



# Ohio Township Association Legislative Alert

February 8, 2019

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## Legislative Action This Week

### ***OTA President Testifies at Governor's Advisory Committee***

OTA President Connie Fink testified in front of Governor DeWine's Advisory Committee on Transportation Infrastructure on Wednesday. Connie detailed the obstacles that all townships are facing related to inadequate road funding. The Advisory Committee is tasked with recommending policy changes for the future of Ohio's transportation system. The Committee's report is forthcoming, but the release date has not been set. You can view Connie's testimony [here](#).



### ***Coalition of Large Ohio Urban Townships Chair Testifies***

Chair of the CLOUT Executive Committee, Christine Maticic, also testified in front of the Advisory Committee on Transportation Infrastructure. Christine explained the funding dynamics of larger townships, specifically in Liberty Township where she serves, and outlined a potential new source of revenue. You can view Christine's testimony [here](#).



The OTA is a member of Fix Our Roads (FOR) Ohio, a group dedicated to educating state leaders on the critical needs of Ohio's transportation infrastructure and advocating for a

funding solution that provides long-term, smart investment in Ohio's transportation future. Learn more about FOR Ohio [here](#).

### ***Bill Effective Dates***

HB 291 (Wiggam - Authorize insurance in lieu of bonds for local officers/employees)

-Effective: March 20, 2019

HB 454 (Arndt, Patterson - Require township to reimburse owner of unused cemetery lot)

-Effective: March 20, 2019

HB 500 (Carfagna - Change township law)

-Effective: March 22, 2019

### ***Leadership Selected in Ohio Legislature***

#### **Ohio House of Representatives - Speaker Larry Householder**

Rep. Jim Butler - Speaker Pro Tempore

Rep. Bill Seitz - Majority Floor Leader

Rep. Anthony DeVitis - Assistant Majority Floor Leader

Rep. Jay Edwards - Majority Whip

Rep. Laura Lanese - Assistant Majority Whip

#### **Minority Leader Emilia Strong Sykes**

Rep. Kristin Boggs - Assistant Minority Leader

Rep. Kent Smith - Minority Whip

Rep. Paula Hicks-Hudson - Assistant Minority Whip

#### **Ohio Senate - President Larry Obhof**

Sen. Bob Peterson - President Pro Tempore

Sen. Matt Huffman - Majority Floor Leader

Sen. Jay Hottinger - Majority Whip

#### **Minority Leader Kenny Yuko**

Sen. Cecil Thomas - Assistant Minority Leader

Sen. Sean O'Brien - Minority Whip

Sen. Sandra Williams - Assistant Minority Whip

### ***House Committee Appointments Released***

Agriculture and Rural Development

Rep. Kyle Koehler - Chair

Economic and Workforce Development

Rep. Paul Zeltwanger - Chair

Finance

Rep. Scott Oelslager - Chair

Finance Subcommittee on Transportation

Rep. Dave Greenspan - Chair

State and Local Government

Rep. Scott Wiggam - Chair

Transportation and Public Safety

Rep. Doug Green - Chair

See a full committee roster [here](#).

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## **Recent AG Opinion**

[No. 2019-003](#). Gas Tax Money Erroneously Distributed.

SYLLABUS:

1. A county is not required to institute a civil action seeking reimbursement of motor vehicle fuel excise tax revenues received by the county pursuant to R.C. Chapter 5735 and erroneously distributed to municipal corporations within the county. Although a county has a cognizable cause of action to seek reimbursement of such revenues under an unjust enrichment theory, the county may decline to initiate a cause of action.

2. A county engineer, county auditor, and board of county commissioners each has the authority to direct the county prosecuting attorney to initiate a cause of action under an unjust

enrichment theory against a municipal corporation that was the recipient of erroneously distributed motor vehicle fuel excise tax revenues owed to the county engineer. If the Auditor of State issues a certified report concluding that fuel tax revenues were illegally expended, the county prosecuting attorney may initiate a cause of action pursuant to R.C. 117.28. Regardless of any action taken by the county engineer, county auditor, or board of county commissioners, or the issuance of a certified report by the Auditor of State, the county prosecuting attorney has independent discretion to initiate a cause of action pursuant to R.C. 309.12 to recoup the erroneously distributed fuel tax revenues if he is satisfied that moneys of the county, or public moneys belonging to the county, have been misapplied.

3. A county's claim for unjust enrichment against a political subdivision that was the recipient of erroneously distributed motor vehicle fuel excise tax revenues is subject to the six-year statute of limitations for quasi-contractual claims under R.C. 2305.07, as are actions initiated by a county prosecuting attorney pursuant to R.C. 117.28 or R.C. 309.12.

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## Upcoming Events

### ***Ohio Board of Building Standards Presents: Building on the Code!***

Registration for the Building on the Code Series is now open. The course, "Existing Buildings: Chapter 34," will take place on Thursday February 21, 2019 from 8:30 a.m. to 4:00 p.m. Carl Lamping will present this 6-hour course, which will review the provisions of chapter 34 of the Ohio Building Code and their application through "real world" scenarios.

This course is approved for 6 hours of continuing education credit for ALL BBS CERTIFICATIONS. This class is also open to the public and there is no cost to attend. Webcast is not available for this presentation but will be provided for a future course date and time.

When: February 21, 2019; 8:30 a.m. - 4:00 p.m.  
Where: Ohio Department of Transportation Auditorium  
1980 West Broad Street, Columbus, Ohio 43223

Register: [https://www.surveymonkey.com/r/BOTC\\_February21\\_Columbus](https://www.surveymonkey.com/r/BOTC_February21_Columbus)  
Questions: Please contact Megan Foley at [mfoley@com.state.oh.us](mailto:mfoley@com.state.oh.us)

Also qualifies for 6 hours OCILB credits: 6680031 OBBS EXISTING BUILDING CHAPTER 34

What courses would you like to see in this education series in the future? Let them know by emailing: [BBS@com.state.oh.us](mailto:BBS@com.state.oh.us)

They hope to see you there!

### ***ODA Director Pelanda Meet and Greets***

Ohio Department of Agriculture Director, Dorothy Pelanda, will be hosting meet and greets across Ohio to introduce herself and hear from Ohio's food and agriculture industries.

All events are open to the public. Check [here](#) for current and future events near you.



## Department of Commerce Technical Bulletin: Food Truck Safety

The Department of Commerce, Division of State Fire Marshal (SFM), issued a Technical Bulletin (TB). You can find a link to it [here](#). TB19-001, Ohio Regulations Regarding Mobile Food Units (with Checklist), offers guidance regarding fire safety and the operation of mobile food units in Ohio.

This TB supersedes all prior TBs regarding mobile food units and reflects the most current regulations in Ohio - including recent changes made to the 2017 Ohio Fire Code that became effective on January 5, 2019.

If you have any questions regarding the attached information, please do not hesitate to contact the SFM's Code Enforcement Bureau for further information. The Code Enforcement Bureau can be reached via phone (614-728-5460) or e-mail ([sfm\\_codeenf@com.state.oh.us](mailto:sfm_codeenf@com.state.oh.us)).

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## Winter Conference Information Update

If you attended the session "What's New at BWC" on Thursday, January 31st from 2:45-4:00 pm - please see the following update:

Slide 9 - Policy Activity Rebate Program. Please note the rebate is based on the 2018 policy year true-up (not 2017). Please contact Jeff Little at the Ohio Bureau of Workers' Compensation (614-752-5917) if you have any questions or see the following website link for additional information - [POLICY ACTIVITY REBATE](#)

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### **Ohio Township Association**

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