

As Passed by the House

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

Sub. S. B. No. 36

Senator Schuler

**Cosponsors: Senators Clancy, Mumper, Schaffer, Cates, Wilson, Kearney
Representatives Combs, Chandler, Fende, Mallory, Yuko, Uecker, Wolpert,
McGregor, J., Adams, Bacon, Daniels, Dodd, Domenick, Dyer, Evans,
Flowers, Hughes, Koziura, Luckie, Lundy, Otterman, Sayre, Schindel,
Schneider, Setzer, Williams, B., Yates**

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A B I L L

To amend sections 133.09, 504.01, 504.02, and 505.031	1
of the Revised Code and to amend Section 555.10 of	2
Am. Sub. H.B. 67 of the 127th General Assembly to	3
authorize transportation projects entered into on	4
or before May 1, 2008, between transportation	5
improvement districts and two or more governmental	6
agencies for the joint financing of projects and	7
to permit townships with a population of at least	8
three thousand five hundred but less than five	9
thousand in its unincorporated territory to adopt	10
a limited home rule government under certain	11
conditions.	12

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

Section 1. That sections 133.09, 504.01, 504.02, and 505.031	13
of the Revised Code be amended to read as follows:	14

Sec. 133.09. (A) Unless it is a township that has adopted a	15
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limited home rule government under Chapter 504. of the Revised 16
Code, a township shall not incur net indebtedness that exceeds an 17
amount equal to five per cent of its tax valuation and, except as 18
specifically authorized by section 505.262 of the Revised Code or 19
other laws, shall not incur any net indebtedness unless authorized 20
by vote of the electors. 21

(B) A township that has adopted a limited home rule 22
government under Chapter 504. of the Revised Code shall not incur 23
net indebtedness that exceeds an amount equal to ten and one-half 24
per cent of its tax valuation, or incur without a vote of the 25
electors net indebtedness that exceeds an amount equal to five and 26
one-half per cent of that tax valuation. In calculating the net 27
indebtedness of a township that has adopted a limited home rule 28
government, none of the following securities shall be considered: 29

(1) Self-supporting securities issued for any purpose; 30

(2) Securities issued for the purpose of purchasing, 31
constructing, improving, or extending water or sanitary or surface 32
and storm water sewerage systems or facilities, or a combination 33
of those systems or facilities, to the extent that an agreement 34
entered into with another subdivision requires the other 35
subdivision to pay to the township amounts equivalent to debt 36
charges on the securities; 37

(3) Securities that are not general obligations of the 38
township; 39

(4) Voted securities issued for the purposes of redevelopment 40
to the extent that their principal amount does not exceed an 41
amount equal to two per cent of the tax valuation of the township; 42

(5) Securities issued for the purpose of acquiring or 43
constructing roads, highways, bridges, or viaducts, or for the 44
purpose of acquiring or making other highway permanent 45
improvements, to the extent that the resolution of the board of 46

township trustees authorizing the issuance of the securities 47
includes a covenant to appropriate from money distributed to the 48
township under Chapter 4501., 4503., 4504., or 5735. of the 49
Revised Code a sufficient amount to cover debt charges on and 50
financing costs relating to the securities as they become due; 51

(6) Securities issued for energy conservation measures under 52
section 505.264 of the Revised Code. 53

(C) In calculating the net indebtedness of any township, no 54
obligation incurred under division (B) of section 513.17 or under 55
section 505.261, 505.264, 505.265, 505.267, or 505.37 of the 56
Revised Code, or in connection with a project undertaken pursuant 57
to Section 515.03 of H.B. 66 of the 126th ~~General Assembly~~ general 58
assembly or Section 555.10 of H.B. 67 of the 127th general 59
assembly, shall be considered. 60

Sec. 504.01. A township that meets the qualifications of this 61
section may adopt a limited home rule government in the manner 62
provided in this section. 63

(A)(1) If a township has a population of at least three 64
thousand five hundred but less than five thousand in the 65
unincorporated territory of the township, a limited home rule 66
government under which the township exercises limited powers of 67
local self-government and limited police powers may be adopted if 68
all the following apply: 69

(a) The electors of the unincorporated territory of the 70
township petition the board of township trustees to adopt limited 71
home rule government; 72

