



OHIO TOWNSHIP ASSOCIATION

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HB 444 – Township Omnibus Bill Proponent Testimony December 8, 2020 Senate Local Government, Public Safety, and Veterans Affairs Committee

Chairman Manning, Vice Chair Brenner, Ranking Member Maharath, and members of the Senate Local Government, Public Safety, and Veterans Affairs Committee, thank you for allowing the Ohio Township Association (OTA) to submit written proponent testimony on behalf of House Bill 444, the township omnibus bill. We wish we could be with you in person today but are unable due to COVID-19 related complications.

As many of you know, townships are creatures of statute. Any updates to the function of Ohio townships under the law must be addressed in the Ohio Revised Code – no matter how big or how small. For this reason, the OTA often pursues omnibus bills in an attempt to address multiple township-related items at once.

Many of the items in our townships omnibus bills come as direct requests from townships across the state. House Bill 444 addresses a number of issues important to Ohio townships, including:

Notice of Conforming Boundaries

When a city or village conforms boundaries after annexation, it has a fiscal impact on the township. This legislation requires that municipalities provide ten days' notice to an affected township before a vote to conform boundaries.

Nuisance Statutes Consistency

Townships have three nuisance statutes in the ORC that help them deal with structures, property, and junk vehicles. Unfortunately, all three of those statutes use different language as it relates to collection on the costs a township incurs to abate said nuisance. This legislation will simply update the code to make all three sections uniform.

Transfer of Cemeteries

Townships are required to take control of cemeteries from religious organizations and cemetery associations without stipulation. For example, there is no requirement that a church transfer cemetery records or cemetery funds to the township should they wish to transfer a cemetery. Furthermore, there is nothing to prevent a cemetery from being transferred simply because a church or benevolent society wishes to stop caring for it. This legislation will put some minimum standards in place regarding the transfer of cemeteries and clarify the process by which an entity may transfer a cemetery.

Industrial Development Bonds

Industrial Development Bonds are a unique type of revenue bond organized by state and local governments. The bonds are sponsored by a government entity, but the proceeds are directed to a private, for-profit business. They are used as economic development tools. This legislation will allow for townships to utilize these bonds as cities and counties currently can.

Levy Commencement

A recent Supreme Court decision upheld a county board of elections decision to disqualify a township property tax levy because the trustees' resolution and proposed ballot language stated that the renewal and increase would commence in the last year of an existing levy. The court found it was clear a levy could be submitted to the voters in an existing levy's last tax year, but it was unclear, if approved, that the levy could commence in the final tax year of the existing levy. HB 444 would clarify R.C. §5705.25 regarding when a levy can commence.

EMR Ambulance Response

Under current law, EMS providers at the Emergency Medical Responder (previously First Responder) level cannot respond an ambulance from the station alone even if they are meeting a higher level EMT or paramedic at the scene. This leads to increased response times, while waiting to rendezvous at the station. HB 444 would allow EMRs to respond an ambulance alone, provided they are meeting the higher-level emergency professional on the scene, thereby saving time and best utilizing township resources.

In addition to the provisions described above, the House added two additional provisions to House Bill 444:

Special Improvement Districts

Special Improvement Districts (SIDs) are used to facilitate the development of public services or improvements in a specific area and are typically initiated by property owners. Under current law, a SID may be created in multiple contiguous townships or municipalities. HB 444 allows for flexibility by removing the contiguous requirement, provided all of the jurisdiction are within the same county or adjacent counties.

Employee Dishonesty and Faithful Performance of Duty Policy

In 2018, the General Assembly passed House Bill 291, which allowed local governments to use insurance policies instead of bonds for officials and employees required under law to carry certain coverage. HB 444 makes two changes to this policy: 1.) allows an official or employee to switch from using bonds to an insurance policy mid-term or mid-employment and 2.) expands the entities eligible to use an insurance policy to certain park districts, juvenile facilities, and detention facilities.

Finally, township omnibus bills often draw potential amendments on local government or township-related issues, and the OTA is aware of several proposals at this time. We look forward to working with the committee on issues that may arise as the General Assembly comes to a close.

The Ohio Township Association supports HB 444 and thanks Representatives Baldrige and Abrams for addressing these issues. We strongly encourage your support as well. Chairman Manning, thank you for the opportunity to provide written testimony. If you have questions about our testimony, please do not hesitate to contact OTA Director of Governmental Affairs Marisa Myers at 614-863-0045.