

# Ohio Township Association Legislative Alert



September 15, 2017

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## Legislative Happenings This Week

### Tuesday, September 12

#### Senate Finance Committee

**[HB 54 REVENUE OBLIGATIONS](#)** (Blessing, Gavarone) To authorize the Treasurer of State to issue revenue obligations of the state for the purpose of making loans to qualifying public entities for their acquisition of permanent improvements through the Treasurer of State's purchase of public obligations of those qualifying entities.

*The Treasurer of State's office testified in support of the bill.*

### Wednesday, September 13

#### House Insurance

**[HB 268 WORKERS COMPENSATION](#)** (Henne) To make changes to the Workers' Compensation Law with respect to self-insuring employers.

**[HB 269 WORKERS COMPENSATION](#)** (Henne) To rename the entities who carry out workers' compensation functions in this state, to require the Administrator of Worker Safety and Rehabilitation to develop incentives for employers to participate in safety consultations and loss prevention programs, to require an employee who is receiving temporary total disability compensation to comply with a return to work plan, and to make changes with respect to compensation for permanent total disability and death benefits.

*Rep. Henne provided sponsor testimony on the two bills. He noted that the lack of participation by providers is tied to the reimbursement rates, the timeliness of payments and an unwillingness to deal with red tape. BWC would be rebranded as the Office of Worker Safety and Rehabilitation.*

#### House Civil Justice

**[HB 267 POLITICAL SUBDIVISION LIABILITY](#)** (Ingram) To eliminate certain defenses to political subdivision liability for an employee's negligent operation of a motor vehicle and to reduce damages recoverable against a political subdivision in such actions by the contributory fault of the plaintiff or other parties.

*Rep. Ingram provided sponsor testimony.*

#### Government Accountability & Oversight

**[HB 226 FIREWORKS](#)** (Seitz, Sweeney) To establish a fireworks study group to review and make recommendations regarding the Fireworks Law, to extend to July 1, 2020, the moratorium on issuing fireworks manufacturer and wholesaler licenses, to eliminate, beginning January 1, 2021, the moratorium on geographic transfer of fireworks manufacturer and wholesaler licenses, and, beginning January 1, 2021, to impose a fee on the retail sale of consumer grade fireworks in this state and to expand the ability of individuals to obtain 1.3G display fireworks and obtain and use 1.4G consumer fireworks.

*The Committee accepted an amendment to the bill that changes penalty provisions and the study committee's makeup and then proceeded to favorably report the bill to the full House for passage by a vote of 11-1.*

### **House Transportation & Public Safety Committee**

**HB 255 TOWNSHIP OFFICERS** (Hambley) To authorize a township officer who serves a population of greater than 5,000 to make arrests for specified traffic offenses on interstate highways within and adjacent to the officer's territory and to prohibit a township from using a traffic law photo-monitoring device on interstate highways.

*The Committee heard proponent testimony from a variety of township police chiefs and officers including: Perrysburg Twp. (Wood Co.) Officer Donald Widmer, Medina Twp. (Medina Co.) Chief David Arbogast, Lake Twp. (Wood Co.) Chief Mark Hummer, Lake Twp. Fire Chief Bruce Moritz, and Montville Twp. (Medina Co.) Police Lt. Matthew Neil. The following people/groups submitted written testimony in support of the bill: Ohio Association of Chiefs of Police, the OTA, the Medina County Commissioners, the Medina County Drug Task Force, Bath Twp. (Summit Co) and Madison Twp. (Lake Co.).*

### **Thursday, September 14**

#### **Franklin County Township Association Legislative Reception**

*OTA staff joined the members of the Franklin County Township Association at the first annual Legislative Breakfast Reception for the Franklin County House and Senate members. Reps. Duffey, Hughes and Lanese attended as did a staff member from Sens. Bacon and Tavares's offices.*

### **Friday, September 15**

#### **Meetings**

*OTA staff met with Rep. Carfagna about potential legislation pertaining to townships.*

