Ohio Township Association
Legislative Alert

April 8, 2016

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.

Legislative Activity This Week (April 4-8)

Tuesday, April 5

Senate Insurance
SB 27 FIREFIGHTER CANCER (Patton) To provide that a firefighter who is disabled as a result of specified types of cancer is presumed for purposes of the laws governing workers’ compensation and the Ohio Police and Fire Pension Fund to have incurred the cancer while performing official duties as a firefighter.

The bill had a 5th hearing. Kristopher Kachline, a Philadelphia attorney who has litigated several presumption cancer cases for municipalities after the commonwealth passed similar legislation in 2011 testified in opposition to the bill. Karen D. Turano, an attorney testifying on behalf of the Ohio Professional Fire Fighters and the Ohio Association of Justice, said currently firefighters face a three-pronged test established by the Ohio Supreme Court to have their cancer deemed an occupation disease, which she described as a difficult hurdle to clear.

Senate Ways & Means
SB 235 PROPERTY TAX FREEZE (Beagle, Coley) To exempt from property tax the increased value of property on which industrial or commercial development is planned until construction of new commercial or industrial facilities at the property commences.

The committee accepted a substitute bill. The County Commissioners Association testified as an interested party. Andrea Ashley of Associated General Contractors of Ohio spoke in favor of the sub bill, saying it will have a positive effect on economic development for the impacted properties. With such exemptions, she said, the bill would incentivize business expansion and construction and renovations.

Lindsey Gardiner of the Greater Ohio Policy Center offered interested party testimony, saying the group supports the overall goal of the legislation. Andrew Swary, general counsel of Finance Fund, said in his interested party testimony that the group has not reviewed the substitute bill in depth but “is keenly aware of the need for additional development tools and incentives.” Submitting joint written opponent testimony were the Ohio School Boards Association, the Buckeye Association of School Administrators, and the Ohio Association of School Business Officials. REDI Cincinnati submitted written testimony as an interested party.
OTA Activity This Week (April 4-8)

Sen. Seitz’s office - annexation legislation
Sen. Peterson - SB 235 Property Tax Freeze
Sen. Coley - SB 235 Property Tax Freeze
Rep. Schuring - HB 182 JEDDs
Ohio Municipal League - SB 27 Firefighter Cancers
County Engineers Association - road issues

General Assembly Activity Next Week (April 4-8)

TUESDAY, APRIL 12

House Local Government (Ch. Anielski, 644-6041), Rm. 018, 9 a.m.
HB 302 ANNEXATION (Henne, M., Butler, J.) To provide that, beginning five years after a type-II annexation is approved, the annexed territory is subject to a fire, police, or EMS tax levy only if the levy is imposed by the subdivision that provides the fire, police, or EMS service to the territory.
3rd Hearing-Opponent testimony

HB 413 EXECUTIVE SESSION (Brinkman, T.) To add to the purposes for which a board of township trustees may go into executive session, to permit a township to charge for recycling services, to reduce the population threshold for a township to adopt a limited home rule form of government, to authorize a township to purchase, lease, or provide underwater rescue and recovery equipment for fire and rescue purposes, to authorize boards of township trustees to pay for group life insurance for any employee, to make other changes to the township laws, to allow taxing units to use the proceeds of a fire, police, or emergency services tax levy to pay costs related to the service for which the tax is levied, and to expand the public infrastructure improvements townships, municipal corporations, and counties may pay for using money from their public improvement tax increment equivalent funds.
4th Hearing-All testimony-Possible amendments & vote

HB 455 BOARDING SCHOOL ZONE (Patterson, Roegner) To authorize a municipal corporation or township to establish a boarding school zone and a special speed limit within that zone.
2nd Hearing-Proponent testimony

Senate Insurance (Ch. Hottinger, 466-5838), S. Hearing Rm., 10:30 a.m.
SB 27 FIREFIGHTER CANCER (Patton) To provide that a firefighter who is disabled as a result of specified types of cancer is presumed for purposes of the laws governing workers’ compensation and the Ohio Police and Fire Pension Fund to have incurred the cancer while performing official duties as a firefighter.
5th Hearing-All testimony-Possible vote

House Finance (Ch. Smith, 466-1366), Rm. 313, 1:00 p.m.
HB 130 DATA OHIO BOARD (Hagan, Duffey) To create the DataOhio Board, to specify requirements for posting public records online, to require the Auditor of State to adopt rules regarding a uniform accounting system for public offices, to establish an online catalog of public data at data.Ohio.gov, to establish the Local Government Information Exchange Grant Program, and to make an appropriation.
2nd Hearing-Proponent testimony-Possible amendments

Senate Energy & Natural Resources (Ch. Balderson, 466-8076), N. Hearing Rm., 4 p.m.
or after session

**SB 118 HOUSEHOLD SEWAGE SYSTEMS** (Eklund) To authorize a board of county commissioners or municipal legislative authority to elect to withdraw the county or municipal corporation from the application of any rule adopted after January 1, 2014, by the Department of Health governing the design of household sewage treatment systems.

2nd Hearing-Proponent testimony

**SB 185 IMPROVEMENT DISTRICTS** (Seitz) To revise the law governing special improvement districts created for the purpose of developing and implementing plans for special energy improvement projects.

4th Hearing-All testimony-Possible vote

**WEDNESDAY, APRIL 13**

**Senate Ways & Means** (Ch. Peterson 466-8156), S. Hearing Rm, 9:30 a.m.

**SB 235 PROPERTY TAX EXEMPTION** (Beagle, Coley) To exempt from property tax the increased value of property on which industrial or commercial development is planned until construction of new commercial or industrial facilities at the property commences.