(b) The petition has been signed by ten per cent of the 73
electors of the unincorporated territory of the township, as 74
determined by the total number of votes cast in that territory for 75
the office of governor at the most recent general election for 76

that office; 77

(c) The board of township trustees appoints a township 78
administrator under division (A)(2) of section 505.031 of the 79
Revised Code; and 80

(d) The total amount certified in the official certificate of 81
estimated resources or in an amended official certificate of 82
estimated resources for the township under section 5705.36 of the 83
Revised Code is at least three million five hundred thousand 84
dollars for the most recently concluded fiscal year. 85

If the conditions enumerated in this division have been met, 86
the board shall adopt and certify to the board of elections a 87
resolution directing the board of elections to submit to the 88
electors of the unincorporated territory the question whether the 89
township should adopt a limited home rule government. The question 90
shall be voted upon at the next general election occurring at 91
least seventy-five days after certification of the resolution to 92
the board of elections. 93

(2) If a township has a population of at least five thousand 94
but less than fifteen thousand in the unincorporated territory of 95
the township, the board of township trustees, by a majority vote, 96
may adopt a resolution causing the board of elections to submit to 97
the electors of the unincorporated area of the township the 98
question of whether the township should adopt a limited home rule 99
government under which it exercises limited powers of local 100
self-government and limited police powers, as authorized by this 101
chapter. The question shall be voted upon at the next general 102
election occurring at least seventy-five days after certification 103
of the resolution to the board of elections. 104

~~(B)~~ (3) If a township has a population of fifteen thousand or 105
more in the unincorporated territory of the township, the board of 106
township trustees, after at least one public hearing, may do 107

either of the following: 108

~~(1)~~(a) By a unanimous vote, adopt a resolution establishing a 109
limited home rule government under which the township exercises 110
limited powers of local self-government and limited police powers 111
as authorized by this chapter. The resolution shall become 112
effective thirty days after the date of its adoption unless within 113
that thirty-day period there is presented to the board of township 114
trustees a petition, signed by a number of registered electors 115
residing in the unincorporated area of the township equal to at 116
least ten per cent of the total vote cast for all candidates for 117
governor in that area at the most recent general election at which 118
a governor was elected, requesting the board of township trustees 119
to submit the question of establishing a limited home rule 120
government to the electors of that area for approval or rejection 121
at a special election to be held on the day of the next primary or 122
general election occurring at least seventy-five days after the 123
petition is presented. Each part of the petition shall meet the 124
requirements specified in section 3501.38 of the Revised Code. 125
Upon timely receipt of the petition, the board of township 126
trustees shall adopt a resolution causing the board of elections 127
to submit to the electors of the unincorporated area of the 128
township the question of whether the township should adopt a 129
limited home rule government. 130

~~(2)~~(b) By a majority vote, adopt a resolution causing the 131
board of elections to submit to the electors of the unincorporated 132
area of the township the question of whether the township should 133
adopt a limited home rule government under which it exercises 134
limited powers of local self-government and limited police powers, 135
as authorized by this chapter. The question shall be voted upon at 136
the next general election occurring at least seventy-five days 137
after certification of the resolution to the board of elections. 138

~~If the population of the unincorporated territory of any~~ 139

~~township that adopts a limited home rule government under division~~ 140
~~(B) or (D) of this section is fifteen thousand or more, the~~ 141
~~township shall be called an "urban township."~~ 142

~~(C) Townships with a population of less than five thousand in~~ 143
~~the unincorporated territory of the township are not permitted to~~ 144
~~adopt a limited home rule government.~~ 145

~~(D)~~(4) If a township meets the population requirements of 146
division (A)(2) or ~~(B)~~(3) of this section, the electors of the 147
unincorporated area of the township may petition the board of 148
township trustees to adopt a resolution causing the board of 149
elections to submit to the electors the question of whether the 150
township should adopt a limited home rule government. Upon receipt 151
of a petition signed by ten per cent of the electors of the 152
unincorporated area of the township, as determined by the total 153
number of votes cast in that area for the office of governor at 154
the most recent general election for that office, the board of 155
township trustees shall adopt the resolution. The question shall 156
be voted upon at the next general election occurring at least 157
seventy-five days after the certification of the resolution to the 158
board of elections. 159

(B) If the population of the unincorporated territory of any 160
township that adopts a limited home rule government under division 161
(A)(3) or (4) of this section is fifteen thousand or more, the 162
township shall be called an "urban township." 163

