

**As Reported by the House Local Government and Townships  
Committee**

**124th General Assembly  
Regular Session  
2001-2002**

**H. B. No. 329**

**REPRESENTATIVES Blasdel, Schmidt, Roman, Setzer, Fessler, Carano,  
McGregor, Metzger**

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**A B I L L**

To amend sections 5705.321, 5747.53, and 5747.63 of  
the Revised Code 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

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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.

(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

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commissioners, boards of township trustees, and legislative 50  
 authorities of municipal corporations shall act by motion. A 51  
 motion to approve shall be passed upon a majority vote of the 52  
 members of a board of county commissioners, board of township 53  
 trustees, or legislative authority of a municipal corporation, 54  
 shall take effect immediately, and need not be published. Any 55

Any alternative method of apportionment adopted and approved 56  
 under this ~~section~~ division may be revised, amended, or repealed 57  
 in the same manner as it may be adopted and approved. If ~~a~~ an 58  
alternative method of apportionment adopted and approved under 59  
 this ~~section~~ division is repealed, the county library and local 60  
 government support fund shall be apportioned among the 61  
 subdivisions eligible to participate ~~therein~~ in the fund, 62  
 commencing in the ensuing calendar year, under the apportionment 63  
 provided in divisions (B) and (C) of section 5705.32 of the 64  
 Revised Code, unless the repeal occurs by operation of division 65  
(C) of this section or a new method for apportionment of such the 66  
 fund is provided in the action of repeal. 67

~~(B)~~(C) This division applies only in counties in which the 68  
city, located wholly or partially in the county, with the greatest 69  
population has a population that is less than fifteen per cent of 70  
the total population of the county. In such a county, the 71  
legislative authorities or boards of township trustees of two or 72  
more participating political subdivisions, which together have a 73  
population residing in the county that is a majority of the total 74  
population of the county, each may adopt a resolution to exclude 75  
the approval otherwise required of the legislative authority of 76  
the city, located wholly or partially in the county, with the 77  
greatest population. All of the resolutions to exclude that 78  
approval shall be adopted not later than the first Monday of 79  
August of the year preceding the calendar year in which 80  
distributions are to be made under an alternative method of 81

apportionment. 82

A motion granting or denying approval of an alternative 83  
method of apportionment under this division shall be adopted by a 84  
majority vote of the members of the board of county commissioners 85  
and by a majority vote of a majority of the boards of township 86  
trustees and legislative authorities of the municipal corporations 87  
located wholly or partially in the county, other than the city, 88  
located wholly or partially in the county, with the greatest 89  
population, shall take effect immediately, and need not be 90  
published. The alternative method of apportionment under this 91  
division shall be adopted and approved annually, not later than 92  
the first Monday of August of the year preceding the calendar year 93  
in which distributions are to be made under it. A motion granting 94  
approval of an alternative method of apportionment under this 95  
division repeals any existing alternative method of apportionment, 96  
effective with distributions to be made from the fund in the 97  
ensuing calendar year. An alternative method of apportionment 98  
under this division shall not be revised or amended after the 99  
first Monday of August of the year preceding the calendar year in 100  
which distributions are to be made under it. 101

(D) In determining ~~the~~ an alternative method of apportionment 102  
authorized by this section, the county budget commission may 103  
include in ~~such~~ the method any factor considered to be appropriate 104  
and reliable, in the sole discretion of the county budget 105  
commission. 106

~~(C)~~(E) On the basis of any alternative method of 107  
apportionment adopted and approved as authorized by this section, 108  
as certified by the auditor to the county treasurer, the county 109  
treasurer shall make distribution of the money in the county 110  
library and local government support fund to each subdivision 111  
eligible to participate in ~~such~~ the fund, and the auditor, when 112  
the amount of ~~such~~ those shares is in the custody of the treasurer 113

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in the amounts so computed to be due the respective subdivisions, 114  
 shall at the same time certify to the tax commissioner the 115  
 percentage share of the county as a subdivision. All money 116  
 received into the treasury of a subdivision from the county 117  
 library and local government support fund in a county treasury 118  
 shall be paid into the general fund and used for the current 119  
 operating expenses of the subdivision. 120

~~(D)~~(F) The actions of the county budget commission taken 121  
 pursuant to this section are final and may not be appealed to the 122  
 board of tax appeals, except on the issues of abuse of discretion 123  
 and failure to comply with the formula. 124

