

AN ACT

To amend sections 5705.321, 5747.53, and 5747.63 of the Revised Code and to repeal Section 3 of this act on December 31, 2002, to allow local government funds under certain circumstances to be distributed among subdivisions under an alternative apportionment scheme without the approval of the largest municipal corporation in the county.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 5705.321, 5747.53, and 5747.63 of the Revised Code be amended to read as follows:

Sec. 5705.321. (A) As used in this section:

(1) "City, located wholly or partially in the county, with the greatest population" means the city, located wholly or partially in the county, with the greatest population residing in the county; however, if the county budget commission on or before January 1, 1998, adopted an alternative method of apportionment that was approved by the city, located partially in the county, with the greatest population but not the greatest population residing in the county, "city, located wholly or partially in the county, with the greatest population" means the city, located wholly or partially in the county, with the greatest population whether residing in the county or not, if this alternative meaning is adopted by action of the board of county commissioners and a majority of the boards of township trustees and legislative authorities of municipal corporations located wholly or partially in the county.

(2) "Participating political subdivision" means a municipal corporation or township that satisfies all of the following:

(a) It is located wholly or partially in the county.

(b) It is not the city, located wholly or partially in the county, with the greatest population.

(c) Library and local government support fund moneys are apportioned to it under the county's alternative method or formula of apportionment in

the current calendar year.

(B) In lieu of the method of apportionment of the county library and local government support fund provided by division (C) of section 5705.32 of the Revised Code, the county budget commission may provide for the apportionment of ~~such~~ the fund under an alternative method or on a formula basis as authorized by this section. ~~Such~~

Except as otherwise provided in division (C) of this section, the alternative method of apportionment shall have first been approved by all of the following governmental units: the board of county commissioners; the legislative authority of the city, located wholly or partially in the county, with the greatest population; and a majority of the boards of township trustees and legislative authorities of municipal corporations, located wholly or partially in the county, excluding the legislative authority of the city, located wholly or partially in the county, with the greatest population. In granting or denying ~~such~~ approval for an alternative method of apportionment, the board of county commissioners, boards of township trustees, and legislative authorities of municipal corporations shall act by motion. A motion to approve shall be passed upon a majority vote of the members of a board of county commissioners, board of township trustees, or legislative authority of a municipal corporation, shall take effect immediately, and need not be published. ~~Any~~

Any alternative method of apportionment adopted and approved under this ~~section~~ division may be revised, amended, or repealed in the same manner as it may be adopted and approved. If a an alternative method of apportionment adopted and approved under this ~~section~~ division is repealed, the county library and local government support fund shall be apportioned among the subdivisions eligible to participate ~~therein~~ in the fund, commencing in the ensuing calendar year, under the apportionment provided in divisions (B) and (C) of section 5705.32 of the Revised Code, unless the repeal occurs by operation of division (C) of this section or a new method for apportionment of ~~such~~ the fund is provided in the action of repeal.

~~(B)~~(C) This division applies only in counties in which the city, located wholly or partially in the county, with the greatest population has a population of twenty thousand or less and a population that is less than fifteen per cent of the total population of the county. In such a county, the legislative authorities or boards of township trustees of two or more participating political subdivisions, which together have a population residing in the county that is a majority of the total population of the county, each may adopt a resolution to exclude the approval otherwise required of

the legislative authority of the city, located wholly or partially in the county, with the greatest population. All of the resolutions to exclude that approval shall be adopted not later than the first Monday of August of the year preceding the calendar year in which distributions are to be made under an alternative method of apportionment.

A motion granting or denying approval of an alternative method of apportionment under this division shall be adopted by a majority vote of the members of the board of county commissioners and by a majority vote of a majority of the boards of township trustees and legislative authorities of the municipal corporations located wholly or partially in the county, other than the city, located wholly or partially in the county, with the greatest population, shall take effect immediately, and need not be published. The alternative method of apportionment under this division shall be adopted and approved annually, not later than the first Monday of August of the year preceding the calendar year in which distributions are to be made under it. A motion granting approval of an alternative method of apportionment under this division repeals any existing alternative method of apportionment, effective with distributions to be made from the fund in the ensuing calendar year. An alternative method of apportionment under this division shall not be revised or amended after the first Monday of August of the year preceding the calendar year in which distributions are to be made under it.

(D) In determining ~~the~~ an alternative method of apportionment authorized by this section, the county budget commission may include in ~~such~~ the method any factor considered to be appropriate and reliable, in the sole discretion of the county budget commission.

