

**As Introduced**

**127th General Assembly  
Regular Session  
2007-2008**

**H. B. No. 480**

**Representative Gardner**

**Cosponsors: Representatives Brinkman, Wachtmann, Fessler, Combs,  
Sears**

**—**

**A BILL**

To enact sections 306.322 and 306.55 of the Revised 1  
Code to create an additional procedure for 2  
subdivisions to join a regional transit authority 3  
that levies a property tax and that includes a 4  
county having a population of at least 400,000 and 5  
to allow a subdivision that is a member of such a 6  
regional transit authority to withdraw from the 7  
authority. 8

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 306.322 and 306.55 of the Revised 9  
Code be enacted to read as follows: 10

**Sec. 306.322.** (A) For any regional transit authority that 11  
levies a property tax and that includes a county having a 12  
population of at least four hundred thousand according to the most 13  
recent federal census, the procedures of this section are in 14  
addition to and an alternative to those established in sections 15  
306.32 and 306.321 for joining to the regional transit authority 16  
additional counties, municipal corporations, or townships. 17

(B) Any county, municipal corporation, or township may adopt 18

a resolution or ordinance proposing to join a regional transit authority described in division (A) of this section. In its resolution or ordinance, the political subdivision may propose joining the regional transit authority for a limited period of three years or without a time limit. 19  
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(C) The political subdivision proposing to join the regional transit authority shall submit a copy of its resolution or ordinance to the board of the county commissioners of each county, the legislative authority of each municipal corporation, and the board of trustees of each township comprising the regional transit authority. Within thirty days of receiving the resolution or ordinance for inclusion in the regional transit authority, the board of the county commissioners of each county, the legislative authority of each municipal corporation, and the board of trustees of each township shall consider the question of whether to include the additional subdivision in the regional transit authority, shall adopt a resolution or ordinance approving or rejecting the inclusion of the additional subdivision, and shall present its resolution or ordinance to the board of trustees of the regional transit authority. 24  
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(D) If a majority of the political subdivisions comprising the regional transit authority approve the inclusion of the additional political subdivision, the board of trustees of the regional transit authority, not later than the tenth day following the day on which the last ordinance or resolution is presented, shall notify the subdivision proposing to join the regional transit authority that it may certify the proposal to the board of elections for the purpose of having the proposal placed on the ballot at the next general election or at a special election conducted on the day of the next primary election that occurs not less than seventy-five days after the resolution or ordinance is certified to the board of elections. 39  
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(E) Upon certification of a proposal to the board of elections pursuant to this section, the board of elections shall make the necessary arrangements for the submission of the question to the electors of the territory to be included in the regional transit authority qualified to vote on the question, and the election shall be held, canvassed, and certified in the same manner as regular elections for the election of officers of the subdivision proposing to join the regional transit authority, except that, if the resolution proposed the inclusion without a time limitation the question appearing on the ballot shall read:

"Shall the territory within the ..... (Name or names of political subdivisions to be joined) be added to ..... (Name) regional transit authority?" and shall a(n) ..... (here insert type of tax or taxes) at a rate of taxation not to exceed ..... (here insert maximum tax rate or rates) be levied for all transit purposes?"

If the resolution proposed the inclusion with a three-year time limitation, the question appearing on the ballot shall read:

"Shall the territory within the ..... (Name or names of political subdivisions to be joined) be added to ..... (Name) regional transit authority?" for three years and shall a(n) ..... (here insert type of tax or taxes) at a rate of taxation not to exceed ..... (here insert maximum tax rate or rates) be levied for all transit purposes for three years?"

(F) If the question is approved by at least a majority of the electors voting on the question, the addition of the new territory is immediately effective, and the regional transit authority may extend the levy of the tax against all the taxable property within the territory that was added. If the question is approved at a general election or at a special election occurring prior to the general election but after the fifteenth day of July, the regional

transit authority may amend its budget and resolution adopted 83  
pursuant to section 5705.34 of the Revised Code, and the levy 84  
shall be placed on the current tax list and duplicate and 85  
collected as other taxes are collected from all taxable property 86  
within the territorial boundaries of the regional transit 87  
authority, including the territory within the political 88  
subdivision added as a result of the election. If the budget of 89  
the regional transit authority is amended pursuant to this 90  
paragraph, the county auditor shall prepare and deliver an amended 91  
certificate of estimated resources to reflect the change in 92  
anticipated revenues of the regional transit authority. 93