**Sec. 5747.53.** (A) As used in this section: 125

(1) "City, located wholly or partially in the county, with 126  
the greatest population" means the city, located wholly or 127  
partially in the county, with the greatest population residing in 128  
the county; however, if the county budget commission on or before 129  
January 1, 1998, adopted an alternative method of apportionment 130  
that was approved by the legislative authority of the city, 131  
located partially in the county, with the greatest population but 132  
not the greatest population residing in the county, "city, located 133  
wholly or partially in the county, with the greatest population" 134  
means the city, located wholly or partially in the county, with 135  
the greatest population whether residing in the county or not, if 136  
this alternative meaning is adopted by action of the board of 137  
county commissioners and a majority of the boards of township 138  
trustees and legislative authorities of municipal corporations 139  
located wholly or partially in the county. 140

(2) "Participating political subdivision" means a municipal 141  
corporation or township that satisfies all of the following: 142

(a) It is located wholly or partially in the county. 143

(b) It is not the city, located wholly or partially in the 144

county, with the greatest population. 145

(c) Undivided local government fund moneys are apportioned to 146  
it under the county's alternative method or formula of 147  
apportionment in the current calendar year. 148

(B) In lieu of the method of apportionment of the undivided 149  
local government fund of the county provided by section 5747.51 of 150  
the Revised Code, the county budget commission may provide for the 151  
apportionment of ~~such~~ the fund under an alternative method or on a 152  
formula basis as authorized by this section. ~~Such~~ 153

Except as otherwise provided in division (C) of this section, 154  
the alternative method of apportionment shall have first been 155  
approved by all of the following governmental units: the board of 156  
county commissioners; the legislative authority of the city, 157  
located wholly or partially in the county, with the greatest 158  
population; and a majority of the boards of township trustees and 159  
legislative authorities of municipal corporations, located wholly 160  
or partially in the county, excluding the legislative authority of 161  
the city, located wholly or partially in the county, with the 162  
greatest population. In granting or denying ~~such~~ approval for an 163  
alternative method of apportionment, the board of county 164  
commissioners, boards of township trustees, and legislative 165  
authorities of municipal corporations shall act by motion. A 166  
motion to approve shall be passed upon a majority vote of the 167  
members of a board of county commissioners, board of township 168  
trustees, or legislative authority of a municipal corporation, 169  
shall take effect immediately, and need not be published. ~~Any~~ 170

Any alternative method of apportionment adopted and approved 171  
under this ~~section~~ division may be revised, amended, or repealed 172  
in the same manner as it may be adopted and approved. ~~In the event~~ 173  
~~a~~ If an alternative method of apportionment adopted and approved 174  
under this ~~section~~ division is repealed, the undivided local 175  
government fund of the county shall be apportioned among the 176

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subdivisions eligible to participate ~~therein~~ in the fund, 177  
commencing in the ensuing calendar year, under the apportionment 178  
provided in section 5747.52 of the Revised Code, unless the repeal 179  
occurs by operation of division (C) of this section or a new 180  
method for apportionment of ~~such~~ the fund is provided in the 181  
action of repeal. 182

~~As used in this division, the term "legislative authority of~~ 183  
~~the city, located wholly or partially in the county, with the~~ 184  
~~greatest population" means the legislative authority of the city,~~ 185  
~~located wholly or partially in the county, with the greatest~~ 186  
~~population residing in the county; however, if the county budget~~ 187  
~~commission on or before January 1, 1998, adopted an alternative~~ 188  
~~method of apportionment which was approved by the legislative~~ 189  
~~authority of the city, located partially in the county, with the~~ 190  
~~greatest population but not the greatest population residing in~~ 191  
~~the county, the term shall be deemed to mean the legislative~~ 192  
~~authority of the city, located wholly or partially in the county,~~ 193  
~~with the greatest population whether residing in the county or~~ 194  
~~not, if such alternative meaning is adopted by action of the board~~ 195  
~~of county commissioners and a majority of the boards of township~~ 196  
~~trustees and legislative authorities of municipal corporations~~ 197  
~~located wholly or partially in the county.~~ 198

(B)(C) This division applies only in counties in which the 199  
city, located wholly or partially in the county, with the greatest 200  
population has a population that is less than fifteen per cent of 201  
the total population of the county. In such a county, the 202  
legislative authorities or boards of township trustees of two or 203  
more participating political subdivisions, which together have a 204  
population residing in the county that is a majority of the total 205  
population of the county, each may adopt a resolution to exclude 206  
the approval otherwise required of the legislative authority of 207  
the city, located wholly or partially in the county, with the 208

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greatest population. All of the resolutions to exclude that 209  
approval shall be adopted not later than the first Monday of 210  
August of the year preceding the calendar year in which 211  
distributions are to be made under an alternative method of 212  
apportionment. 213

