Each week the OTA provides our members with a recap of legislative activities for the week, a preview of legislative activities for the following week and other information pertinent to township officials. To print this alert as a PDF, please click here.

Recent AG Opinion

2016-029 Compatibility of Offices

Syllabus:
1. A deputy county engineer who performs the duties of the county engineer in the county engineer's absence may not hold simultaneously the office of member of a village legislative authority.
2. A deputy county engineer who is responsible for planning, designing, and inspecting road or bridge work performed by a board of township trustees and making and approving estimates for township road projects may not hold simultaneously the office of township trustee in the same county.
3. A superintendent employed by the county engineer in the unclassified service may hold simultaneously the office of township trustee for a township within the county, provided that he does not approve, supervise, or inspect road work completed by the board of township trustees of which he is a member, does not have a prohibited interest in a contract between the county or county engineer and the township, and abstains from all discussions, negotiations, deliberations, and votes concerning any contemplated contracts or agreements between the township and the county or the county engineer that relate to the construction, repair, maintenance, or improvement of roads.

House Speaker Rosenberger Seeking Applicants for Medical Marijuana Advisory Committee

Ohio House Speaker Cliff Rosenberger announced this week that his office will be accepting applications for appointments to the Medical Marijuana Advisory Committee. The Advisory Committee will be charged with overseeing the implementation of the state’s new medical marijuana law (HB 523). In accordance with the law, Speaker Rosenberger is required to appoint a member who represents persons involved in mental health treatment and a member who represents patients.

To be considered for the appointments, those interested are asked to send a resume and cover letter no later than Sept. 16th to Speaker Rosenberger at 77 S. High St., 14th
Training Available for Fiscal Officers Regarding Hinkle System (Notes)

Throughout the month of October, the Auditor of State’s office will be providing in-depth and hands-on training on how to prepare notes to the township’s financial statements (whether you prepare Regulatory or OCBOA) that are to be submitted with the required annual filings in the Hinkle System.

The training is for TOWNSHIP FISCAL OFFICERS who do not prepare GAAP statements. The training will qualify for three (3) hours of continuing education credit.

Class sizes are limited and registration will be taken on a first-come, first-serve basis. Click HERE for more information or to register for the Auditor of State’s Hinkle System (Notes) Training.

National Association of Towns and Townships (NATaT)

Congressional Activity

On September 6, the Senate will resume consideration of the spending bill that includes $1.1 billion funding to combat Zika, in addition to the $575 billion FY 2017 Defense Appropriations bill (S. 3000). This fall, Congress will also likely consider a stopgap Continuing Resolution (CR) to fund the federal government from October 1 to mid-December, a FY 2017 omnibus appropriations bill, the Energy Policy Modernization Act of 2016 (S. 2012), the $602 billion FY 2017 National Defense Authorization Act (S. 2943), the 2016 Water Resources Development Act (S. 2848/H.R. 5303), the 21st Century Cures Act (H.R. 6), the Improving Child Nutrition and Education Act of 2016 (H.R. 5003/S. 3136), the Veterans First Act (S. 2921), and numerous other legislative items before the 114th Congress concludes on Friday, December 16.

Small Business Healthcare Relief Act

In early June, the House of Representatives passed by a voice vote H.R. 5447, which would restore the use of stand-alone HRAs that could be used to reimburse employees for qualified medical expenses and/or individual health insurance premiums. The bill would apply to businesses (such as townships) with fewer than 50 full-time employees and who do not offer a group health plan to their employees. Several Ohio congressional members are co-sponsors of the bill.

In late June, S. 3060 was introduced in the Senate. This bill, like H.R. 5447, will amend the Internal Revenue Code, the Patient Protection and Affordable Care Act (PPACA),
and other laws to exempt qualified small employer (fewer than 50 full-time employees and do not offer group health plans to any of their employees) health reimbursement arrangements (HRAs) from certain requirements that apply to group health plans. HRAs that meet the requirements set forth in S. 3060 would not be considered group health plans and would be exempt from various requirements that apply to group health plans, including coverage and cost-sharing requirements. Senator Portman is a co-sponsored of the legislation. The OTA sent letters to Senators Brown and Portman this week asking Senator Brown to consider co-sponsoring the legislation and thanking Senator Portman for his support. Additionally, we asked for swift action on the measure.

