



# Ohio Township Association Legislative Alert

March 15, 2019

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## Legislative Action This Week

### ***Governor Outlines Operating Budget Proposal***

Governor DeWine gave an overview of his biennial operating budget proposal. Under the Governor's budget, the LGF increases by 9.1 percent in 2020 and 1.8 percent in 2021 - an additional \$40.2 million over the biennium.

We expect language for the Governor's proposal to be introduced sometime next week. In the meantime, you can review the Bluebooks for the [Auditor](#), [Public Works Commission](#), and [State Revenue Distributions](#) (which includes the LGF increase) for more information.

### ***Senate Committee Begins Transportation Budget Hearings***

The Senate Transportation, Commerce, and Workforce Committee began formal hearings on [HB 62](#), the transportation budget, this week. The Committee had previously held several informal hearings to get up to speed on the issue and expedite their timeline.

The [Committee](#) held hearings on Monday, Tuesday, and Wednesday this week with numerous pieces of testimony. The OTA joined the list of proponents - see more on that below.

### ***OTA Executive Director Testifies on HB 62 in Senate***

OTA Executive Director Matt DeTemple testified on HB 62 in front of the Senate this week. Matt highlighted several portions of the bill that the OTA supports - including the township distribution change, \$5 permissive license fee, and others. He also made clear that townships are facing an acute road funding crisis and the House proposal does not generate enough revenue to fill the gap.

**Overall, the OTA testified in support of HB 62 for the additional funding it provides and other provisions that benefit townships. However, we cannot stress enough the need for townships to relay their funding concerns. The Senate has publicly stated their concern that the House gas tax proposal is too high and their intention to further reduce the increase.**



Click [here](#) to read Matt's testimony and view the full committee hearing on the Ohio Channel by clicking [here](#).

The Senate will continue hearings on the bill next week and likely consider changes - the Committee's deadline for proposed changes was Thursday of this week. Remember: this bill must be passed by April 1st and will likely go through a conference committee.

### ***OTA Legislative Meetings***

The OTA had introductory meetings with new members Rep. J. Miller (D-Amherst) and Rep. Powell (R-Arcanum) to introduce the organization and discuss our legislative priorities.

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## **Statehouse Committee Updates**

### **House Committee Hearings - Civil Justice**

[HB 27 SUBDIVISION LIABILITY](#) (Ingram) - To modify political subdivision liability for an employee's negligent operation of a motor vehicle.

*The committee heard proponent testimony on the bill. OTA position - opposed.*

### **House Committee Hearings - Ways and Means**

[HB 76 ELECTION NOTICES](#) (Merrin) - To enact the "Ballot Uniformity and Transparency Act" to modify the form of election notices and ballot language for property tax levies.

*Rep. Merrin gave sponsor testimony on the bill. OTA position - opposed.*

### **Senate Committee Hearings - Government Oversight & Reform**

[SB 10 THEFT IN OFFICE](#) (Wilson, S.) - To expand the penalties for theft in office based on the amount stolen and to include as restitution audit costs of the entity that suffered the loss.

*The bill was reported with an amendment stating that spending stolen money in the manner described by the bill is an exception to the discharge of funds under federal bankruptcy law. The goal is to prevent a person from spending stolen funds and discharging them in bankruptcy - instead, they'd have to repay them. The bill was also passed by the full Senate this week and now goes to the House for consideration. OTA position - support.*

[SB 52 CYBER SECURITY](#) (Gavarone, T.) - To create the civilian cyber security reserve forces, to make the Secretary of State a member of the Homeland Security Advisory Council, to require the Secretary of State to appoint a chief information security officer, to require the boards of elections to audit election results, and to make an appropriation.

*The OTA submitted written testimony in support of the bill. Additionally, the committee adopted two amendments - both related to election audits. OTA position - support.*

### **Senate Committee Hearings - Transportation, Commerce, and Workforce**

[HB 62 TRANSPORTATION BUDGET](#) (Oelslager, S.) - To make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2019 and ending June 30, 2021, and to provide authorization and conditions for the operation of those programs.

*The Senate began formal hearings on HB 62. The committee had several days of testimony with numerous witnesses. The OTA testified in favor of the bill on Wednesday. OTA position - support.*

### **Senate Committee Hearings - Ways & Means**

[SB 8 OPPORTUNITY ZONES](#) (Schuring, K.) - To authorize tax credits for investments in an Ohio Opportunity Zone.

*The committee continued to hear testimony and accepted a substitute bill that, according to the sponsor, simplified the tax credit process while retaining the spirit of the bill. OTA position - interested party.*

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## **Bills in Committee Next Week**

**Senate Transportation, Commerce, and Workforce - Monday, March 18th - Thursday, March 21st at various times**

[HB 62 TRANSPORTATION BUDGET](#) (Oelslager) - To make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2019 and ending

June 30, 2021, and to provide authorization and conditions for the operation of those programs.