A motion granting or denying approval of an alternative 214  
method of apportionment under this division shall be adopted by a 215  
majority vote of the members of the board of county commissioners 216  
and by a majority vote of a majority of the boards of township 217  
trustees and legislative authorities of the municipal corporations 218  
located wholly or partially in the county, other than the city, 219  
located wholly or partially in the county, with the greatest 220  
population, shall take effect immediately, and need not be 221  
published. The alternative method of apportionment under this 222  
division shall be adopted and approved annually, not later than 223  
the first Monday of August of the year preceding the calendar year 224  
in which distributions are to be made under it. A motion granting 225  
approval of an alternative method of apportionment under this 226  
division repeals any existing alternative method of apportionment, 227  
effective with distributions to be made from the fund in the 228  
ensuing calendar year. An alternative method of apportionment 229  
under this division shall not be revised or amended after the 230  
first Monday of August of the year preceding the calendar year in 231  
which distributions are to be made under it. 232

(D) In determining ~~the~~ an alternative method of apportionment 233  
authorized by this section, the county budget commission may 234  
include in ~~such~~ the method any factor considered to be appropriate 235  
and reliable, in the sole discretion of the county budget 236  
commission. 237

~~(C)~~(E) The limitations set forth in section 5747.51 of the 238  
Revised Code, stating the maximum amount that the county may 239  
receive from ~~such~~ the undivided local government fund and the 240



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minimum amount the townships in counties having a population of 241  
 less than one hundred thousand may receive from ~~such~~ the fund, are 242  
 applicable to any alternative method of apportionment authorized 243  
 under this section. 244

~~(D)~~(F) On the basis of any alternative method of 245  
 apportionment adopted and approved as authorized by this section, 246  
 as certified by the auditor to the county treasurer, the county 247  
 treasurer shall make distribution of the money in the undivided 248  
 local government fund to each subdivision eligible to participate 249  
 in ~~such~~ the fund, and the auditor, when the amount of ~~such~~ those 250  
 shares is in the custody of the treasurer in the amounts so 251  
 computed to be due the respective subdivisions, shall at the same 252  
 time certify to the tax commissioner the percentage share of the 253  
 county as a subdivision. All money received into the treasury of a 254  
 subdivision from the undivided local government fund in a county 255  
 treasury shall be paid into the general fund and used for the 256  
 current operating expenses of the subdivision. If a municipal 257  
 corporation maintains a municipal university, ~~such municipal~~ the 258  
 university, when the board of trustees so requests the legislative 259  
 authority of the municipal corporation, shall participate in the 260  
 money apportioned to ~~such~~ the municipal corporation from the total 261  
 local government fund, however created and constituted, in ~~such~~ 262  
~~the~~ amount ~~as~~ requested by the board of trustees, provided ~~such~~ 263  
~~sum~~ that amount does not exceed nine per cent of the total amount 264  
 paid to the municipal corporation. 265

~~(E)~~(G) The actions of the county budget commission taken 266  
 pursuant to this section are final and may not be appealed to the 267  
 board of tax appeals, except on the issues of abuse of discretion 268  
 and failure to comply with the formula. 269

**Sec. 5747.63.** (A) As used in this section: 270

(1) "City, located wholly or partially in the county, with 271

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the greatest population" means the city, located wholly or 272  
partially in the county, with the greatest population residing in 273  
the county; however, if the county budget commission on or before 274  
January 1, 1998, adopted an alternative method of apportionment 275  
that was approved by the legislative authority of the city, 276  
located partially in the county, with the greatest population but 277  
not the greatest population residing in the county, "city, located 278  
wholly or partially in the county, with the greatest population" 279  
means the city, located wholly or partially in the county, with 280  
the greatest population whether residing in the county or not, if 281  
this alternative meaning is adopted by action of the board of 282  
county commissioners and a majority of the boards of township 283  
trustees and legislative authorities of municipal corporations 284  
located wholly or partially in the county. 285

(2) "Participating political subdivision" means a municipal 286  
corporation or township that satisfies all of the following: 287

(a) It is located wholly or partially in the county. 288

(b) It is not the city, located wholly or partially in the 289  
county, with the greatest population. 290

(c) Undivided local government revenue assistance fund moneys 291  
are apportioned to it under the county's alternative method or 292  
formula of apportionment in the current calendar year. 293

(B) In lieu of the method of apportionment of the undivided 294  
local government revenue assistance fund of the county provided by 295  
section 5747.62 of the Revised Code, the county budget commission 296  
may provide for the apportionment of ~~such~~ the fund under an 297  
alternative method or on a formula basis as authorized by this 298  
section. ~~Such~~ 299

