

Ohio Township Association Legislative Alert



December 21, 2018

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Legislative Action This Week

SIGNED BY THE GOVERNOR

[HB 291 GOVERNMENT INSURANCE](#) (Wiggam) To allow certain political subdivisions to adopt a policy authorizing the use of an "employee dishonesty and faithful performance of duty policy" instead of individual surety bonds for officers, employees, and appointees who are otherwise required by law to give bond before entering upon the discharge of duties.

Signed: December 19, 2018; effective date will be released shortly.

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

Signed: December 19, 2018; effective date will be released shortly.

[HB 454 CEMETERY LOTS](#) (Patterson, Arndt) To require a township to offer compensation to responsive owners of certain unused cemetery lots and rights.

Signed: December 19, 2018; effective date will be released shortly.

[HB 489 FINANCIAL INSTITUTIONS](#) (Dever) To provide some regulatory and tax relief to state banks and credit unions, to provide for data analytics to be conducted on publicly available information regarding banks, credit unions, and consumer finance companies, to modify when a creditor can file a claim against an estate, to require registration of mortgage loan servicers, and to require a specified notice be given to a debtor for certain debt collection.

Signed: December 19, 2018; effective date will be released shortly.

[HB 500 TOWNSHIP OMNIBUS](#) (Carfagna) To make various changes to township law, to make an appropriation for Pike County capital case litigation, and to make an appropriation for Death Benefit Fund beneficiaries.

*Signed: December 21, 2018; effective date will be released shortly. **Once again, please contact your member of the Ohio House and Senate and thank them for their "Yes" vote on this legislation.***

VETOED BY THE GOVERNOR

[HB 228 GUN LAWS](#) (Johnson, LaTourette) To modify the law governing state preemption of local firearm regulations and related remedies, the grounds for self-defense and the burden of proof, the authority of a law enforcement officer or investigator to carry a weapon, the offense of unlawful transactions in weapons, and other weapons-related laws.

Vetoed: December 19, 2018; General Assembly is expected to return to Columbus next week to override this veto.

[HB 258 ABORTION](#) (Hagan, Hood) To generally prohibit an abortion of an unborn human individual with a detectable heartbeat and to create the Joint Legislative Committee on Adoption Promotion and Support.

Vetoed: December 21, 2018; General Assembly is expected to return to Columbus next week to override this veto.

SB 296 LAW ENFORCEMENT BENEFITS (Hottinger) To revise the payments that surviving family members receive from the Ohio Public Safety Officers Death Benefit Fund and to permit surviving spouses and children to participate in the health, dental, and vision benefits offered to state employees as if the survivors were employees of this state; to increase the compensation of elected public officers through 2028; to create the Public Office Compensation Advisory Commission; to create the Office of InnovateOhio; to allow the Lieutenant Governor to receive the salary of the head of an office within the Governor's office in lieu of the Lieutenant Governor's statutory salary; and to declare an emergency.

*Vetoed: December 21, 2018; General Assembly is expected to return to Columbus next week to override this veto. **Please contact your member of the Ohio House and Senate and encourage them to vote to override the Governor's veto.***

Recent AG Opinions



2018-032 Pay of Trustee

Syllabus:

A township trustee currently receiving the maximum authorized salary under R.C. 505.24 may accept payments from a cash payment in lieu of benefit plan established pursuant to R.C. 505.603 without violating the maximum salary restrictions under R.C. 505.24 or the prohibition against in-term compensation changes under Ohio Const. art. II, §20, so long as the cash payment in lieu of benefit plan was established prior to the commencement of the trustee's current term in office.

2018-034 Road Project

Syllabus:

1. A county engineer shall include in the plans and specifications for a road improvement project, as required by R.C. 153.64(A)(3), the name, address, and telephone number of each owner of an underground utility facility that does not subscribe to a protection service, even if the owner is a private owner of a single family residence that is served by the underground utility facility.
2. A county engineer satisfies the requirement in R.C. 153.64(B)(3) to include in the plans and specifications of a road improvement project a "telephone number of each owner of any underground utility facilities in the construction area that does not subscribe to a protection service," by including in the plans and specifications any telephone number belonging to the owner, regardless of whether the telephone number is assigned to a landline telephone.

ORIL Chip Seal Report is Published

Ohio's Research Initiative for Locals (ORIL) is pleased to announce the final report for the research project on *Best Practices for Chip Sealing Low-Volume Roads in Ohio*. The report is available online from the State Library of Ohio, at:

<http://cdm16007.contentdm.oclc.org/cdm/ref/collection/p267401ccp2/id/17414>.

Also posted is a Fact Sheet for this project. You can use the thumbnails on the State Library webpage to select the final report or fact sheet for viewing or downloading.

The goal of this research was to assess the current state of practice for chip sealing on county, township and municipal-maintained roads. As part of this study, a literature review was completed; county and municipal engineers and township trustees were surveyed regarding their chip seal practices; and follow-up interviews were conducted with eleven agencies.

Best Practices for Chip Sealing Low-Volume Roads in Ohio



Based on the information collected, a matrix of best practices for chip sealing on local roadways was developed. The final report includes the Best Practices Matrix (Table 4.1), along

with the project background, research approach, conclusions, recommendations and appendices.