~~(C)~~(E) On the basis of any alternative method of apportionment adopted and approved as authorized by this section, as certified by the auditor to the county treasurer, the county treasurer shall make distribution of the money in the county library and local government support fund to each subdivision eligible to participate in ~~such~~ the fund, and the auditor, when the amount of ~~such~~ those shares is in the custody of the treasurer in the amounts so computed to be due the respective subdivisions, shall at the same time certify to the tax commissioner the percentage share of the county as a subdivision. All money received into the treasury of a subdivision from the county library and local government support fund in a county treasury shall be paid into the general fund and used for the current operating expenses of the subdivision.

~~(D)~~(F) The actions of the county budget commission taken pursuant to this section are final and may not be appealed to the board of tax appeals, except on the issues of abuse of discretion and failure to comply with the

formula.

Sec. 5747.53. (A) As used in this section:

(1) "City, located wholly or partially in the county, with the greatest population" means the city, located wholly or partially in the county, with the greatest population residing in the county; however, if the county budget commission on or before January 1, 1998, adopted an alternative method of apportionment that was approved by the legislative authority of the city, located partially in the county, with the greatest population but not the greatest population residing in the county, "city, located wholly or partially in the county, with the greatest population" means the city, located wholly or partially in the county, with the greatest population whether residing in the county or not, if this alternative meaning is adopted by action of the board of county commissioners and a majority of the boards of township trustees and legislative authorities of municipal corporations located wholly or partially in the county.

(2) "Participating political subdivision" means a municipal corporation or township that satisfies all of the following:

(a) It is located wholly or partially in the county.

(b) It is not the city, located wholly or partially in the county, with the greatest population.

(c) Undivided local government fund moneys are apportioned to it under the county's alternative method or formula of apportionment in the current calendar year.

(B) In lieu of the method of apportionment of the undivided local government fund of the county provided by section 5747.51 of the Revised Code, the county budget commission may provide for the apportionment of ~~such~~ the fund under an alternative method or on a formula basis as authorized by this section. ~~Such~~

Except as otherwise provided in division (C) of this section, the alternative method of apportionment shall have first been approved by all of the following governmental units: the board of county commissioners; the legislative authority of the city, located wholly or partially in the county, with the greatest population; and a majority of the boards of township trustees and legislative authorities of municipal corporations, located wholly or partially in the county, excluding the legislative authority of the city, located wholly or partially in the county, with the greatest population. In granting or denying ~~such~~ approval for an alternative method of apportionment, the board of county commissioners, boards of township trustees, and legislative authorities of municipal corporations shall act by motion. A motion to approve shall be passed upon a majority vote of the

members of a board of county commissioners, board of township trustees, or legislative authority of a municipal corporation, shall take effect immediately, and need not be published. ~~Any~~

Any alternative method of apportionment adopted and approved under this ~~section~~ division may be revised, amended, or repealed in the same manner as it may be adopted and approved. ~~In the event a~~ If an alternative method of apportionment adopted and approved under this ~~section~~ division is repealed, the undivided local government fund of the county shall be apportioned among the subdivisions eligible to participate ~~therein~~ in the fund, commencing in the ensuing calendar year, under the apportionment provided in section 5747.52 of the Revised Code, unless the repeal occurs by operation of division (C) of this section or a new method for apportionment of ~~such~~ the fund is provided in the action of repeal.

~~As used in this division, the term "legislative authority of the city, located wholly or partially in the county, with the greatest population" means the legislative authority of the city, located wholly or partially in the county, with the greatest population residing in the county; however, if the county budget commission on or before January 1, 1998, adopted an alternative method of apportionment which was approved by the legislative authority of the city, located partially in the county, with the greatest population but not the greatest population residing in the county, the term shall be deemed to mean the legislative authority of the city, located wholly or partially in the county, with the greatest population whether residing in the county or not, if such alternative meaning is adopted by action of the board of county commissioners and a majority of the boards of township trustees and legislative authorities of municipal corporations located wholly or partially in the county.~~

(B)(C) This division applies only in counties in which the city, located wholly or partially in the county, with the greatest population has a population of twenty thousand or less and a population that is less than fifteen per cent of the total population of the county. In such a county, the legislative authorities or boards of township trustees of two or more participating political subdivisions, which together have a population residing in the county that is a majority of the total population of the county, each may adopt a resolution to exclude the approval otherwise required of the legislative authority of the city, located wholly or partially in the county, with the greatest population. All of the resolutions to exclude that approval shall be adopted not later than the first Monday of August of the year preceding the calendar year in which distributions are to be made under an alternative method of apportionment.