3rd Hearing-All testimony-Possible vote

**HB 246 CAUV PROGRAM** (Hite) To require that the computation of the capitalization rate for the purposes of determining CAUV of agricultural land be computed using a method that excludes appreciation and equity buildup and to stipulate that CAUV land used for a conservation practice or enrolled in a federal land retirement or conservation program for at least three years must be valued at the lowest of the values assigned on the basis of soil type.

1st Hearing-Sponsor testimony

**Recently Introduced Legislation**

**HB 508 LOCAL GOVERNMENT FUNDS** (Smith, Boggs) To make supplemental appropriations to the Auditor of State for purposes of distributing these funds to political subdivisions in fiscal caution, watch, or emergency.

This bill would only apply to the following townships: Manchester (Adams Co.), St. Clair (Butler Co.), Bloom (Scioto Co.), Madison (Richland Co.), Franklin (Richland Co.), Rarden (Scioto Co.), Rush (Scioto Co.), Newton (Trumbull Co.) and Liberty (Trumbull Co.).

**HB 509 VILLAGE OPERATION** (Scherer) To allow electors of a village to petition the board of elections, as an alternative to the legislative authority, for the dissolution of the village, to provide for the timely transfer of village property and services with the assistance of the Auditor of State, to require the Auditor of State to perform and complete an audit or agreed-upon procedures before transferring any cash balances to a township following a village dissolution, and to modify the deadline to file a county charter petition with the board of county commissioners.

**HB 511 FAMILY LEAVE** (Kuhns, Boyd) To establish family and medical leave insurance benefits to provide paid leave to allow an individual to address the individual's own serious health condition, to care for a family member, or to bond with a new child and to exempt those benefits from personal income tax.

**Does Your Township Have a Volunteer Peace Officer?**
If yes, your township needs to form a "Volunteer Peace Officers' Dependents Fund" Board. To learn more, read on.

The Ohio legislature recently established through the passage of SB 11, the Volunteer Peace Officers' Dependents Fund (Fund). The Fund was established to assist dependents of volunteer peace officers killed in the line of duty and to assist volunteer peace officers that become totally and permanently disabled as a result of a line of duty injury and is contained in Ohio Revised Code Chapter 143. A similar fund for volunteer fire fighters was established several decades ago.

Each political subdivision, including townships, with a police department that employs volunteer peace officers will be made a member of the Fund and each Fund member must establish a "volunteer peace officers' dependents fund board" to administer claims for the benefits from the Fund. ORC 143.01(C) defines "volunteer peace officer" as "any person who is employed as a police officer, sheriff’s deputy, constable, or deputy marshal in a part-time, reserve, or volunteer capacity... and is not a member of the public employees retirement system, Ohio police and fire pension fund, state highway patrol retirement system, or the Cincinnati retirement system."

Townships should consult with their legal counsel to discuss forming their township's board. A board must have the following members: two members elected by the board of trustees, two members elected by the volunteer peace officers of the police department and one member elected by the other four members (cannot be a public employee, member of the board of trustees or peace officer for that department; must be a citizen registered to vote in that area). One of the five elected board members must be identified as a chairperson and another as the secretary by the members of the board. Board members must be named by April 22 and initial terms last one year.

Each board's secretary must submit all of the following information to the Ohio Department of Commerce: name and address of board members, names of the board's chairperson and secretary and a certificate indicating the current assessed property valuation of the Fund member.

Each Fund member (e.g., the township as an entity) pays an initial premium of $300 - $500, which is based on the member's assessed property valuation (ORC 143.06). Additional premiums may be required. The benefit amounts are (1) $1,000 award to a surviving spouse, plus $300/month; (2) $125/month to the parent or guardian of dependent children; (3) $300/month for disabled volunteer peace officers.

The Ohio Department of Commerce has been tasked with administering this fund. The Department will have a website available in the near future for the secretary to enter this information. The OTA will provide you with the link to that website once it has been established. In the meantime if you have questions, you are encouraged to contact Kimberly Hodnett, Ohio Department of Commerce, at (800) 515-0023.

National Association of Towns & Townships (NATaT) Update

NATaT fly-in
NATaT is offering a two-day legislative fly-in for township officials across the U.S. As members of NATaT, all OTA members are eligible to attend on a space-available
basis. The 2016 Legislative Fly-In will take place April 27-28 in Washington, D.C. The NATaT Fly-In will consist of a federal legislative update on Wednesday afternoon and congressional meetings on Thursday, as Congress is scheduled to be in session. Limited space is available. If you are interested in attending, please contact Heidi Fought or Matt DeTemple at the OTA office. A registration flyer may be found on the OTA website.

BWC Announces 2016 MCO Open Enrollment

The Ohio Bureau of Workers' Compensation (BWC) will hold an MCO Open Enrollment from May 2, 2016 through May 27, 2016. This gives Ohio employers the opportunity to decide whether to select a new Managed Care Organization (MCO) or remain with their existing MCO for the medical management of their workplace injury claims for the next two years.

If you are responsible for managing Ohio workers' compensation for your township, it is important to have a fundamental understanding of the roles and responsibilities of an MCO. MCO associates are medical professionals and their processes are clinically focused. Your MCO should be working diligently to help employers avoid the most costly workplace injury claims - lost time claims.

Lost time claims occur when an injured worker is off work for eight or more calendar days. With clinicians managing the medical care and transitioning injured workers back to gainful employment, employers are better able to manage the health of their employees and control long term premium costs.

If you have any questions about this year's MCO Open Enrollment, please contact OTA Executive Director Matt DeTemple at (614) 863-0045 or via email detemple@ohiotownships.org.