

As Introduced

**129th General Assembly
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H. B. No. 150

Representatives Gardner, Sears

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A B I L L

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

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

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

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

(B) Any county, municipal corporation, or township may adopt 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 22
three years or without a time limit. 23

(C) The political subdivision proposing to join the regional 24
transit authority shall submit a copy of its resolution or 25
ordinance to the board of the county commissioners of each county, 26
the legislative authority of each municipal corporation, and the 27
board of trustees of each township comprising the regional transit 28
authority. Within thirty days of receiving the resolution or 29
ordinance for inclusion in the regional transit authority, the 30
board of the county commissioners of each county, the legislative 31
authority of each municipal corporation, and the board of trustees 32
of each township shall consider the question of whether to include 33
the additional subdivision in the regional transit authority, 34
shall adopt a resolution or ordinance approving or rejecting the 35
inclusion of the additional subdivision, and shall present its 36
resolution or ordinance to the board of trustees of the regional 37
transit authority. 38

(D) If a majority of the political subdivisions comprising 39
the regional transit authority approve the inclusion of the 40
additional political subdivision, the board of trustees of the 41
regional transit authority, not later than the tenth day following 42
the day on which the last ordinance or resolution is presented, 43
shall notify the subdivision proposing to join the regional 44
transit authority that it may certify the proposal to the board of 45
elections for the purpose of having the proposal placed on the 46
ballot at the next general election or at a special election 47
conducted on the day of the next primary election that occurs not 48
less than seventy-five days after the resolution or ordinance is 49
certified to the board of elections. 50

(E) Upon certification of a proposal to the board of 51
elections pursuant to this section, the board of elections shall 52
make the necessary arrangements for the submission of the question 53

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 pursuant to section 5705.34 of the Revised Code, and the levy shall be placed on the current tax list and duplicate and

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 July 1, 2011, any county, municipal corporation, or township that has created or joined a regional transit authority that levies a property tax and that includes a county having a population of at least four hundred thousand according to the most recent federal census, may withdraw from the regional transit authority in the manner provided in this section. The board of county commissioners, legislative authority of the municipal corporation, or board of township trustees of the township proposing to withdraw shall adopt a resolution to submit the question of withdrawing from the regional transit authority to the electors of the territory to be withdrawn and shall 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 is certified to the board of elections.

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 withdrawn from 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 withdraw from the regional transit authority, except that the question appearing on the ballot shall read:

"Shall the territory within the
(Name of political subdivision to be withdrawn) be withdrawn from (Name) regional transit authority?"

If the question is approved by at least a majority of the

electors voting on the question, the withdrawal is effective one 148
year from the date of the certification of its passage. 149

The board of elections to which the resolution was certified 150
shall certify the results of the election to the board or 151
legislative authority of the subdivision that submitted the 152
resolution to withdraw and to the board of trustees of the 153
regional transit authority from which the subdivision proposed to 154
withdraw. 155

If the question of withdrawing from the regional transit 156
authority is approved, the power of the regional transit authority 157
to levy a tax on taxable property in the withdrawing subdivision 158
terminates, except that the authority shall continue to levy and 159
collect taxes for the payment of indebtedness within the territory 160
of the regional transit authority as it existed at the time the 161
indebtedness was incurred. 162

Upon the passage of the question proposing the withdrawal of 163
any subdivision from a regional transit authority, the board of 164
trustees of the regional transit authority shall ascertain, 165
apportion, and order a division of the funds on hand, credits, 166
moneys, and taxes in the process of collection, except for taxes 167
levied for the payment of indebtedness, and real and personal 168
property, either in money or in kind, between the authority and 169
the withdrawing subdivision on any equitable basis consistent with 170
the resolutions creating the authority and any agreements between 171
the withdrawing subdivision and the authority, taking into 172
consideration the prior contributions of the withdrawing 173
subdivision. 174