*OTA staff spoke with the State Fire Marshal regarding his ideas for workshops at the OTA winter conference pertaining to safety services.*

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## **Legislative Committee for Next Week (9/18-9/22)**

### **Tuesday, September 19**

**House Financial Institutions, Housing & Urban Development** (Ch. Dever), Rm. 114, 9:00 a.m.

**HB 251 SUBDIVISION INVESTMENTS** (Grenspan) 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.

*3rd Hearing-All Testimony*

**House Economic Development, Commerce & Labor** (Ch. Young), Rm. 113, 1:30 p.m.

**HB 163 PREVAILING WAGE** (Roegner, Riedel) To allow political subdivisions, special districts, and state institutions of higher education to elect to apply the Prevailing Wage Law to public improvement projects.

*2nd Hearing-Proponent Testimony*

**\*\*\*If you are interested in testifying on this legislation, please contact the OTA by noon on Monday, September 18.\*\*\***

**Senate Finance** (Ch. Oelslager), Finance Hearing Rm., 2:30 p.m.

**HB 54 REVENUE OBLIGATIONS** (Blessing, Gavarone) To authorize the Treasurer of State to issue revenue obligations of the state for the purpose of making loans to qualifying public entities for their acquisition of permanent improvements through the Treasurer of State's purchase of public obligations of those qualifying entities.

*3rd Hearing-Opponent & Interested Party Testimony*

### **Wednesday, September 20**

**Senate Ways & Means** (Ch. Eklund), S. Hearing Rm., 9:00 a.m.

**SB 113 FUEL TAX** (Coley) To levy an additional registration tax on passenger cars, noncommercial motor vehicles, and commercial cars and trucks beginning on January 1, 2020; to authorize a per-gallon motor fuel retail price reduction for consumers that is equal to the state per-gallon motor fuel tax of \$.28; and to exempt each gallon of motor fuel that is sold at the reduced retail price from the state motor fuel tax.

*2nd Hearing-Proponent Testimony*

**HB 69 TIF DISTRICTS** (Cupp) To require reimbursement of certain township fire and emergency medical service levy revenue forgone because of the creation of a municipal tax increment financing district.

*2nd Hearing-Proponent Testimony*

**\*\*\*If you are interested in testifying on this legislation, please contact the OTA by noon on Monday, September 18.\*\*\***

**House Finance** (Ch. Smith), Rm. 313, 9:30 a.m.

**HB 168 CEMETERY REGISTRATION** (Stein) To modify duties of the Division of Real Estate in the Department of Commerce regarding cemetery registration, to specify cemetery owners must reasonably maintain cemeteries, to establish the Cemetery Grant Program, and to make an appropriation.

*2nd Hearing-Possible amendments & vote*

**\*\*\*If you are interested in testifying on this legislation, please contact the OTA by noon on Monday, September 18.\*\*\***

**HB 281 BROADBAND EXPANSION** (Carfagna) To establish the residential broadband expansion program within the Development Services Agency to award matching grants for last mile broadband expansion in municipal corporations and townships and to make an appropriation.

*1st Hearing-Sponsor Testimony*

**House State & Local Government** (Ch. Anielski), Rm. 122, 9:30 a.m.

**HB 291 INSURANCE FOR ELECTED OFFICIALS** (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.

*1st Hearing-Sponsor Testimony*

**House Civil Justice** (Ch. Butler), Rm. 121, 2:30 p.m. or after session

**HB 267 POLITICAL SUBDIVISION LIABILITY** (Ingram) To eliminate certain defenses to political subdivision liability for an employee's negligent operation of a motor vehicle and to reduce damages recoverable against a political subdivision in such actions by the contributory fault of the plaintiff or other parties.