**House Finance - Tuesday, March 19th - Thursday, March 21st 9:00AM**  
HB XX OPERATING BUDGET - To be introduced

**House Civil Justice - Tuesday, March 19th 3:00PM**  
[HB 27 SUBDIVISION LIABILITY](#) (Ingram) - To modify political subdivision liability for an employee's negligent operation of a motor vehicle.  
3rd Hearing; OTA position - opposed

Let us know if you are interested in testifying on any of these bills.

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## Bill Introductions

[HB 124 RESIDENTIAL SMALL LIVESTOCK](#) (Brinkman) - To allow an owner of residential property to keep small livestock on the property and to prohibit zoning authorities from regulating certain noncommercial agricultural activities on residential property.  
*The OTA has opposed this bill in previous GAs.*

[HB 134 MARCH SALES TAX HOLIDAY](#) (Antani, Weinstein) - To provide a three-day sales tax "holiday" each March during which sales of qualifying Energy Star products are exempt from sales and use taxes.

[SB 105 MASSAGE THERAPY LICENSING](#) (Brenner) - To make changes to the massage therapy licensing law.  
*The OTA supported this bill last GA.*

[SB 107 FILE CAMPAIGN FINANCE STATEMENTS ELECTRONICALLY](#) (Rulli) - To allow certain entities to file campaign finance statements electronically and to require the Secretary of State to make the information in those electronic statements available online.

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## Supreme Court Ruling in Annexation Case

The Ohio Supreme Court has ruled partially in favor of St. Clair Township (Butler County) on an annexation case brought before them.

The court found that St. Clair Township is owed property taxes collected by the city of Hamilton for annexed land. However, because the township does not know the amount that is owed, the court did not order the city to pay.

You can review the full decision [here](#).

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## Federal Legislative Update



The House and Senate were in session this week. The House considered 13 bills, including the Housing Choice Voucher Mobility Demonstration Act of 2019 ([H.R. 1122](#)), which would require the Department of Housing and Urban Development to create a demonstration program under the Section 8 Housing Choice Voucher Program to encourage participants to move to areas with lower rates of poverty.

On Monday, the Trump Administration released its FY 2020 budget request to Congress, which calls for slashing funding for most federal government agencies, boosts defense spending, and sets aside \$8.6 billion for a wall along the U.S.-Mexico border. Additional details on the FY 2020 budget request for specific departments and agencies will be released on March 18.

Last week the Senate Committee on Environment and Public Works held a [hearing](#) on the economic benefits of highway infrastructure investment and accelerated project delivery. The hearing focused on the need for surface transportation reauthorization with discussions around the ways in which the Committee can increase the effectiveness of federal investment. This is likely the first of several hearings on infrastructure that the Senate EPW Committee will hold as it works on bipartisan surface transportation reauthorization. We can also expect a hearing on the Ranking Member's Clean Corridors Act of 2019. NATaT will continue to monitor the development of an infrastructure package.

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## Chip Sealing Report Released

Ohio's Research Initiative for Locals (ORIL) through the Ohio Department of Transportation has released a report, "**Best Practices for Chip Sealing Low-Volume Roads in Ohio.**" It is available on the State Library website [here](#).

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## Proposed New Exempt Salary Threshold

### **DOL Proposes New Exempt Salary Threshold Status for Overtime Eligibility**

On March 7, 2019, the U.S. Department of Labor (DOL) announced its long-awaited proposed rule to update the salary threshold to be met for exempt status under the so-called White Collar Exemptions (executive, administrative, professional, outside sales and computer employee). Since 2004, the salary threshold for exempt status in these positions has been \$455 per week (\$23,660 annually). Employees in exempt status are not eligible for overtime pay.

In the Notice of Proposed Rulemaking (NPRM) announced yesterday, the salary threshold would be raised to \$679 per week (\$35,308 annually). The NPRM also proposes to: (1) allow the inclusion of nondiscretionary bonuses and incentive payments to count towards up to 10 percent of the standard salary level; (2) update the total compensation requirement for the "highly compensated employee" test; and (3) on a going forward basis, update these earnings thresholds every four years.

The NPRM formally rescinded a 2016 Final Rule that established a substantially higher salary threshold, which a federal court later enjoined. The proposed rule is not yet final and once the NPRM is published in the Federal Register, the public will have 60 days to submit comments. Those interested in submitting comments about the proposed rule may do so electronically at <https://www.regulations.gov> in the rulemaking docket RIN 1235-AA20. The department, after considering public comments, will issue a final rule that may or may not modify this proposed rule.

In the meantime, employers are urged to plan ahead and consider whether this new salary threshold will impact the exempt status of current employees.

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