A motion granting or denying approval of an alternative method of apportionment under this division shall be adopted by a majority vote of the members of the board of county commissioners and by a majority vote of a majority of the boards of township trustees and legislative authorities of the municipal corporations located wholly or partially in the county, other than the city, located wholly or partially in the county, with the greatest population, shall take effect immediately, and need not be published. The alternative method of apportionment under this division shall be adopted and approved annually, not later than the first Monday of August of the year preceding the calendar year in which distributions are to be made under it. A motion granting approval of an alternative method of apportionment under this division repeals any existing alternative method of apportionment, effective with distributions to be made from the fund in the ensuing calendar year. An alternative method of apportionment under this division shall not be revised or amended after the first Monday of August of the year preceding the calendar year in which distributions are to be made under it.

(D) In determining ~~the~~ an alternative method of apportionment authorized by this section, the county budget commission may include in ~~such~~ the method any factor considered to be appropriate and reliable, in the sole discretion of the county budget commission.

~~(C)~~(E) The limitations set forth in section 5747.51 of the Revised Code, stating the maximum amount that the county may receive from ~~such~~ the undivided local government fund and the minimum amount the townships in counties having a population of less than one hundred thousand may receive from ~~such~~ the fund, are applicable to any alternative method of apportionment authorized under this section.

~~(D)~~(F) On the basis of any alternative method of apportionment adopted and approved as authorized by this section, as certified by the auditor to the county treasurer, the county treasurer shall make distribution of the money in the undivided local government fund to each subdivision eligible to participate in ~~such~~ the fund, and the auditor, when the amount of ~~such~~ those shares is in the custody of the treasurer in the amounts so computed to be due the respective subdivisions, shall at the same time certify to the tax commissioner the percentage share of the county as a subdivision. All money received into the treasury of a subdivision from the undivided local government fund in a county treasury shall be paid into the general fund and used for the current operating expenses of the subdivision. If a municipal corporation maintains a municipal university, ~~such municipal~~ the university, when the board of trustees so requests the legislative authority of the municipal corporation, shall participate in the money apportioned to ~~such~~

the municipal corporation from the total local government fund, however created and constituted, in ~~such~~ the amount ~~as~~ requested by the board of trustees, provided ~~such sum~~ that amount does not exceed nine per cent of the total amount paid to the municipal corporation.

~~(E)~~(G) The actions of the county budget commission taken pursuant to this section are final and may not be appealed to the board of tax appeals, except on the issues of abuse of discretion and failure to comply with the formula.

Sec. 5747.63. (A) As used in this section:

(1) "City, located wholly or partially in the county, with the greatest population" means the city, located wholly or partially in the county, with the greatest population residing in the county; however, if the county budget commission on or before January 1, 1998, adopted an alternative method of apportionment that was approved by the legislative authority of the city, located partially in the county, with the greatest population but not the greatest population residing in the county, "city, located wholly or partially in the county, with the greatest population" means the city, located wholly or partially in the county, with the greatest population whether residing in the county or not, if this alternative meaning is adopted by action of the board of county commissioners and a majority of the boards of township trustees and legislative authorities of municipal corporations located wholly or partially in the county.

(2) "Participating political subdivision" means a municipal corporation or township that satisfies all of the following:

(a) It is located wholly or partially in the county.

(b) It is not the city, located wholly or partially in the county, with the greatest population.

(c) Undivided local government revenue assistance fund moneys are apportioned to it under the county's alternative method or formula of apportionment in the current calendar year.

(B) In lieu of the method of apportionment of the undivided local government revenue assistance fund of the county provided by section 5747.62 of the Revised Code, the county budget commission may provide for the apportionment of ~~such~~ the fund under an alternative method or on a formula basis as authorized by this section. ~~Such~~

Except as otherwise provided in division (C) of this section, the alternative method of apportionment shall have first been approved by all of the following governmental units: the board of county commissioners; the legislative authority of the city, located wholly or partially in the county, with the greatest population; and a majority of the boards of township

trustees and legislative authorities of municipal corporations, located wholly or partially in the county, excluding the legislative authority of the city, located wholly or partially in the county, with the greatest population. In granting or denying ~~such~~ approval for an alternative method of apportionment, the board of county commissioners, boards of township trustees, and legislative authorities of municipal corporations shall act by motion. A motion to approve shall be passed upon a majority vote of the members of a board of county commissioners, board of township trustees, or legislative authority of a municipal corporation, shall take effect immediately, and need not be published. ~~Any~~

Any alternative method of apportionment adopted and approved under this ~~section~~ division may be revised, amended, or repealed in the same manner as it may be adopted and approved. ~~In the event a~~ If an alternative method of apportionment adopted and approved under this ~~section~~ division is repealed, the undivided local government revenue assistance fund of the county shall be apportioned among the subdivisions eligible to participate ~~therein in the fund~~, commencing in the ensuing fiscal year, under the apportionment provided in section 5747.62 of the Revised Code, unless the repeal occurs by operation of division (C) of this section or a new method for apportionment of such the fund is provided in the action of repeal.

