



Ohio Legislative Service Commission

Bill Analysis

Wendy H. Gridley

Sub. H.B. 413

131st General Assembly
(As Passed by the House)

Reps. Brinkman, Hambley, Becker, Ruhl, Blessing, Hill, Boose, Hayes, Burkley, Thompson, Vitale, Sweeney, Zeltwanger, Terhar, Hackett, Hood, Buchy, Green, Retherford, Anielski, Ryan, Rogers, Conditt, Amstutz, Antonio, Arndt, Brenner, Brown, Celebrezze, Craig, Cupp, Derickson, Dever, Duffey, Ginter, Henne, Manning, McClain, M. O'Brien, Patterson, Pelanda, Reineke, Rezabek, Schaffer, Scherer, Sprague, Strahorn, Young

BILL SUMMARY

- Allows a board of township trustees to hold an executive session to consider the sale or other disposition of unneeded, obsolete, or unfit-for-use property.
- Decreases from 3,500 to 2,500 the minimum population of a township that may adopt a limited home rule government.
- Allows a township to provide recycling services and to levy a tax against or charge persons receiving the service.
- Allows a municipal corporation to collect unpaid refuse collection charges in the same manner as other municipal corporation property taxes.
- Expands a township's authority to provide items to assist the township in guarding against the occurrence of fires and protecting the property and lives of its citizens.
- Allows a township to levy a tax inside the ten-mill limitation for the provision of fire and rescue services, and expands a township's current authority to levy a tax to provide fire equipment to include additional types of equipment.
- Expands a subdivision's authority to levy a tax outside the ten-mill limitation for the provision of fire equipment to include additional types of equipment and other related costs.
- Expands a subdivision's authority to levy a tax outside the ten-mill limitation for the provision of police services to include other related costs.

- Expands a board of township trustee's authority to pay for group life insurance to include the provision of that insurance for all employees.
- Includes maintenance of public roads and highways and sewer and water lines as a public infrastructure improvement for which counties, townships, and municipal corporations may use tax increment financing.
- Allows a board of township trustees to use proceeds from the sale of cemetery lots or levy a tax sufficient for the purpose of maintaining and improving entombments.
- Includes, expressly, mausoleums as an entombment under Township Cemetery Law.
- Allows a board of township trustees, as it considers necessary, to purchase, maintain, and improve entombments.
- Repeals a provision of law allowing a township to provide places for procuring water for persons and animals on public highways in the township.

CONTENT AND OPERATION

Board of township trustees may hold executive session to consider disposition of certain property

The bill allows a board of township trustees to hold an executive session to consider the sale or other disposition of unneeded, obsolete, or unfit-for-use property.¹ Generally, Ohio's Open Meetings Law requires a board of township trustees to conduct deliberations upon official business only in a meeting open to the public. However, a board may hold an executive session, which is a portion of an open meeting from which the public is excluded, to consider certain matters set forth under continuing law. Two trustees must determine to hold such a session during a regular or special meeting, and, a resolution or other formal action by a board must be adopted or taken at an open meeting. Under current law, any discussion by a board regarding the sale or other disposition of unneeded, obsolete, or unfit-for-use property may occur only at an open meeting of the board.²

¹ A board of township trustees must sell or otherwise dispose of such property in accordance with the requirements under R.C. 505.10, not in the bill.

² R.C. 121.22.



Decrease to minimum population of township eligible to adopt limited home rule government

The bill decreases, from 3,500, to 2,500, the minimum population of a township that may adopt a limited home rule government upon satisfying other requirements set forth under continuing law. The maximum population of such a township is 5,000, which the bill does not modify.³

Township may provide recycling services

The bill allows a board of township trustees to provide recycling services or to contract with a municipal corporation, county, or independent contractor for the provision of those services. Under current law, a board may provide or contract for the provision of only waste collection, transfer, and disposal services.⁴ For these existing services, continuing law allows a township to impose a charge or levy a sufficient tax within the ten-mill limitation against persons receiving waste disposal services. The bill expands this authority to apply to the provision of recycling. So, under the bill, a township that has created a waste disposal district⁵ may levy a sufficient tax within the ten-mill limitation upon all taxable property in the district, or a township that provides or contracts for the provision of recycling services may establish equitable charges to be paid to the township by every person whose premises are served.⁶

Unpaid municipal refuse collection charges

The bill provides that a fee or charge imposed by a legislative authority of a municipal corporation for the collection or disposal of garbage or refuse constitutes a lien on each property served. If not paid when due, the lien must be collected in the same manner as other municipal corporation property taxes. Annually, not later than October 1, the municipal corporation fiscal officer must certify to the county auditor the names of the property owners that are delinquent and a description of their lands. The county auditor must then place on the general tax list and duplicate the amount certified and any accrued late payment penalties, with any fee charged by the county auditor for placing the amount on the general tax list and duplicate and for the expenses of its collection.⁷

³ R.C. 504.01(A). Population considers only the unincorporated territory of the township.

⁴ R.C. 505.27.

⁵ R.C. 505.28, not in the bill.

⁶ R.C. 505.29 and 505.31.

⁷ R.C. 319.282.