(G) If the question is approved by at least a majority of the 94  
electors voting on the question, the board of trustees of the 95  
regional transit authority immediately shall amend the resolution 96  
or ordinance creating the regional transit authority to include 97  
the additional political subdivision. 98

(H) If the question approved by a majority of the electors 99  
voting on the question added the subdivision for three years, the 100  
territory of the additional county, municipal corporation, or 101  
township in the regional transit authority shall be removed from 102  
the territory of the regional transit authority three years after 103  
the date the territory was added, as determined in the effective 104  
date of the election, and shall no longer be a part of that 105  
authority without any further action by either the political 106  
subdivisions that were included in the authority prior to 107  
submitting the question to the electors or of the political 108  
subdivision added to the authority as a result of the election. 109  
The regional transit authority reduced to its territory as it 110  
existed prior to the inclusion of the additional county, municipal 111  
corporation, or township, shall be entitled to levy and collect 112  
any property taxes that it was authorized to levy and collect 113  
prior to the enlargement of its territory and for which 114

authorization has not expired, as if the enlargement had not 115  
occurred. 116

Sec. 306.55. Beginning November 1, 2008, any county, 117  
municipal corporation, or township that has created or joined a 118  
regional transit authority that levies a property tax and that 119  
includes a county having a population of at least four hundred 120  
thousand according to the most recent federal census, may withdraw 121  
from the regional transit authority in the manner provided in this 122  
section. The board of county commissioners, legislative authority 123  
of the municipal corporation, or board of township trustees of the 124  
township proposing to withdraw shall adopt a resolution to submit 125  
the question of withdrawing from the regional transit authority to 126  
the electors of the territory to be withdrawn and shall certify 127  
the proposal to the board of elections for the purpose of having 128  
the proposal placed on the ballot at the next general election or 129  
at a special election conducted on the day of the next primary 130  
election that occurs not less than seventy-five days after the 131  
resolution is certified to the board of elections. 132

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Upon certification of a proposal to the board of elections 134  
pursuant to this section, the board of elections shall make the 135  
necessary arrangements for the submission of the question to the 136  
electors of the territory to be withdrawn from the regional 137  
transit authority qualified to vote on the question, and the 138  
election shall be held, canvassed, and certified in the same 139  
manner as regular elections for the election of officers of the 140  
subdivision proposing to withdraw from the regional transit 141  
authority, except that the question appearing on the ballot shall 142  
read: 143

"Shall the territory within the ..... 144  
(Name of political subdivision to be withdrawn) be withdrawn from 145

..... (Name) regional transit 146  
authority?" 147

If the question is approved by at least a majority of the 148  
electors voting on the question, the withdrawal is effective one 149  
year from the date of the certification of its passage. 150

The board of elections to which the resolution was certified 151  
shall certify the results of the election to the board or 152  
legislative authority of the subdivision that submitted the 153  
resolution to withdraw and to the board of trustees of the 154  
regional transit authority from which the subdivision proposed to 155  
withdraw. 156

If the question of withdrawing from the regional transit 157  
authority is approved, the power of the regional transit authority 158  
to levy a tax on taxable property in the withdrawing subdivision 159  
terminates, except that the authority shall continue to levy and 160  
collect taxes for the payment of indebtedness within the territory 161  
of the regional transit authority as it existed at the time the 162  
indebtedness was incurred. 163

Upon the passage of the question proposing the withdrawal of 164  
any subdivision from a regional transit authority, the board of 165  
trustees of the regional transit authority shall ascertain, 166  
apportion, and order a division of the funds on hand, credits, 167  
moneys, and taxes in the process of collection, except for taxes 168  
levied for the payment of indebtedness, and real and personal 169  
property, either in money or in kind, between the authority and 170  
the withdrawing subdivision on any equitable basis consistent with 171  
the resolutions creating the authority and any agreements between 172  
the withdrawing subdivision and the authority, taking into 173  
consideration the prior contributions of the withdrawing 174  
subdivision. 175