**Online Sales Simplification Act of 2016**

On August 25, House Judiciary Committee Chairman Bob Goodlatte (R-VA) released the long-anticipated discussion draft of the “Online Sales Simplification Act of 2016,” which attempts to resolve the long-running dispute among retailers, state governments, and online retailers over how to tax purchases made across state lines by introducing a new legal framework for cross-border sales. Sales would be taxed according to the tax base of the retailer and a single tax rate chosen by the consumer’s state. Several other highlights of the bill include:

- The bill implements a ‘hybrid-origin’ approach;
- The bill removes physical presence requirements for sales tax collection obligations under certain circumstances;
- States may impose sales tax on remote sales if the state is the origin state and it participates in a statutory clearinghouse and the state uses the origin state base and the destination state rate for participating states (the origin state rate is used if the destination state does not participate in the clearinghouse);
- A remote seller will only have to remit the tax to its origin state for all remote sales;
- A destination state may only have one statewide rate for remote sales;
- Only the origin state may audit a seller for remote sales; and
- States that do not participate in the clearinghouse have significant restrictions on the ability to extract the tax from the remote seller.

Chairman Goodlatte’s proposal comes with little time left on the congressional calendar. It isn’t clear yet whether he would push for a vote in the House Judiciary Committee or how much support it would get among House Republicans, who are wary of anything that looks like a tax increase.

**132nd General Assembly Legislative Priorities to be Set in November**

One of the OTA’s important functions is to secure legislation from the General Assembly which enables township government to function more efficiently and to resist any effort that would deprive townships of any rights, duties or privileges which they now possess. The Association accomplishes this by tracking legislation and educating members of the General Assembly on township issues.

In preparation for the 132nd General Assembly, the OTA has begun discussing and collecting legislative priorities. The OTA’s Legislative Priorities for the current General Assembly are available on our website. If you have something that you think should be a legislative priority, please email Heidi Fought at fought@ohiotownships.org or call at (614) 863-0045.
Feel the Heat - October 22

WHEN:
Saturday, October 22
8:30 a.m. - 4 p.m.

WHERE:
Ohio Fire Academy campus
8895 East Main Street
Reynoldsburg, Ohio 43068

TO PARTICIPATE:
Contact your local fire chief to register.

MORE INFORMATION:
Please click here for more information.

Feel the Heat, established in 1997, provides an opportunity for public officials to learn first-hand about the challenges firefighters face on a daily basis.

Ethics & Sunshine Law Training - November 17

You are cordially invited to attend an "Ethics and Sunshine Laws Training," which will be presented on Thursday, November 17, 2016, by the Delaware County Prosecuting Attorney's Office and the Delaware County Board of Commissioners in collaboration with the Auditor of State's Office and the Ohio Ethics Commission.

The Sunshine Laws training (public records/open meetings) will be presented by the Auditor of State and will be a certified training that satisfies the requirement of R.C. §§ 109.43 and 149.43(E)(1), requiring all elected officials or their designees to attend three (3) hours of training per elected term of office on public records and open meetings. Attorneys who pre-register will also be given three (3) hours of general CLE credit. The Ethics training will be presented by the Ohio Ethics Commission.

The training will be held in back-to-back sessions (Ethics training in the morning and Sunshine Laws training in the afternoon) at the Frank B. Willis Government Building, 2079 US Route 23 North, Delaware, OH 43015 from 10:00 a.m. - 4:45 p.m. with registration beginning at 9:30 a.m.

Fiscal officers attending both sessions will earn five (5) hours of continuing education as required by R.C. §507.12.

To RSVP for the Ethics & Sunshine Laws Training, call (740) 833-2703 or email smorrison@co.delaware.oh.us by 4:00 p.m., Friday, November 11, 2016.

**The Ohio Township Association will also be holding Sunshine Law and Ethics training at the 2017 OTA Winter Conference and Trade Show January 25-28 at the Greater Columbus Convention Center. Watch for more information in upcoming OTA publications.**

Do You Have a Workshop Idea for the 2017 OTA Winter Conference?

The 2017 OTA Winter Conference, which will be held January 25-28, 2017, is quickly approaching. Last year, there were over 80 workshops at the
conference dealing with various issues related to cemeteries, zoning, JEDDs and much more. Many of these topics came from suggestions by members just like you. If you have a topic that you would be interested in learning more about at the 2017 OTA Winter Conference, please contact Heidi Fought at fought@ohiotownships.org or 614-863-0045 with your suggestions.