Provision of fire and rescue equipment

The bill expands a township's authority to provide⁸ items to assist the township in guarding against the occurrence of fires and protecting the property and lives of its citizens. Continuing law specifies that a township may provide any fire apparatus, mechanical resuscitators, or other equipment, appliances, materials, fire hydrants, and water supply for fire-fighting purposes. The bill expands this by including "fire and rescue" as a purpose for which such items may be provided and by specifying a township also may provide underwater rescue and recovery equipment. The bill similarly allows the provision of these items by a joint fire district, municipal corporation, or combination of townships and political subdivisions jointly. For a township, continuing law requires that when the estimated cost of these items exceeds \$50,000, the township must award the contract by competitive bidding.⁹

Inside ten-mill limitation tax levy for provision of fire and rescue services

The bill allows a township to levy a sufficient tax within the ten-mill limitation upon all taxable property in the township or in a fire district to provide fire and rescue services. And, the bill expands a township's current authority to levy a tax to provide and maintain certain fire equipment to include mechanical resuscitators, underwater rescue and recovery equipment, and other fire equipment.¹⁰

Outside ten-mill limitation tax levy for provision of fire and rescue services

The bill expands a subdivision's authority to levy a tax in excess of the ten-mill limitation for the provision and maintenance of fire equipment to include mechanical resuscitators, underwater rescue and recovery equipment, or other fire equipment and to include the payment of other related costs. Such a levy is subject to the approval of the electors.¹¹

Issuance of bonds for provision and maintenance of fire equipment

Continuing law prohibits a township from issuing bonds for the purpose of providing certain fire equipment unless the issuance is approved by the electors when the cost of the equipment is below a specified amount. The bill expands this prohibition

⁸ By purchase, lease, lease with an option to purchase, or other method.

⁹ R.C. 505.37.

¹⁰ R.C. 505.39.

¹¹ R.C. 5705.19(I).



to include the maintenance of fire equipment, and includes mechanical resuscitators and underwater rescue and recovery equipment.¹²

Outside millage tax levy for provision of police services

The bill expands a subdivision's authority to levy a tax in excess of the ten-mill limitation for certain specified expenses related to the operation of a police department to include the payment of other related costs. Such a levy is subject to the approval of the electors.¹³

Insurance for township officers and employees

The bill expands the authority of a township to provide group life insurance to its officers and employees. Current law allows a township to provide and pay all or part of the cost of group life insurance to insure the lives of officers and full-time employees of the township. The bill eliminates the limitation that employees be full-time.¹⁴

Tax increment financing

The bill includes continued maintenance of public roads and highways and water and sewer lines in what may be a public infrastructure improvement for purposes of tax increment financing. Current law includes public roads and highways and water and sewer lines within the meaning of a public infrastructure improvement, but does not address continued maintenance. In effect, the bill allows a county, township, or municipal corporation to finance a project involving the maintenance of public roads and highways and water and sewer lines using tax increment financing.¹⁵

Township Cemetery Law

The bill allows a board of township trustees to levy a tax sufficient for the purpose of defraying the expenses of maintaining and improving entombments, including mausoleums, columbaria, and other interment rights. Under continuing law, a board may levy a tax sufficient to defray the expenses of the purchase or appropriation, and the enclosing, care, supervision, repair, and improving, of lands for cemetery purposes.¹⁶ Similarly, the bill allows a board to use proceeds from the sale of

¹² R.C. 505.40.

¹³ R.C. 5705.19(J).

¹⁴ R.C. 505.602.

¹⁵ R.C. 5709.40(A)(7); R.C. 5709.73 (township TIFs) and R.C. 5709.77 and 5709.78 (county TIFs), none of which are in the bill.

¹⁶ R.C. 517.03.



cemetery lots for the purpose of maintaining and improving entombments, including mausoleums, columbaria, and other interment rights. Generally, current law requires that the proceeds be used only in maintaining, improving, beautifying, and embellishing cemetery grounds, except a board also may use the proceeds to purchase or appropriate additional land for cemetery use if certain requirements are met.¹⁷

Under the bill, a board of township trustees, as it considers necessary, may purchase, maintain, and improve entombments, including mausoleums, columbaria, and other interment rights.¹⁸ Finally, the bill expressly provides, under existing provisions of Township Cemetery Law, that a mausoleum is a type of entombment. An entombment expressly includes a columbarium and other interment rights under continuing law.¹⁹

Township provision of watering places

The bill eliminates a current law provision that permits a township to provide and then, if provided, requires a township to maintain suitable places for procuring water for persons and animals on public highways in the township. Currently, a board of township trustees may, by resolution, abandon any watering places that are no longer necessary.²⁰

Reference correction

The bill changes a Revised Code reference regarding soil and water conservation district programs. H.B. 64 (131st General Assembly) renumbered the relevant Revised Code chapter. The bill corrects the reference to the renumbered chapter.²¹

HISTORY

ACTION	DATE
Introduced	12-14-15
Reported, H. Local Gov't	04-13-16
Passed House (96-0)	04-20-16

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¹⁷ R.C. 517.08.

¹⁸ R.C. 517.11.

¹⁹ R.C. 517.07 and 517.073.

²⁰ R.C. 5571.11 (repealed).

²¹ R.C. 5705.19(VV).

