

As Introduced

**130th General Assembly
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H. B. No. 494

Representative Schuring

**Cosponsors: Representatives Hagan, C., Slesnick, Slaby, Amstutz, Landis,
Barborak, Blair, Boose, Brown, Burkley, Damschroder, Grossman, Hackett,
Hill, Maag, Young, Adams, R., Hottinger, Williams**

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A B I L L

To amend sections 133.01, 4504.08, and 4504.09 and to 1
enact sections 4504.22 and 5595.01 to 5595.12 of 2
the Revised Code to authorize counties to 3
undertake regional transportation improvement 4
projects funded by the issuance of securities and 5
by revenue pledges from the state and political 6
subdivisions and taxing districts located within 7
the cooperating counties. 8

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

Section 1. That sections 133.01, 4504.08, and 4504.09 be 9
amended and sections 4504.22, 5595.01, 5595.02, 5595.03, 5595.04, 10
5595.05, 5595.06, 5595.07, 5595.08, 5595.09, 5595.10, 5595.11, and 11
5595.12 of the Revised Code be enacted to read as follows: 12

Sec. 133.01. As used in this chapter, in sections 9.95, 9.96, 13
and 2151.655 of the Revised Code, in other sections of the Revised 14
Code that make reference to this chapter unless the context does 15
not permit, and in related proceedings, unless otherwise expressly 16
provided: 17

(A) "Acquisition" as applied to real or personal property 18
includes, among other forms of acquisition, acquisition by 19
exercise of a purchase option, and acquisition of interests in 20
property, including, without limitation, easements and 21
rights-of-way, and leasehold and other lease interests initially 22
extending or extendable for a period of at least sixty months. 23

(B) "Anticipatory securities" means securities, including 24
notes, issued in anticipation of the issuance of other securities. 25

(C) "Board of elections" means the county board of elections 26
of the county in which the subdivision is located. If the 27
subdivision is located in more than one county, "board of 28
elections" means the county board of elections of the county that 29
contains the largest portion of the population of the subdivision 30
or that otherwise has jurisdiction in practice over and 31
customarily handles election matters relating to the subdivision. 32

(D) "Bond retirement fund" means the bond retirement fund 33
provided for in section 5705.09 of the Revised Code, and also 34
means a sinking fund or any other special fund, regardless of the 35
name applied to it, established by or pursuant to law or the 36
proceedings for the payment of debt charges. Provision may be made 37
in the applicable proceedings for the establishment in a bond 38
retirement fund of separate accounts relating to debt charges on 39
particular securities, or on securities payable from the same or 40
common sources, and for the application of moneys in those 41
accounts only to specified debt charges on specified securities or 42
categories of securities. Subject to law and any provisions in the 43
applicable proceedings, moneys in a bond retirement fund or 44
separate account in a bond retirement fund may be transferred to 45
other funds and accounts. 46

(E) "Capitalized interest" means all or a portion of the 47
interest payable on securities from their date to a date stated or 48
provided for in the applicable legislation, which interest is to 49

be paid from the proceeds of the securities. 50

(F) "Chapter 133. securities" means securities authorized by 51
or issued pursuant to or in accordance with this chapter. 52

(G) "County auditor" means the county auditor of the county 53
in which the subdivision is located. If the subdivision is located 54
in more than one county, "county auditor" means the county auditor 55
of the county that contains the highest amount of the tax 56
valuation of the subdivision or that otherwise has jurisdiction in 57
practice over and customarily handles property tax matters 58
relating to the subdivision. In the case of a county that has 59
adopted a charter, "county auditor" means the officer who 60
generally has the duties and functions provided in the Revised 61
Code for a county auditor. 62

(H) "Credit enhancement facilities" means letters of credit, 63
lines of credit, stand-by, contingent, or firm securities purchase 64
agreements, insurance, or surety arrangements, guarantees, and 65
other arrangements that provide for direct or contingent payment 66
of debt charges, for security or additional security in the event 67
of nonpayment or default in respect of securities, or for making 68
payment of debt charges to and at the option and on demand of 69
securities holders or at the option of the issuer or upon certain 70
conditions occurring under put or similar arrangements, or for 71
otherwise supporting the credit or liquidity of the securities, 72
and includes credit, reimbursement, marketing, remarketing, 73
indexing, carrying, interest rate hedge, and subrogation 74
agreements, and other agreements and arrangements for payment and 75
reimbursement of the person providing the credit enhancement 76
facility and the security for that payment and reimbursement. 77