Except as otherwise provided in division (C) of this section, 300  
the alternative method of apportionment shall have first been 301  
approved by all of the following governmental units: the board of 302

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county commissioners; the legislative authority of the city, 303  
 located wholly or partially in the county, with the greatest 304  
 population; and a majority of the boards of township trustees and 305  
 legislative authorities of municipal corporations, located wholly 306  
 or partially in the county, excluding the legislative authority of 307  
 the city, located wholly or partially in the county, with the 308  
 greatest population. In granting or denying ~~such~~ approval for an 309  
alternative method of apportionment, the board of county 310  
 commissioners, boards of township trustees, and legislative 311  
 authorities of municipal corporations shall act by motion. A 312  
 motion to approve shall be passed upon a majority vote of the 313  
 members of a board of county commissioners, board of township 314  
 trustees, or legislative authority of a municipal corporation, 315  
 shall take effect immediately, and need not be published. ~~Any~~ 316

Any alternative method of apportionment adopted and approved 317  
 under this ~~section~~ division may be revised, amended, or repealed 318  
 in the same manner as it may be adopted and approved. ~~In the event~~ 319  
~~a~~ If an alternative method of apportionment adopted and approved 320  
 under this ~~section~~ division is repealed, the undivided local 321  
 government revenue assistance fund of the county shall be 322  
 apportioned among the subdivisions eligible to participate ~~therein~~ 323  
in the fund, commencing in the ensuing fiscal year, under the 324  
 apportionment provided in section 5747.62 of the Revised Code, 325  
 unless the repeal occurs by operation of division (C) of this 326  
section or a new method for apportionment of ~~such~~ the fund is 327  
 provided in the action of repeal. 328

~~As used in this division, the term "legislative authority of~~ 329  
~~the city, located wholly or partially in the county, with the~~ 330  
~~greatest population" means the legislative authority of the city,~~ 331  
~~located wholly or partially in the county, with the greatest~~ 332  
~~population residing in the county; however, if the county budget~~ 333  
~~commission on or before January 1, 1998, adopted an alternative~~ 334

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~~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 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

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population, shall take effect immediately, and need not be 367  
published. The alternative method of apportionment shall be 368  
adopted and approved annually, not later than the first Monday of 369  
August of the year preceding the calendar year in which 370  
distributions are to be made under it. A motion granting approval 371  
of an alternative method of apportionment under this division 372  
repeals any existing alternative method of apportionment, 373  
effective with distributions to be made from the fund in the 374  
ensuing calendar year. An alternative method of apportionment 375  
under this division shall not be revised or amended after the 376  
first Monday of August of the year preceding the calendar year in 377  
which distributions are to be made under it. 378

(D) In determining ~~the~~ an alternative method of apportionment 379  
 authorized by this section, the county budget commission may 380  
 include in ~~such~~ the method any factor considered to be appropriate 381  
 and reliable, in the sole discretion of the county budget 382  
 commission, but the commission shall give special consideration to 383  
 the needs of villages incorporated after January 1, 1980. 384

~~(C)~~(E) The limitations set forth in section 5747.62 of the 386  
 Revised Code, stating the maximum amount that the county may 387  
 receive from ~~such~~ the undivided local government revenue 388  
assistance fund and the minimum amount the townships in counties 389  
 having a population of less than one hundred thousand may receive 390  
 from ~~such~~ the fund, are applicable to any alternative method of 391  
 apportionment authorized under this section. 392

~~(D)~~(F) On the basis of any alternative method of 393  
 apportionment adopted and approved as authorized by this section, 394  
 as certified by the auditor to the county treasurer, the county 395  
 treasurer shall make distribution of the money in the undivided 396  
 local government revenue assistance fund to each subdivision 397  
 eligible to participate in ~~such~~ the fund, and the auditor, when 398

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the amount of ~~such~~ those shares is in the custody of the treasurer 399  
in the amounts so computed to be due the respective subdivisions, 400  
shall at the same time certify to the tax commissioner the 401  
percentage share of the county as a subdivision. All money 402  
received by a subdivision from the county undivided local 403  
government revenue assistance fund shall be paid into the 404  
subdivision's general fund and used for ~~the~~ its current operating 405  
expenses. 406

~~(E)~~(G) The actions of the county budget commission taken 407  
pursuant to this section are final and may not be appealed to the 408  
board of tax appeals, except on the issues of abuse of discretion 409  
and failure to comply with the formula. 410

**Section 2.** That existing sections 5705.321, 5747.53, and 411  
5747.63 of the Revised Code are hereby repealed. 412