



OHIO LEGISLATIVE SERVICE COMMISSION

Tom Wert

Fiscal Note & Local Impact Statement

Bill: H.B. 500 of the 132nd G.A.

Status: As Passed by the Senate

Sponsor: Rep. Carfagna

Local Impact Statement Procedure Required: No

Subject: Makes various changes to the Township Law and makes additional appropriations for specified purposes

The bill makes changes to the Township Law and provides for additional appropriations for specified purposes explained in the following two sections.

Section 1: Changes to the Township Law

Highlights

- Townships will be able to retain property tax revenue from levies for police, fire, EMS, and ambulance services that would otherwise be foregone under the tax abatement provided by certain tax increment financing (TIF) arrangements if they choose, as authorized by the bill, to include such levies to the list of levies that must be reimbursed from payments in lieu of taxes under TIF arrangements.
- The bill allows the costs of maintaining capital improvements funded by certain TIFs to be paid from TIF revenue, which may reduce expenditures from funds otherwise used to pay those costs.
- The bill provides more flexibility for townships to manage their expenditures by increasing the (1) amount that townships are authorized to spend on erecting veterans memorials from \$5,000 to \$50,000, and (2) debt that a board of township trustees may authorize an officer or employee to incur on behalf of the township from \$2,500 to \$10,000.
- The bill allows political subdivisions to levy a single property tax to pay the costs of a combination of capital expenses instead of a single purpose as currently required under statute. The proceeds generated under a combined levy must be deposited into a specific general capital and infrastructure fund and may not be used for employee salaries.

Detailed Fiscal Analysis

The bill makes various changes to the township law which may have fiscal effects for townships. These changes include: (1) allowing certain police, fire, and EMS levies to be added to the list of levies that must be reimbursed under a tax increment financing (TIF) arrangement, (2) allowing TIF revenue to be used for maintenance costs

of certain TIF-financed capital improvements, (3) increasing the amounts that may be expended on deceased veterans memorials, and (4) increasing the amount of debt that may be incurred by a township officer or employee on behalf of the township. The bill also gives political subdivisions the ability to levy a tax for a combination of capital uses, instead of only a single purpose, as under current law. Because these changes are permissive, it is difficult to determine the extent to which revenues and expenditures of townships would be affected. Any fiscal changes would depend on the application of the provisions authorized by the bill, and the specific circumstances of the township or political subdivision that is applying those provisions.

Tax increment financing

Under continuing law, TIF is a mechanism available to municipalities, townships, and counties to finance public infrastructure improvements and, in certain circumstances, residential rehabilitation. TIFs operate by authorizing a county, municipal corporation, or township to grant a real property tax exemption with respect to the incremental increase in assessed valuation of designated parcels after the designation. Owners of the property make payments in lieu of taxes to the political subdivision that created the TIF equal to the amount of taxes that would otherwise have been paid with respect to the exempted improvements ("service payments"). TIFs thereby create a flow of revenue back to the political subdivision that granted the tax exemption equal to the amount of property tax that otherwise would have been paid on the increased property value to finance infrastructure or residential rehabilitation projects.

A TIF may be comprised of specific parcels or may be what is called an "incentive district." An incentive district TIF is an aggregation of individual parcels in an area of not more than 300 acres that is enclosed by a continuous boundary and that satisfies certain criteria of economic distress or inadequate infrastructure.

The revenue from certain special-purpose tax levies may not be diverted by an incentive district TIF. Some portion of the service payments must be paid to the taxing authorities levying the special-purpose taxes to reimburse them for revenue foregone due to the tax exemption. The levies are not actually imposed on the exempted portion of the TIF property – that portion is legally tax-exempt – but the TIF service payments are paid to the taxing authority as if the levy were imposed instead of being diverted to the TIF fund. The current special-purpose levy reimbursement payments are required only under certain conditions. Generally, the TIF must be an incentive district TIF created on or after January 1, 2006, and the reimbursed levy must be approved at an election held on or after that date. If the levy is a renewal or replacement of a levy originally imposed before that date, only an increase in effective millage is reimbursed.

Police, fire, and EMS levy reimbursement

The bill permits a township to elect to add township levies for police, fire, EMS, and ambulance services to the list of special-purpose levies that must be reimbursed when a township incentive district TIF arrangement is created. Townships that elect to

have those levies reimbursed would be held harmless regarding property tax revenue supporting those services that would otherwise be foregone under the tax abatement provided by the TIF.