(I) "Current operating expenses" or "current expenses" means 78
the lawful expenditures of a subdivision, except those for 79
permanent improvements and for payments of debt charges of the 80
subdivision. 81

(J) "Debt charges" means the principal, including any 82
mandatory sinking fund deposits and mandatory redemption payments, 83
interest, and any redemption premium, payable on securities as 84
those payments come due and are payable. The use of "debt charges" 85
for this purpose does not imply that any particular securities 86
constitute debt within the meaning of the Ohio Constitution or 87
other laws. 88

(K) "Financing costs" means all costs and expenses relating 89
to the authorization, including any required election, issuance, 90
sale, delivery, authentication, deposit, custody, clearing, 91
registration, transfer, exchange, fractionalization, replacement, 92
payment, and servicing of securities, including, without 93
limitation, costs and expenses for or relating to publication and 94
printing, postage, delivery, preliminary and final official 95
statements, offering circulars, and informational statements, 96
travel and transportation, underwriters, placement agents, 97
investment bankers, paying agents, registrars, authenticating 98
agents, remarketing agents, custodians, clearing agencies or 99
corporations, securities depositories, financial advisory 100
services, certifications, audits, federal or state regulatory 101
agencies, accounting and computation services, legal services and 102
obtaining approving legal opinions and other legal opinions, 103
credit ratings, redemption premiums, and credit enhancement 104
facilities. Financing costs may be paid from any moneys available 105
for the purpose, including, unless otherwise provided in the 106
proceedings, from the proceeds of the securities to which they 107
relate and, as to future financing costs, from the same sources 108
from which debt charges on the securities are paid and as though 109
debt charges. 110

(L) "Fiscal officer" means the following, or, in the case of 111
absence or vacancy in the office, a deputy or assistant authorized 112
by law or charter to act in the place of the named officer, or if 113

there is no such authorization then the deputy or assistant	114
authorized by legislation to act in the place of the named officer	115
for purposes of this chapter, in the case of the following	116
subdivisions:	117
(1) A county, the county auditor;	118
(2) A municipal corporation, the city auditor or village	119
clerk or clerk-treasurer, or the officer who, by virtue of a	120
charter, has the duties and functions provided in the Revised Code	121
for the city auditor or village clerk or clerk-treasurer;	122
(3) A school district, the treasurer of the board of	123
education;	124
(4) A regional water and sewer district, the secretary of the	125
board of trustees;	126
(5) A joint township hospital district, the treasurer of the	127
district;	128
(6) A joint ambulance district, the clerk of the board of	129
trustees;	130
(7) A joint recreation district, the person designated	131
pursuant to section 755.15 of the Revised Code;	132
(8) A detention facility district or a district organized	133
under section 2151.65 of the Revised Code or a combined district	134
organized under sections 2152.41 and 2151.65 of the Revised Code,	135
the county auditor of the county designated by law to act as the	136
auditor of the district;	137
(9) A township, a fire district organized under division (C)	138
of section 505.37 of the Revised Code, or a township police	139
district, the fiscal officer of the township;	140
(10) A joint fire district, the clerk of the board of	141
trustees of that district;	142
(11) A regional or county library district, the person	143

responsible for the financial affairs of that district;	144
(12) A joint solid waste management district, the fiscal officer appointed by the board of directors of the district under section 343.01 of the Revised Code;	145 146 147
(13) A joint emergency medical services district, the person appointed as fiscal officer pursuant to division (D) of section 307.053 of the Revised Code;	148 149 150
(14) A fire and ambulance district, the person appointed as fiscal officer under division (B) of section 505.375 of the Revised Code;	151 152 153
(15) A subdivision described in division (MM)(19) of this section, the officer who is designated by law as or performs the functions of its chief fiscal officer;	154 155 156
(16) A joint police district, the treasurer of the district;	157
(17) A lake facilities authority, the fiscal officer designated under section 353.02 of the Revised Code;	158 159
<u>(18) A regional transportation improvement project, the county auditor designated under section 5595.10 of the Revised Code.</u>	160 161 162
(M) "Fiscal year" has the same meaning as in section 9.34 of the Revised Code.	163 164
(N) "Fractionalized interests in public obligations" means participations, certificates of participation, shares, or other instruments or agreements, separate from the public obligations themselves, evidencing ownership of interests in public obligations or of rights to receive payments of, or on account of, principal or interest or their equivalents payable by or on behalf of an obligor pursuant to public obligations.	165 166 167 168 169 170 171
(O) "Fully registered securities" means securities in certificated or uncertificated form, registered as to both	172 173