Established in 2013, Ohio's Research Initiative for Locals is one of only three locally-focused transportation research programs in the United States. For more information, please visit: <http://oril.transportation.ohio.gov>.

Sample Credit Card Policy Available on OTA Website

The Ohio General Assembly adopted HB 312, and Governor John Kasich signed it into law on August 2, 2018. House Bill 312 became effective on November 2, 2018, and every political subdivision, including townships, must comply by February 2, 2019. The Auditor of State released a bulletin on the issue several weeks ago and you may read it by clicking [here](#).

According to these new rules, "credit card account" means any bank issued credit card account, store-issued credit card, affinity credit card account, or any card account allowing the holder to purchase goods or services on credit, or any debit or gift card account related to the receipt of grant moneys. However, "credit card account" does not include a procurement card account, gasoline or telephone credit card, or any other card account where merchant category codes are in place as a system of control for use of the card accounts.

The OTA worked with the law firm of Brosius, Johnson & Griggs on a sample policy for townships to use. Beginning Monday, townships may download the sample policy from the OTA's website or email Heidi M. Fought, OTA Director of Governmental Affairs, at fought@ohiotownships.org. Please work with your legal counsel on implementation.

Ohio House Releases Autonomous Vehicle Report

The Ohio House of Representatives released a report this week titled "Autonomous & Connected Vehicles." Authored by Rep. Doug Green (R-Mt. Orab), who leads the House Transportation & Public Safety Committee, the report found that obstacles will come in the areas of infrastructure, data, workforce and labor, and insurance.

The report calls for lawmakers to begin addressing short and long-term infrastructure challenges related to ADS technology. Among the recommendations is adopting a "dig once" policy to enable broadband infrastructure to be installed in public rights-of-way during state-funded projects.

In terms of data, the report found that ADS vehicles will "become a digital companion that learns habits, adapts to choices, and predicts needs." The report also calls for a joint resolution urging Congress to protect the data generated and stored, including "opt-in" and "opt-out" protections.

To prepare, the report calls for an Autonomous and Connected Vehicle Task Force to bring stakeholders to the table to transition the driving workforce into new positions or occupations. The report also predicts that the insurance industry will be among the most heavily impacted by ADS technology.

Other recommendations include:

- Opposing a patchwork of state and local regulations.
- Establishing a bicameral commission on short- and long-term transportation infrastructure funding.
- Codifying DriveOhio and Gov. John Kasich's executive order allowing statewide testing of ADS and connected vehicle technology.

To read the report in its entirety, please click [here](#).

Federal Update

ReConnect Grant Program

The U.S. Department of Agriculture (USDA) released the details of its \$600 million e-Connectivity Pilot Program established last March in the Consolidated Appropriations Act of 2018. Projects funded under the newly-named ReConnect Program must provide download speeds of 25 Mbps and upload speeds of 3 Mbps and serve populations of fewer than 20,000 people, with grants expected to be awarded to more sparsely populated areas.



Eligible entities include for-profits, non-profits, limited liability corporations, state and local governments, and tribal organizations.

The ReConnect Program includes three grant awards:

- * \$200 million in grants, with a requirement for 25% in matching funds.
Application deadline: April 29, 2019.
- * \$200 million in 50% grant / 50% loan combinations.
Application deadline: May 29, 2019
- * \$200 million in low-interest loans.
Application deadline: June 28, 2019.

To be eligible for a 100% loan or 50% loan/50% grant, the service area must be in a rural area where 90% of the households do not have sufficient broadband access. To be eligible for a 100% grant, the service area must be rural and 100% of the households must lack sufficient broadband access.

The application windows have not yet been announced, but Chad Parker, the acting administrator for telecommunications programs at USDA Rural Development, said the date will be included in a notice to be published in the Federal Register on February 29, 2019. Parker said awards will be made on the basis of a point system, which will grant extra points for projects providing symmetrical speeds of 100 Mbps. Other evaluation criteria will include how many farms, businesses, and healthcare and educational facilities the project will serve.

For more information, please click [here](#). To read the USDA ReConnect Program fact sheet, please click [here](#).

DBE Participation on Local-let (LPA) Projects

For all Local Public Agencies as well as contractor's intent on submitting a bid for any upcoming Locally-let (LPA) project(s).

Please note, per the direction found in PN13 of the LPA bidding documents, any bids received without the electronic submission of the DBE Utilization Plan at or before the time of bid, will be deemed unresponsive.

Bidders must submit their DBE Utilization Plans via: https://odot.formstack.com/forms/dbe_copy.

This file contains the current list of certified DBEs and is updated regularly. Again, the DBE Utilization Plan must be filled out completely and submitted electronically at or before the time of bid opening.

For bidders that are DBE certified firms, please note that you must also submit a DBE utilization plan to include what percentage your firm will be self-performing.

For any questions please contact either:

Tom Yanka - Office of Diversity and Inclusion; thomas.yanka@dot.ohio.gov; 614-644-5649

Jeff Shaner - Office of Local Programs; jeffrey.shaner@dot.ohio.gov; 614-644-6394