*2nd Hearing-Proponent Testimony*

**Senate Energy & Natural Resources** (Ch. Balderson), Finance Hearing Rm., 2:30 p.m. or after session

**SB 165 BRINE SALES** (Dolan, Skindell) To establish conditions and requirements for the sale of brine from certain oil or gas operations as a commodity and to exempt such a commodity from requirements otherwise applicable to brine.

*1st Hearing-Sponsor Testimony*

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## Recently Introduced Legislation

**HB 339 RESIDENTIAL CONTRACTORS** (Schaffer, Hagan) To license residential only construction contractors and to make changes to the law regulating specialty construction contractors.

**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.

**HB 343 PROPERTY VALUES** (Merrin) To require local governments that contest property values to formally pass an authorizing resolution for each contest and to notify property owners.

**SB 188 WIND TURBINE SETBACKS** (Hite) To revise wind turbine setback provisions for economically significant wind farms.

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## Federal Legislative Update



### Congressional Update

The House and Senate are both in session this week. The House will consider 12 bills under suspension of the rules, including the Joint Counter-terrorism Awareness Workshop Series Act of 2017 (H.R. 3284), which would formally authorize FEMA to hold counter-

terrorism workshops with state and local officials. The House will complete consideration of the Make America Secure and Prosperous Appropriations Act, 2018 (H.R. 3354), which contains the FY 2018 Interior-Environment, Agriculture-FDA, Commerce-Justice-Science, Financial Services-General Government, Homeland Security, Labor-HHS-Education, State-Foreign Operations, and Transportation-HUD Appropriations bills. Before taking a final vote on the "minibus" appropriations bill, the House will also consider 149 additional amendments to the Interior-Environment, Commerce-Justice-Science, Labor-HHS-Education, and Financial Services-General Government divisions of the bill. The House will also vote on the Criminal Alien Gang Member Removal Act (H.R. 3697), which would bar criminal gang members from coming to the U.S., deport foreigners who are gang members and participate in criminal activities, and would ensure that such individuals are ineligible for immigration benefits, such as asylum, special immigrant juvenile status, and temporary protected status.

The Senate is scheduled to vote on the FY 2018 National Defense Authorization Act (H.R. 2810) this week, which the House passed on July 14 by a vote of 344-81. Senators face several policy minefields, including strategies for Afghanistan and North Korea's nuclear threat as well as a possible new round of military base closures. An effort to stall President Trump's order to bar transgender persons from serving in the military also could be part of the debate.

#### **House Begins Consideration of FY 2018 "Minibus" Appropriations Bill**

During September 6-8, the House considered 160 amendments to the Agriculture-Rural Development, Transportation-HUD, Homeland Security, State-Foreign Operations, and Interior-Environment divisions of the FY 2018 Appropriations minibus bill, approving 118 amendments and rejecting 42 amendments. Before taking a final vote on the minibus appropriations bill this week, the House will also consider 149 additional amendments to the Interior-Environment, Commerce-Justice-Science, Labor-HHS-Education, and Financial Services-General Government divisions of the bill.

#### **House Passes SELF DRIVE Act**

On September 6, the House passed, by voice vote, the Safely Ensuring Lives Future Deployment and Research In Vehicle Evolution (SELF DRIVE) Act (H.R. 3388), which would designate the National Highway Traffic Safety Administration (NHTSA) as the federal agency responsible for regulating self-driving car safety and would allow NHTSA regulations to preempt all state and local laws in this area. The legislation is the first bill passed at the federal level to address self-driving technology.

#### **Senate Passes SMASH Act**

On September 6, the Senate passed, by voice vote, the Strengthening Mosquito Abatement for Safety and Health (SMASH) Act (S. 849), which would help give states and localities the tools they need to fight back against mosquitoes and the viruses they carry. The bill would reauthorize critical public health tools that support states and localities in their mosquito surveillance and control efforts, especially those linked to mosquitoes that carry the Zika virus, and improve the nation's preparedness for Zika and other mosquito-borne threats like West Nile virus and Eastern Equine Encephalitis ("triple-e") virus. The legislation has been endorsed by the National Pest Management Association, the American Mosquito Control Association, the Entomological Society of America, the Infectious Diseases Society of America, and the American Academy of Pediatrics. The bill will now be sent to the House of Representatives for its consideration.