principal and interest in the name of the owner.	174
(P) "Fund" means to provide for the payment of debt charges and expenses related to that payment at or prior to retirement by purchase, call for redemption, payment at maturity, or otherwise.	175 176 177
(Q) "General obligation" means securities to the payment of debt charges on which the full faith and credit and the general property taxing power, including taxes within the tax limitation if available to the subdivision, of the subdivision are pledged.	178 179 180 181
(R) "Interest" or "interest equivalent" means those payments or portions of payments, however denominated, that constitute or represent consideration for forbearing the collection of money, or for deferring the receipt of payment of money to a future time.	182 183 184 185
(S) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended, and includes any laws of the United States providing for application of that code.	186 187 188 189
(T) "Issuer" means any public issuer and any nonprofit corporation authorized to issue securities for or on behalf of any public issuer.	190 191 192
(U) "Legislation" means an ordinance or resolution passed by a majority affirmative vote of the then members of the taxing authority unless a different vote is required by charter provisions governing the passage of the particular legislation by the taxing authority.	193 194 195 196 197
(V) "Mandatory sinking fund redemption requirements" means amounts required by proceedings to be deposited in a bond retirement fund for the purpose of paying in any year or fiscal year by mandatory redemption prior to stated maturity the principal of securities that is due and payable, except for mandatory prior redemption requirements as provided in those proceedings, in a subsequent year or fiscal year.	198 199 200 201 202 203 204

(W) "Mandatory sinking fund requirements" means amounts 205
required by proceedings to be deposited in a year or fiscal year 206
in a bond retirement fund for the purpose of paying the principal 207
of securities that is due and payable in a subsequent year or 208
fiscal year. 209

(X) "Net indebtedness" has the same meaning as in division 210
(A) of section 133.04 of the Revised Code. 211

(Y) "Obligor," in the case of securities or fractionalized 212
interests in public obligations issued by another person the debt 213
charges or their equivalents on which are payable from payments 214
made by a public issuer, means that public issuer. 215

(Z) "One purpose" relating to permanent improvements means 216
any one permanent improvement or group or category of permanent 217
improvements for the same utility, enterprise, system, or project, 218
development or redevelopment project, or for or devoted to the 219
same general purpose, function, or use or for which 220
self-supporting securities, based on the same or different sources 221
of revenues, may be issued or for which special assessments may be 222
levied by a single ordinance or resolution. "One purpose" 223
includes, but is not limited to, in any case any off-street 224
parking facilities relating to another permanent improvement, and: 225

(1) Any number of roads, highways, streets, bridges, 226
sidewalks, and viaducts; 227

(2) Any number of off-street parking facilities; 228

(3) In the case of a county, any number of permanent 229
improvements for courthouse, jail, county offices, and other 230
county buildings, and related facilities; 231

(4) In the case of a school district, any number of 232
facilities and buildings for school district purposes, and related 233
facilities. 234

(AA) "Outstanding," referring to securities, means securities 235
that have been issued, delivered, and paid for, except any of the 236
following: 237

(1) Securities canceled upon surrender, exchange, or 238
transfer, or upon payment or redemption; 239

(2) Securities in replacement of which or in exchange for 240
which other securities have been issued; 241

