

As Passed by the Senate

124th General Assembly

Regular Session

2001-2002

Sub. H. B. No. 329

REPRESENTATIVES Blasdel, Schmidt, Roman, Setzer, Fessler, Carano,
McGregor, Metzger, Seitz, Flowers, Peterson, Lendrum, Carmichael, Hagan

A BILL

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.

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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:

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

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(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

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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.

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

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

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

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(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.

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(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~~

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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

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commissioners, boards of township trustees, and legislative 51
authorities of municipal corporations shall act by motion. A 52
motion to approve shall be passed upon a majority vote of the 53
members of a board of county commissioners, board of township 54
trustees, or legislative authority of a municipal corporation, 55
shall take effect immediately, and need not be published. Any 56

Any alternative method of apportionment adopted and approved 57
under this ~~section~~ division may be revised, amended, or repealed 58
in the same manner as it may be adopted and approved. If ~~a~~ an 59
alternative method of apportionment adopted and approved under 60
this ~~section~~ division is repealed, the county library and local 61
government support fund shall be apportioned among the 62
subdivisions eligible to participate ~~therein~~ in the fund, 63
commencing in the ensuing calendar year, under the apportionment 64
provided in divisions (B) and (C) of section 5705.32 of the 65
Revised Code, unless the repeal occurs by operation of division 66
(C) of this section or a new method for apportionment of such the 67
fund is provided in the action of repeal. 68

~~(B)~~(C) This division applies only in counties in which the 69
city, located wholly or partially in the county, with the greatest 70
population has a population of twenty thousand or less and a 71
population that is less than fifteen per cent of the total 72
population of the county. In such a county, the legislative 73
authorities or boards of township trustees of two or more 74
participating political subdivisions, which together have a 75
population residing in the county that is a majority of the total 76
population of the county, each may adopt a resolution to exclude 77
the approval otherwise required of the legislative authority of 78
the city, located wholly or partially in the county, with the 79
greatest population. All of the resolutions to exclude that 80
approval shall be adopted not later than the first Monday of 81
August of the year preceding the calendar year in which 82

distributions are to be made under an alternative method of 83
apportionment. 84

A motion granting or denying approval of an alternative 85
method of apportionment under this division shall be adopted by a 86
majority vote of the members of the board of county commissioners 87
and by a majority vote of a majority of the boards of township 88
trustees and legislative authorities of the municipal corporations 89
located wholly or partially in the county, other than the city, 90
located wholly or partially in the county, with the greatest 91
population, shall take effect immediately, and need not be 92
published. The alternative method of apportionment under this 93
division shall be adopted and approved annually, not later than 94
the first Monday of August of the year preceding the calendar year 95
in which distributions are to be made under it. A motion granting 96
approval of an alternative method of apportionment under this 97
division repeals any existing alternative method of apportionment, 98
effective with distributions to be made from the fund in the 99
ensuing calendar year. An alternative method of apportionment 100
under this division shall not be revised or amended after the 101
first Monday of August of the year preceding the calendar year in 102
which distributions are to be made under it. 103

(D) In determining ~~the~~ an alternative method of apportionment 104
authorized by this section, the county budget commission may 105
include in ~~such~~ the method any factor considered to be appropriate 106
and reliable, in the sole discretion of the county budget 107
commission. 108

~~(C)~~(E) On the basis of any alternative method of 109
apportionment adopted and approved as authorized by this section, 110
as certified by the auditor to the county treasurer, the county 111
treasurer shall make distribution of the money in the county 112
library and local government support fund to each subdivision 113
eligible to participate in ~~such~~ the fund, and the auditor, when 114

the amount of ~~such~~ those shares is in the custody of the treasurer 115
in the amounts so computed to be due the respective subdivisions, 116
shall at the same time certify to the tax commissioner the 117
percentage share of the county as a subdivision. All money 118
received into the treasury of a subdivision from the county 119
library and local government support fund in a county treasury 120
shall be paid into the general fund and used for the current 121
operating expenses of the subdivision. 122

~~(D)~~(F) The actions of the county budget commission taken 123
pursuant to this section are final and may not be appealed to the 124
board of tax appeals, except on the issues of abuse of discretion 125
and failure to comply with the formula. 126

Sec. 5747.53. (A) As used in this section: 127

(1) "City, located wholly or partially in the county, with 128
the greatest population" means the city, located wholly or 129
partially in the county, with the greatest population residing in 130
the county; however, if the county budget commission on or before 131
January 1, 1998, adopted an alternative method of apportionment 132
that was approved by the legislative authority of the city, 133
located partially in the county, with the greatest population but 134
not the greatest population residing in the county, "city, located 135
wholly or partially in the county, with the greatest population" 136
means the city, located wholly or partially in the county, with 137
the greatest population whether residing in the county or not, if 138
this alternative meaning is adopted by action of the board of 139
county commissioners and a majority of the boards of township 140
trustees and legislative authorities of municipal corporations 141
located wholly or partially in the county. 142

(2) "Participating political subdivision" means a municipal 143
corporation or township that satisfies all of the following: 144