Use of township TIF revenue for maintenance costs

Under current law, TIF revenue may be used for costs of maintaining infrastructure funded by the TIF so long as the project is a road or water or sewer line. The bill allows TIF revenue to be used for the maintenance of any type of infrastructure so long as the TIF was created by July 21, 1994, and so long as the township has a hold-harmless agreement with an affected school district whereby the school district is reimbursed for property tax revenue it would forego under the TIF. Although overall maintenance costs of TIF funded capital improvements are unaffected by this change, permitting TIF revenue from eligible TIFs to be used for maintenance costs of additional improvements may reduce expenditures from other township funds used to maintain those improvements.

Deceased veterans monuments

Continuing law allows a board of township trustees to erect a monument to commemorate members of the armed forces who died in service to the United States or to Ohio. The bill increases the amount the board may expend for the monument from \$5,000 to \$50,000.

Officers' and employees' authority to incur debt

Under current law, a board of township trustees may authorize township officers and employees to incur obligations of up to \$2,500 on behalf of the township. Alternatively, the board may authorize, by resolution, the township administrator to authorize officers and employees to incur those obligations on behalf of the township. The bill increases the amount of debt that may be incurred on behalf of the township under these authorizations to \$10,000.

Fee to file zoning appeal

The bill authorizes a board of township trustees to impose, upon a person who appeals a zoning decision to the board of zoning appeals, a fee to defray the cost of advertising, mailing, and other expenses related to the appeal.

Property tax for a combination of capital expenses

The bill authorizes townships and municipal corporations to levy a single property tax for up to ten years for any combination of the following capital expenses: (1) acquiring, constructing, or maintaining buildings and equipment for police, fire, and emergency medical services, (2) constructing or repairing roads and bridges, and (3) general infrastructure improvements. For counties, the bill gives them the flexibility to levy a tax for any combination of (1) constructing and repairing roads and bridges, (2) maintaining and operating a county home, jail, detention facility, or sewage disposal facility, (3) paying the county's share of the cost of operating schools, detention

facilities, and forestry camps, (4) preparing for flood defense, (5) constructing and maintaining drainage improvements, (6) establishing and operating a 9-1-1 system, (6) acquiring, constructing, and maintaining county facilities, and (7) acquiring or improving land. Current law allows a political subdivision to levy property taxes for each of these purposes; however, any taxes levied must be limited to one such purpose, and not levied generally as allowed under the bill. The bill requires subdivisions that levy a single property tax for capital expenses to establish a "general capital and infrastructure fund" to receive the revenue from the levy. Under the bill, money deposited in the fund is prohibited from being used to pay salaries or other compensation of subdivision officers or employees.

Liability coverage for oil and gas wells

The bill authorizes a board of township trustees of a township that is an owner of an oil and gas well to comply with the existing oil and gas well liability coverage requirements by participating in a joint self-insurance pool in accordance with the law governing those pools. As a result, townships may be able to reduce liability insurance costs for oil and gas wells. Boards of county commissioners already have this ability under current law.

Provisions with no apparent fiscal effect

The bill also makes a number of changes to the township law that appear to have little or no fiscal effect. These include certain changes to procedures for electing a chairperson for a board of township trustees, requirements for filing annual township inventory with the county engineer, changes regarding petitions to change the name of a township road, and certification of ballot issues and questions in electronic form. A thorough discussion of these and other changes with little or no apparent fiscal effect is provided in the LSC Bill Analysis.

Section 2. Appropriations

Pike County capital case

The bill establishes General Revenue Fund (GRF) appropriation item 055505, Pike County Capital Case, in the Attorney General's budget and appropriates \$100,000 in FY 2019 to be used to partially defray the cost of ongoing capital case litigation in Pike County.

Police and fire death benefits

The bill amends H.B. 49 of the 132nd General Assembly to increase appropriation item 090575, Police and Fire Death Benefits, in the Pension Subsidies budget by \$5.5 million in FY 2019. The increase will allow an enhancement of benefits for the survivors of police officers and firefighters who die in the line of duty or die from injuries sustained in the line of duty, as provided in section 742.63 of the Revised Code, as that section was amended by S.B. 296 of the 132nd General Assembly. The bill also authorizes the Director of Budget and Management to transfer up to \$1 million from the

GRF to the State Employee Health Benefit Fund (Fund 8080) during FY 2019 to provide the state share of funding for survivors who elect health benefit coverage under the state employee health benefit plan, as permitted under division (B) of section 124.824 of the Revised Code.