~~As used in this division, the term "legislative authority of the city, located wholly or partially in the county, with the greatest population" means the legislative authority of the city, located wholly or partially in the county, with the greatest population residing in the county; however, if the county budget commission on or before January 1, 1998, adopted an alternative method of apportionment which was approved by the legislative authority of the city, located partially in the county, with the greatest population but not the greatest population residing in the county, the term shall be deemed to mean the legislative authority of the city, located wholly or partially in the county, with the greatest population whether residing in the county or not, if such alternative meaning is adopted by action of the board of county commissioners and a majority of the boards of township trustees and legislative authorities of municipal corporations located wholly or partially in the county.~~

~~(B)~~(C) This division applies only in counties in which the city, located wholly or partially in the county, with the greatest population has a population of twenty thousand or less and a population that is less than fifteen per cent of the total population of the county. In such a county, the legislative authorities or boards of township trustees of two or more participating political subdivisions, which together have a population

ng in the county that is a majority of the total population of the county, each may adopt a resolution to exclude the approval otherwise required of the legislative authority of the city, located wholly or partially in the county, with the greatest population. All of the resolutions to exclude that approval shall be adopted not later than the first Monday of August of the year preceding the calendar year in which distributions are to be made under an alternative method of apportionment.

A motion granting or denying approval of an alternative method of apportionment under this division shall be adopted by a majority vote of the members of the board of county commissioners and by a majority vote of a majority of the boards of township trustees and legislative authorities of the municipal corporations located wholly or partially in the county, other than the city, located wholly or partially in the county, with the greatest population, shall take effect immediately, and need not be published. The alternative method of apportionment shall be adopted and approved annually, not later than the first Monday of August of the year preceding the calendar year in which distributions are to be made under it. A motion granting approval of an alternative method of apportionment under this division repeals any existing alternative method of apportionment, effective with distributions to be made from the fund in the ensuing calendar year. An alternative method of apportionment under this division shall not be revised or amended after the first Monday of August of the year preceding the calendar year in which distributions are to be made under it.

(D) In determining ~~the~~ an alternative method of apportionment authorized by this section, the county budget commission may include in ~~such~~ the method any factor considered to be appropriate and reliable, in the sole discretion of the county budget commission, but the commission shall give special consideration to the needs of villages incorporated after January 1, 1980.

~~(C)~~(E) The limitations set forth in section 5747.62 of the Revised Code, stating the maximum amount that the county may receive from ~~such~~ the undivided local government revenue assistance fund and the minimum amount the townships in counties having a population of less than one hundred thousand may receive from ~~such~~ the fund, are applicable to any alternative method of apportionment authorized under this section.

~~(D)~~(F) On the basis of any alternative method of apportionment adopted and approved as authorized by this section, as certified by the auditor to the county treasurer, the county treasurer shall make distribution of the money in the undivided local government revenue assistance fund to each subdivision eligible to participate in ~~such~~ the fund, and the auditor, when the

amount of ~~such~~ those shares is in the custody of the treasurer in the amounts so computed to be due the respective subdivisions, shall at the same time certify to the tax commissioner the percentage share of the county as a subdivision. All money received by a subdivision from the county undivided local government revenue assistance fund shall be paid into the subdivision's general fund and used for ~~the~~ its current operating expenses.

~~(E)~~(G) The actions of the county budget commission taken pursuant to this section are final and may not be appealed to the board of tax appeals, except on the issues of abuse of discretion and failure to comply with the formula.

SECTION 2. That existing sections 5705.321, 5747.53, and 5747.63 of the Revised Code are hereby repealed.

SECTION 3. (A) Notwithstanding the date specified in division (C) of section 5705.321, division (C) of section 5747.53, or division (C) of section 5747.63 of the Revised Code, as amended by this act, an alternative method of apportionment may be adopted and approved as provided in one or more of those divisions not later than September 2, 2002, for distributions of County Library and Local Government Support Fund, Undivided Local Government Fund, or Undivided Local Government Revenue Assistance Fund moneys during 2003.

(B) Notwithstanding the completion date specified in section 5705.27 of the Revised Code, the day by which a county budget commission must complete its work in 2002 in a county in which an alternative method of apportionment is adopted and approved as provided in division (C) of section 5705.321, division (C) of section 5747.53, or division (C) of section 5747.63 of the Revised Code, as amended by this act, is hereby extended to October 1, 2002, unless the Tax Commissioner, for good cause, extends the time for completing the work to a later date.

SECTION 4. Section 3 of this act is hereby repealed, effective December 31, 2002.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____