

As Introduced

**128th General Assembly
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H. B. No. 53

Representative Gardner

**Cosponsors: Representatives Boose, Adams, J., Jordan, Wagner, Huffman,
Stebelton**

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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, 2009, 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

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 authority?" 146
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If the question is approved by at least a majority of the electors voting on the question, the withdrawal is effective one year from the date of the certification of its passage. 148
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The board of elections to which the resolution was certified shall certify the results of the election to the board or legislative authority of the subdivision that submitted the resolution to withdraw and to the board of trustees of the regional transit authority from which the subdivision proposed to withdraw. 151
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If the question of withdrawing from the regional transit authority is approved, the power of the regional transit authority to levy a tax on taxable property in the withdrawing subdivision terminates, except that the authority shall continue to levy and collect taxes for the payment of indebtedness within the territory of the regional transit authority as it existed at the time the indebtedness was incurred. 157
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Upon the passage of the question proposing the withdrawal of any subdivision from a regional transit authority, the board of trustees of the regional transit authority shall ascertain, apportion, and order a division of the funds on hand, credits, moneys, and taxes in the process of collection, except for taxes levied for the payment of indebtedness, and real and personal property, either in money or in kind, between the authority and the withdrawing subdivision on any equitable basis consistent with the resolutions creating the authority and any agreements between the withdrawing subdivision and the authority, taking into consideration the prior contributions of the withdrawing subdivision. 164
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