(3) Securities for the payment, or redemption or purchase for 242
cancellation prior to maturity, of which sufficient moneys or 243
investments, in accordance with the applicable legislation or 244
other proceedings or any applicable law, by mandatory sinking fund 245
redemption requirements, mandatory sinking fund requirements, or 246
otherwise, have been deposited, and credited for the purpose in a 247
bond retirement fund or with a trustee or paying or escrow agent, 248
whether at or prior to their maturity or redemption, and, in the 249
case of securities to be redeemed prior to their stated maturity, 250
notice of redemption has been given or satisfactory arrangements 251
have been made for giving notice of that redemption, or waiver of 252
that notice by or on behalf of the affected security holders has 253
been filed with the subdivision or its agent for the purpose. 254

(BB) "Paying agent" means the one or more banks, trust 255
companies, or other financial institutions or qualified persons, 256
including an appropriate office or officer of the subdivision, 257
designated as a paying agent or place of payment of debt charges 258
on the particular securities. 259

(CC) "Permanent improvement" or "improvement" means any 260
property, asset, or improvement certified by the fiscal officer, 261
which certification is conclusive, as having an estimated life or 262
period of usefulness of five years or more, and includes, but is 263
not limited to, real estate, buildings, and personal property and 264
interests in real estate, buildings, and personal property, 265

equipment, furnishings, and site improvements, and reconstruction, 266
rehabilitation, renovation, installation, improvement, 267
enlargement, and extension of property, assets, or improvements so 268
certified as having an estimated life or period of usefulness of 269
five years or more. The acquisition of all the stock ownership of 270
a corporation is the acquisition of a permanent improvement to the 271
extent that the value of that stock is represented by permanent 272
improvements. A permanent improvement for parking, highway, road, 273
and street purposes includes resurfacing, but does not include 274
ordinary repair. 275

(DD) "Person" has the same meaning as in section 1.59 of the 276
Revised Code and also includes any federal, state, interstate, 277
regional, or local governmental agency, any subdivision, and any 278
combination of those persons. 279

(EE) "Proceedings" means the legislation, certifications, 280
notices, orders, sale proceedings, trust agreement or indenture, 281
mortgage, lease, lease-purchase agreement, assignment, credit 282
enhancement facility agreements, and other agreements, 283
instruments, and documents, as amended and supplemented, and any 284
election proceedings, authorizing, or providing for the terms and 285
conditions applicable to, or providing for the security or sale or 286
award of, public obligations, and includes the provisions set 287
forth or incorporated in those public obligations and proceedings. 288

(FF) "Public issuer" means any of the following that is 289
authorized by law to issue securities or enter into public 290
obligations: 291

(1) The state, including an agency, commission, officer, 292
institution, board, authority, or other instrumentality of the 293
state; 294

(2) A taxing authority, subdivision, district, or other local 295
public or governmental entity, and any combination or consortium, 296

or public division, district, commission, authority, department, board, officer, or institution, thereof;	297 298
(3) Any other body corporate and politic, or other public entity.	299 300
(GG) "Public obligations" means both of the following:	301
(1) Securities;	302
(2) Obligations of a public issuer to make payments under installment sale, lease, lease purchase, or similar agreements, which obligations may bear interest or interest equivalent.	303 304 305
(HH) "Refund" means to fund and retire outstanding securities, including advance refunding with or without payment or redemption prior to maturity.	306 307 308
(II) "Register" means the books kept and maintained by the registrar for registration, exchange, and transfer of registered securities.	309 310 311
(JJ) "Registrar" means the person responsible for keeping the register for the particular registered securities, designated by or pursuant to the proceedings.	312 313 314
(KK) "Securities" means bonds, notes, certificates of indebtedness, commercial paper, and other instruments in writing, including, unless the context does not admit, anticipatory securities, issued by an issuer to evidence its obligation to repay money borrowed, or to pay interest, by, or to pay at any future time other money obligations of, the issuer of the securities, but not including public obligations described in division (GG)(2) of this section.	315 316 317 318 319 320 321 322
(LL) "Self-supporting securities" means securities or portions of securities issued for the purpose of paying costs of permanent improvements to the extent that receipts of the subdivision, other than the proceeds of taxes levied by that	323 324 325 326