(a) It is located wholly or partially in the county. 145

(b) It is not the city, located wholly or partially in the 146
county, with the greatest population. 147

(c) Undivided local government fund moneys are apportioned to 148
it under the county's alternative method or formula of 149
apportionment in the current calendar year. 150

(B) In lieu of the method of apportionment of the undivided 151
local government fund of the county provided by section 5747.51 of 152
the Revised Code, the county budget commission may provide for the 153
apportionment of ~~such~~ the fund under an alternative method or on a 154
formula basis as authorized by this section. ~~Such~~ 155

Except as otherwise provided in division (C) of this section, 156
the alternative method of apportionment shall have first been 157
approved by all of the following governmental units: the board of 158
county commissioners; the legislative authority of the city, 159
located wholly or partially in the county, with the greatest 160
population; and a majority of the boards of township trustees and 161
legislative authorities of municipal corporations, located wholly 162
or partially in the county, excluding the legislative authority of 163
the city, located wholly or partially in the county, with the 164
greatest population. In granting or denying ~~such~~ approval for an 165
alternative method of apportionment, the board of county 166
commissioners, boards of township trustees, and legislative 167
authorities of municipal corporations shall act by motion. A 168
motion to approve shall be passed upon a majority vote of the 169
members of a board of county commissioners, board of township 170
trustees, or legislative authority of a municipal corporation, 171
shall take effect immediately, and need not be published. ~~Any~~ 172

Any alternative method of apportionment adopted and approved 173
under this ~~section~~ division may be revised, amended, or repealed 174
in the same manner as it may be adopted and approved. ~~In the event~~ 175
~~a~~ If an alternative method of apportionment adopted and approved 176
under this ~~section~~ division is repealed, the undivided local 177

government fund of the county shall be apportioned among the 178
subdivisions eligible to participate ~~therein in the fund~~, 179
commencing in the ensuing calendar year, under the apportionment 180
provided in section 5747.52 of the Revised Code, unless the repeal 181
occurs by operation of division (C) of this section or a new 182
method for apportionment of ~~such the~~ fund is provided in the 183
action of repeal. 184

~~As used in this division, the term "legislative authority of 185
the city, located wholly or partially in the county, with the 186
greatest population" means the legislative authority of the city, 187
located wholly or partially in the county, with the greatest 188
population residing in the county; however, if the county budget 189
commission on or before January 1, 1998, adopted an alternative 190
method of apportionment which was approved by the legislative 191
authority of the city, located partially in the county, with the 192
greatest population but not the greatest population residing in 193
the county, the term shall be deemed to mean the legislative 194
authority of the city, located wholly or partially in the county, 195
with the greatest population whether residing in the county or 196
not, if such alternative meaning is adopted by action of the board 197
of county commissioners and a majority of the boards of township 198
trustees and legislative authorities of municipal corporations 199
located wholly or partially in the county. 200~~

(B)(C) This division applies only in counties in which the 201
city, located wholly or partially in the county, with the greatest 202
population has a population of twenty thousand or less and a 203
population that is less than fifteen per cent of the total 204
population of the county. In such a county, the legislative 205
authorities or boards of township trustees of two or more 206
participating political subdivisions, which together have a 207
population residing in the county that is a majority of the total 208
population of the county, each may adopt a resolution to exclude 209

the approval otherwise required of the legislative authority of 210
the city, located wholly or partially in the county, with the 211
greatest population. All of the resolutions to exclude that 212
approval shall be adopted not later than the first Monday of 213
August of the year preceding the calendar year in which 214
distributions are to be made under an alternative method of 215
apportionment. 216

A motion granting or denying approval of an alternative 217
method of apportionment under this division shall be adopted by a 218
majority vote of the members of the board of county commissioners 219
and by a majority vote of a majority of the boards of township 220
trustees and legislative authorities of the municipal corporations 221
located wholly or partially in the county, other than the city, 222
located wholly or partially in the county, with the greatest 223
population, shall take effect immediately, and need not be 224
published. The alternative method of apportionment under this 225
division shall be adopted and approved annually, not later than 226
the first Monday of August of the year preceding the calendar year 227
in which distributions are to be made under it. A motion granting 228
approval of an alternative method of apportionment under this 229
division repeals any existing alternative method of apportionment, 230
effective with distributions to be made from the fund in the 231
ensuing calendar year. An alternative method of apportionment 232
under this division shall not be revised or amended after the 233
first Monday of August of the year preceding the calendar year in 234
which distributions are to be made under it. 235

(D) In determining ~~the~~ an alternative method of apportionment 236
authorized by this section, the county budget commission may 237
include in ~~such~~ the method any factor considered to be appropriate 238
and reliable, in the sole discretion of the county budget 239
commission. 240

~~(C)~~(E) The limitations set forth in section 5747.51 of the 241

Revised Code, stating the maximum amount that the county may 242
receive from ~~such~~ the undivided local government fund and the 243
minimum amount the townships in counties having a population of 244
less than one hundred thousand may receive from ~~such~~ the fund, are 245
applicable to any alternative method of apportionment authorized 246
under this section. 247