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## **Fund Transfers - Implementing New Law**

Ohio's most recent biennial budget, [\*\*Am. Sub. House Bill 49\*\*](#), enacted a change to R.C. §5705.16, which contains the process for requesting the transfer of funds authorized by R.C. §5705.15-.16. These changes, effective October 1, 2017, transfer from the court of common pleas to the tax commissioner responsibility for determining that the petition states sufficient facts, good reason or necessity exists for the transfer, and no injury will result from the transfer. Additionally, requirements for giving public notice are lifted.

As with prior law, the tax commissioner must respond in ten days. To expedite the petition evaluation, petitioners must submit the [\*\*Transfer Request Form\*\*](#).

Please note, legislative authority alone is sufficient for some transfers. For example, money may be transferred from the general fund to any other fund of the subdivision or the unexpended

balance in a bond fund can be transferred to the sinking fund or bond retirement fund from which such bonds are payable without the consent of the tax commissioner. See R.C. §5705.14 for a list of transfers that do not require tax commissioner approval.

**TA-FTP** - Fund Transfer Petition Application to the Tax Commissioner, R.C. §5705.16.

Contact Meghan Sullivan Homsher, ODT Tax Analyst, with any questions at 614.995.4457 or [Meghan.Sullivan.Homsher@tax.state.oh.us](mailto: Meghan.Sullivan.Homsher@tax.state.oh.us).

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## Do You Want to Weigh In On Proposed PSAP Changes?

The ESINet Steering Committee - PSAP Operations and Technical Standards sub-committee is working on finalizing proposed changes to state law pertaining to PSAP operations.

Do you have a PSAP operation? If so, you are encouraged to review the proposed changes and provide feedback to [Jason Loree](#), the township representative on the ESINet Committee, by Monday, September 18.

To view the proposed changes, please click [here](#).

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## USDOT Tiger Grant Applications Being Accepted

The U.S. Department of Transportation (USDOT) announced the opening of the FY 2017 round of the **TIGER grant program**. Applications are due on October 16, 2017. A frequently asked questions (FAQ) fact sheet on the program can be found [here](#) and the solicitation can be found [here](#).

For FY 2017, Congress appropriated \$500 million to USDOT - available through September 2020 - for TIGER grants. Both urban and rural projects are eligible to compete for funding with urban grant awards ranging from \$5 million to \$25 million and rural grant awards ranging from \$1 million to \$25 million. Eligible projects are capital projects that include, but are not limited to:

- \* highway or bridge projects (including bicycle and pedestrian related projects);
- \* public transportation projects;
- \* passenger and freight rail transportation projects;
- \* port infrastructure investments (including inland port infrastructure); and
- \* intermodal projects.

The selection criteria remain fundamentally the same as previous rounds of the TIGER grant program, but the description of each criterion has been slightly updated. Additionally, the FY 2017 TIGER program will give special consideration to projects which emphasize improved access to reliable, safe, and affordable transportation for communities in rural areas, such as projects that improve infrastructure condition, address public health and safety, promote regional connectivity, or facilitate economic growth or competitiveness.

USDOT is hosting a series of webinars during the FY 2017 TIGER grant application process. Webinars on "How to Compete for TIGER Discretionary Grants" will be held on September 13 and September 19. To register, please visit the [TIGER Webinar Series](#) webpage.

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## Questions for Fire Chiefs

The OTA received a suggestion for a possible workshop at the upcoming OTA Winter Conference centered around answering questions that township trustees and fiscal officers have for township fire chiefs but have never asked. If you have such a question, please email the question to Heidi Fought at [fought@ohiotownships.org](mailto:fought@ohiotownships.org).

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