subdivision, derived from or with respect to the improvements or 327
the operation of the improvements being financed, or the 328
enterprise, system, project, or category of improvements of which 329
the improvements being financed are part, are estimated by the 330
fiscal officer to be sufficient to pay the current expenses of 331
that operation or of those improvements or enterprise, system, 332
project, or categories of improvements and the debt charges 333
payable from those receipts on securities issued for the purpose. 334
Until such time as the improvements or increases in rates and 335
charges have been in operation or effect for a period of at least 336
six months, the receipts therefrom, for purposes of this 337
definition, shall be those estimated by the fiscal officer, except 338
that those receipts may include, without limitation, payments made 339
and to be made to the subdivision under leases or agreements in 340
effect at the time the estimate is made. In the case of an 341
operation, improvements, or enterprise, system, project, or 342
category of improvements without at least a six-month history of 343
receipts, the estimate of receipts by the fiscal officer, other 344
than those to be derived under leases and agreements then in 345
effect, shall be confirmed by the taxing authority. 346

(MM) "Subdivision" means any of the following: 347

(1) A county, including a county that has adopted a charter 348
under Article X, Ohio Constitution; 349

(2) A municipal corporation, including a municipal 350
corporation that has adopted a charter under Article XVIII, Ohio 351
Constitution; 352

(3) A school district; 353

(4) A regional water and sewer district organized under 354
Chapter 6119. of the Revised Code; 355

(5) A joint township hospital district organized under 356
section 513.07 of the Revised Code; 357

(6) A joint ambulance district organized under section 505.71 of the Revised Code;	358 359
(7) A joint recreation district organized under division (C) of section 755.14 of the Revised Code;	360 361
(8) A detention facility district organized under section 2152.41, a district organized under section 2151.65, or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code;	362 363 364 365
(9) A township police district organized under section 505.48 of the Revised Code;	366 367
(10) A township;	368
(11) A joint fire district organized under section 505.371 of the Revised Code;	369 370
(12) A county library district created under section 3375.19 or a regional library district created under section 3375.28 of the Revised Code;	371 372 373
(13) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code;	374 375
(14) A joint emergency medical services district organized under section 307.052 of the Revised Code;	376 377
(15) A fire and ambulance district organized under section 505.375 of the Revised Code;	378 379
(16) A fire district organized under division (C) of section 505.37 of the Revised Code;	380 381
(17) A joint police district organized under section 505.482 of the Revised Code;	382 383
(18) A lake facilities authority created under Chapter 353. of the Revised Code;	384 385
(19) <u>A regional transportation improvement project created</u>	386

<u>under Chapter 5595. of the Revised Code;</u>	387
(20) Any other political subdivision or taxing district or	388
other local public body or agency authorized by this chapter or	389
other laws to issue Chapter 133. securities.	390
(NN) "Taxing authority" means in the case of the following	391
subdivisions:	392
(1) A county, a county library district, or a regional	393
library district, the board or boards of county commissioners, or	394
other legislative authority of a county that has adopted a charter	395
under Article X, Ohio Constitution, but with respect to such a	396
library district acting solely as agent for the board of trustees	397
of that district;	398
(2) A municipal corporation, the legislative authority;	399
(3) A school district, the board of education;	400
(4) A regional water and sewer district, a joint ambulance	401
district, a joint recreation district, a fire and ambulance	402
district, or a joint fire district, the board of trustees of the	403
district;	404
(5) A joint township hospital district, the joint township	405
hospital board;	406
(6) A detention facility district or a district organized	407
under section 2151.65 of the Revised Code, a combined district	408
organized under sections 2152.41 and 2151.65 of the Revised Code,	409
or a joint emergency medical services district, the joint board of	410
county commissioners;	411
(7) A township, a fire district organized under division (C)	412
of section 505.37 of the Revised Code, or a township police	413
district, the board of township trustees;	414
(8) A joint solid waste management district organized under	415
section 343.01 or 343.012 of the Revised Code, the board of	416

directors of the district; 417

(9) A subdivision described in division (MM)(19) of this 418
section, the legislative or governing body or official; 419

(10) A joint police district, the joint police district 420
board; 421

(11) A lake facilities authority, the board of directors; 422

(12) A regional transportation improvement project, the 423
governing board. 424

(OO) "Tax limitation" means the "ten-mill limitation" as 425
defined in section 5705.02 of the Revised Code without diminution 426
by reason of section 5705.313 of the Revised Code or otherwise, 427
or, in the case of a municipal corporation or county with a 428
different charter limitation on property taxes levied to pay debt 429
charges on unvoted securities, that charter limitation. Those 430
limitations shall be respectively referred to as the "ten-mill 431
limitation" and the "charter tax limitation." 432