~~(D)~~(F) On the basis of any alternative method of 248
apportionment adopted and approved as authorized by this section, 249
as certified by the auditor to the county treasurer, the county 250
treasurer shall make distribution of the money in the undivided 251
local government fund to each subdivision eligible to participate 252
in ~~such~~ the fund, and the auditor, when the amount of ~~such~~ those 253
shares is in the custody of the treasurer in the amounts so 254
computed to be due the respective subdivisions, shall at the same 255
time certify to the tax commissioner the percentage share of the 256
county as a subdivision. All money received into the treasury of a 257
subdivision from the undivided local government fund in a county 258
treasury shall be paid into the general fund and used for the 259
current operating expenses of the subdivision. If a municipal 260
corporation maintains a municipal university, ~~such municipal~~ the 261
university, when the board of trustees so requests the legislative 262
authority of the municipal corporation, shall participate in the 263
money apportioned to ~~such~~ the municipal corporation from the total 264
local government fund, however created and constituted, in ~~such~~ 265
the amount ~~as~~ requested by the board of trustees, provided ~~such~~ 266
~~sum~~ that amount does not exceed nine per cent of the total amount 267
paid to the municipal corporation. 268

~~(E)~~(G) The actions of the county budget commission taken 269
pursuant to this section are final and may not be appealed to the 270
board of tax appeals, except on the issues of abuse of discretion 271
and failure to comply with the formula. 272

Sec. 5747.63. (A) As used in this section: 273

(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 305
county commissioners; the legislative authority of the city, 306
located wholly or partially in the county, with the greatest 307
population; and a majority of the boards of township trustees and 308
legislative authorities of municipal corporations, located wholly 309
or partially in the county, excluding the legislative authority of 310
the city, located wholly or partially in the county, with the 311
greatest population. In granting or denying ~~such~~ approval for an 312
alternative method of apportionment, the board of county 313
commissioners, boards of township trustees, and legislative 314
authorities of municipal corporations shall act by motion. A 315
motion to approve shall be passed upon a majority vote of the 316
members of a board of county commissioners, board of township 317
trustees, or legislative authority of a municipal corporation, 318
shall take effect immediately, and need not be published. ~~Any~~ 319

Any alternative method of apportionment adopted and approved 320
under this ~~section~~ division may be revised, amended, or repealed 321
in the same manner as it may be adopted and approved. ~~In the event~~ 322
~~a~~ If an alternative method of apportionment adopted and approved 323
under this ~~section~~ division is repealed, the undivided local 324
government revenue assistance fund of the county shall be 325
apportioned among the subdivisions eligible to participate ~~therein~~ 326
in the fund, commencing in the ensuing fiscal year, under the 327
apportionment provided in section 5747.62 of the Revised Code, 328
unless the repeal occurs by operation of division (C) of this 329
section or a new method for apportionment of ~~such~~ the fund is 330
provided in the action of repeal. 331

~~As used in this division, the term "legislative authority of~~ 332
~~the city, located wholly or partially in the county, with the~~ 333
~~greatest population" means the legislative authority of the city,~~ 334
~~located wholly or partially in the county, with the greatest~~ 335
~~population residing in the county; however, if the county budget~~ 336

~~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.~~

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(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.

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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

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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.

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(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.

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~~(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.

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~~(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

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local government revenue assistance fund to each subdivision 401
eligible to participate in ~~such~~ the fund, and the auditor, when 402
the amount of ~~such~~ those shares is in the custody of the treasurer 403
in the amounts so computed to be due the respective subdivisions, 404
shall at the same time certify to the tax commissioner the 405
percentage share of the county as a subdivision. All money 406
received by a subdivision from the county undivided local 407
government revenue assistance fund shall be paid into the 408
subdivision's general fund and used for ~~the~~ its current operating 409
expenses. 410

~~(E)~~(G) The actions of the county budget commission taken 411
pursuant to this section are final and may not be appealed to the 412
board of tax appeals, except on the issues of abuse of discretion 413
and failure to comply with the formula. 414

Section 2. That existing sections 5705.321, 5747.53, and 415
5747.63 of the Revised Code are hereby repealed. 416

Section 3. (A) Notwithstanding the date specified in division 417
(C) of section 5705.321, division (C) of section 5747.53, or 418
division (C) of section 5747.63 of the Revised Code, as amended by 419
this act, an alternative method of apportionment may be adopted 420
and approved as provided in one or more of those divisions not 421
later than September 2, 2002, for distributions of County Library 422
and Local Government Support Fund, Undivided Local Government 423
Fund, or Undivided Local Government Revenue Assistance Fund moneys 424
during 2003. 425

(B) Notwithstanding the completion date specified in section 426
5705.27 of the Revised Code, the day by which a county budget 427
commission must complete its work in 2002 in a county in which an 428
alternative method of apportionment is adopted and approved as 429
provided in division (C) of section 5705.321, division (C) of 430
section 5747.53, or division (C) of section 5747.63 of the Revised 431

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.

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

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