sewer Services

Rep. Carfagna's office - HB 500 Township Laws

County Commissioners Association - HB 500 Township Laws

Ohio Municipal League - HB 500 Township Laws

Fire Chiefs Association - HB 419 Sovereign Immunity

CORSA - HB 419 Sovereign Immunity

Rep. Edwards - Township Issues

****Your Help Is Still Needed!****

Water & Sewer Services and Rates Survey

We have been asked to assist in gathering data regarding water and sewer services being provided to township residents by municipalities. Would you please take a few moments and fill out this survey? You may provide the answers via [email to Heidi Fought](#), OTA Director of Governmental Affairs, or by [clicking here](#) and completing an electronic survey.

1. Do any of your township residents receive water and/or sewer services by a neighboring municipality?

- a. water
- b. sewer
- c. both
- d. neither (please skip to question 5)

2. In exchange for the water and/or sewer services, does the municipality:

- a. require annexation prior to connecting a property owner to the water and/or sewer line
- b. charge a higher rate for nonresidents to receive the service(s) than residents of the municipality
- c. require revenue sharing or other development agreement with the township in exchange for extending the water and/or sewer lines
- d. other _____

3. If a municipality requires annexation, how many acres have been annexed due to this requirement in the last 10 years?

4. If a municipality charges higher rates for nonresidents, what is that rate?

- a. water _____
b. sewer _____

5. Township Name? _____ / County Name? _____

6. What is the name of the municipality that is providing the water and/or sewer services? _____

7. What are the demographics (ethnicity, wealth/poverty level, population, land valuation, rural/urban) of your township?

Thank you for helping us in this research effort!

Am. HB 500 Omnibus Township Legislation

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

The County Commissioners Association of Ohio testified as an interested party ([see testimony](#)). Three townships provided written testimony in support of the measure - [Milan Twp.](#)/Erie Co., [Vermilion Twp.](#)/Erie Co., and [Liberty Twp.](#)/Butler Co.

The sponsor of the legislation, Rep. Carfagna, offered two amendments that were both accepted by the committee and now become part of the bill. The first amendment would remove the entire provision in HB 500 pertaining to the investigation of fire personnel. The second amendment would eliminate the mandatory requirement that a township submit proposed zoning resolutions or amendments to the county or regional planning commission for approval, disapproval or suggestions **for limited home rule townships only**, as opposed to all townships as previously stated in HB 500.

We are asking you to write a letter in support of HB 500 as a whole, or in reference to any provision in which your township is particularly interested. Letter should be mailed or emailed to the [House State & Local Government Committee](#) (click committee name for listing of members) and copy your House member and the State Association.

What's included in HB 500:

There are now eighteen (18) different provisions included in Am. HB 500 that impact townships. To read a brief overview of the items included, please [click here](#).

Recently Introduced Legislation

HB 593 DASHBOARD RECORDINGS (Ramos) To provide that portions of a peace officer's dashboard camera recordings that show an officer being killed or suffering grievous bodily harm in the line of duty are not public records and generally are confidential and may not be released.

HB 594 LOCAL GOVERNMENT PAYMENTS (Ramos) To provide for payments to municipalities or school districts for their lost income tax revenue after a business lays off 50 or more employees within their jurisdiction.



Recent Attorney General's Opinion

2018-009 County EMS

Syllabus:

1. A board of county commissioners providing emergency medical services throughout the county pursuant to R.C. 307.05 may not exclude a township located in the county from the provision of emergency medical services.

2. A board of county commissioners that operates an emergency medical services organization to provide emergency medical services throughout the county under R.C. 307.05 may not require a township in the county to pay for those services, unless the board of county commissioners and the board of township trustees have entered into a contract under R.C. 307.05 whereby the board of county commissioners agrees to furnish emergency medical services to the township in exchange for the payment of a fee.
3. If a county tax levy for ambulance and emergency medical services and a township tax levy for ambulance and emergency medical services are approved by the electors in the May 2018 election, both tax levies may be imposed on taxable property in the township.
4. A county tax levy for ambulance and emergency medical services may be imposed on taxable property in the township in the future even if, in the May 2018 election, a township tax levy for ambulance and emergency medical services is approved by the electors and a county tax levy for ambulance and emergency medical services is not approved.
5. The duplication of ambulance and emergency medical services and taxes for ambulance and emergency medical services may be avoided or minimized if the board of county commissioners and the board of township trustees enter into a contract for emergency medical services under R.C. 307.05, or if, pursuant to R.C. 307.052, the board of county commissioners forms a joint emergency medical services district that does not include the territory of the township.
6. The response time of a county emergency medical services organization may be evaluated by the organization's peer review and quality assurance programs or the State Board of Emergency Medical, Fire, and Transportation Services.

Legislative Activity Next Week (4/16-4/20)

Tuesday, April 17

Senate Local Government, Public Safety & Veterans Affairs, (Ch. Uecker), S. Hearing Rm, 9:45 a.m.

HB 291 GOVERNMENT INSURANCE (Wiggam) To authorize counties, townships, and municipal corporations to purchase an employee dishonesty and faithful performance of duty insurance policy, instead of a bond, for protection from loss due to the fraudulent or dishonest actions of, and the failure to perform a duty prescribed by law by, an officer, official, employee, or appointee for which a bond is required by law.

April 2018 OPERSource Now Available

The current issue of OPERSource is now available. To view the OPERS monthly newsletter, please click [here](#).

Federal Update

Congressional Activity

The House and Senate were in session this week. The House considered six bills under suspension of the rules, including a joint resolution (H.J. Res. 2) which proposes a constitutional amendment to require government spending to equal revenue starting five years after the amendment is ratified; the amendment would need two-thirds' majorities in both the House and Senate and ratification by 38 states to become the 28th Amendment to the U.S. Constitution.



Two weeks after enacting the final FY 2018 appropriations legislation, lawmakers are ramping up work on a new set of spending bills for FY 2019. Seven Cabinet secretaries (Agriculture, Energy, Homeland Security, Interior, Labor, Transportation, and Treasury) testified before the House and Senate Appropriations Committees in defense of their department budgets and priorities this week.