(C) Except as otherwise provided in division (A)(1) of this 164
section, townships with a population of less than five thousand in 165
the unincorporated territory of the township are not permitted to 166
adopt a limited home rule government. 167

Sec. 504.02. (A) After certification of a resolution as 168
provided in division (A), ~~(B)~~, or ~~(D)~~ of section 504.01 of the 169
Revised Code, the board of elections shall submit the question of 170

whether to adopt a limited home rule government to the electors of 171
the unincorporated area of the township, and the ballot language 172
shall be substantially as follows: 173

"Shall the township of (name) adopt a limited 174
home rule government, under which government the board of township 175
trustees, by resolution, may exercise limited powers of local 176
self-government and limited police powers? 177

..... For adoption of a limited home rule government 178

..... Against adoption of a limited home rule government" 179

(B)(1) At least forty-five days before the election on this 180
question, the board of township trustees shall have notice of the 181
election and a description of the proposed limited home rule 182
government published in a newspaper of general circulation in the 183
township once a week for two consecutive weeks and have the notice 184
and description posted in five conspicuous places in the 185
unincorporated area of the township. 186

(2) If a board of elections operates and maintains a web 187
site, notice of the election and a description of the proposed 188
limited home rule government shall be posted on that web site for 189
at least thirty days before the election on this question. 190

(C) If a majority of the votes cast on the proposition of 191
adopting a limited home rule government is in the affirmative, 192
that government is adopted and becomes the government of the 193
township on the first day of January immediately following the 194
election. 195

Sec. 505.031. ~~The~~ (A)(1) Except as otherwise provided in 196
division (B) of this section, the board of township trustees may 197
appoint a township administrator, who shall be the administrative 198
head of the township under the direction and supervision of the 199
board and who shall hold office at the pleasure of the board. 200

(2) The board of township trustees shall appoint a township administrator before the adoption of a resolution under division (A)(1) of section 504.01 of the Revised Code directing the board of elections to submit to the electors of the unincorporated territory of the township the question of whether the township should adopt a limited home rule government. The administrator shall be the administrative head of the township under the direction and supervision of the board and shall hold office at the pleasure of the board.

(B) In the event that the township administrator is absent from ~~his~~ that office by reason of illness, death, vacation, resignation, or removal, the ~~chairman~~ chairperson of the board or a qualified person designated by ~~him~~ the chairperson with the approval of the board shall act as township administrator and perform all duties of such township office, until such time as the township administrator returns to ~~his~~ official duties or the board appoints a new township administrator to fill the vacancy.

(C) The board shall fix the salary of the township administrator and cause the same to be paid.

Section 2. That existing sections 133.09, 504.01, 504.02, and 505.031 of the Revised Code are hereby repealed.

Section 3. That Section 555.10 of Am. Sub. H.B. 67 of the 127th General Assembly be amended to read as follows:

Section 555.10. (A) On or before ~~December 31, 2007~~ May 1, 2008, a transportation improvement district and any two or more governmental agencies may enter into an agreement providing for the joint financing of any street, highway, interchange, or other transportation project. Any such agreement shall be approved by resolution or ordinance passed by the legislative authority of each of the parties to such agreement, which resolution or

ordinance shall authorize the execution thereof by a designated 231
official or officials of each of such parties, and such agreement, 232
when so approved and executed, shall be in full force and effect. 233

(B)(1) Subject to division (B)(2) of this section, any party 234
to such an agreement may issue and, notwithstanding any other 235
provision of the Revised Code, a district may purchase directly 236
from the party as an investment, securities to evidence the 237
obligations of that party to the district pursuant to the 238
agreement for its portion of the cost of the project pursuant to 239
Chapter 133. or other applicable provisions of the Revised Code. 240

(2) More than half of the property necessary for any project 241
undertaken pursuant to an agreement under this section for which a 242
district is purchasing securities under division (B)(1) of this 243
section shall be located within the territory of the 244
transportation improvement district. 245

(C) Any term used in this section has the same meaning as 246
defined in section 5540.01 of the Revised Code, as amended by ~~this~~ 247
~~act~~ Am. Sub. H.B. 67 of the 127th General Assembly, unless the 248
context clearly requires another meaning. 249

Section 4. That existing Section 555.10 of Am. Sub. H.B. 67 250
of the 127th General Assembly is hereby repealed. 251