(PP) "Tax valuation" means the aggregate of the valuations of 433
property subject to ad valorem property taxation by the 434
subdivision on the real property, personal property, and public 435
utility property tax lists and duplicates most recently certified 436
for collection, and shall be calculated without deductions of the 437
valuations of otherwise taxable property exempt in whole or in 438
part from taxation by reason of exemptions of certain amounts of 439
taxable value under division (C) of section 5709.01, tax 440
reductions under section 323.152 of the Revised Code, or similar 441
laws now or in the future in effect. 442

For purposes of section 133.06 of the Revised Code, "tax 443
valuation" shall not include the valuation of tangible personal 444
property used in business, telephone or telegraph property, 445
interexchange telecommunications company property, or personal 446
property owned or leased by a railroad company and used in 447

railroad operations listed under or described in section 5711.22, 448
division (B) or (F) of section 5727.111, or section 5727.12 of the 449
Revised Code. 450

(QQ) "Year" means the calendar year. 451

(RR) "Administrative agent," "agent," "commercial paper," 452
"floating rate interest structure," "indexing agent," "interest 453
rate hedge," "interest rate period," "put arrangement," and 454
"remarketing agent" have the same meanings as in section 9.98 of 455
the Revised Code. 456

(SS) "Sales tax supported" means obligations to the payment 457
of debt charges on which an additional sales tax or additional 458
sales taxes have been pledged by the taxing authority of a county 459
pursuant to section 133.081 of the Revised Code. 460

Sec. 4504.08. A resolution, ordinance, or other measure 461
levying a county motor vehicle license tax, municipal motor 462
vehicle license tax, township motor vehicle license tax, ~~or~~ 463
transportation improvement district motor vehicle license tax, or 464
regional transportation improvement project motor vehicle license 465
tax shall not be applicable to motor vehicle registrations for a 466
registration year beginning at the time established in section 467
4503.10 of the Revised Code unless a copy of such resolution or 468
ordinance is certified to the registrar of motor vehicles not 469
later than the first day of July of the year preceding that in 470
which such registration year begins. 471

Sec. 4504.09. Any county, township, municipal, ~~or~~ 472
transportation improvement district, or regional transportation 473
improvement project motor vehicle license tax shall be paid to the 474
registrar of motor vehicles or to a deputy registrar at the time 475
application for registration of a motor vehicle as provided in 476
sections 4503.10 and 4503.102 of the Revised Code is made and no 477

certificate of registration, numbered license plates and 478
validation stickers, or validation stickers alone, shall be issued 479
to the owner of a motor vehicle for which any amount of county, 480
township, municipal, ~~or~~ transportation improvement district, or 481
regional transportation improvement project motor vehicle license 482
tax due thereon has not been paid. Payment of the tax shall be 483
evidenced by a stamp on the certificate of registration by the 484
official issuing such certificate. 485

Upon the transfer of ownership of a motor vehicle, the 486
registrar or deputy registrar shall collect any additional county, 487
township, municipal, ~~or~~ transportation improvement district, or 488
regional transportation improvement project motor vehicle license 489
tax due thereon, computed in the manner provided in section 490
4503.12 of the Revised Code. 491

Sec. 4504.22. (A) Subject to division (B) of this section and 492
for the purposes of paying the costs and expenses of enforcing and 493
administering the tax provided for in this section; paying the 494
costs of transportation improvements as defined in section 5595.01 495
of the Revised Code; paying debt service charges on obligations 496
issued for those purposes; and to supplement revenue already 497
available for those purposes, the board of county commissioners of 498
a county that is participating in a regional transportation 499
improvement project in accordance with Chapter 5595. of the 500
Revised Code may levy an annual license tax upon the operation of 501
motor vehicles on the public roads and highways in the county. 502

The board of county commissioners shall levy the tax at a 503
rate from one dollar to fifteen dollars per motor vehicle in whole 504
dollar increments as determined by the governing board of the 505
regional transportation improvement project. However, for each 506
commercial car and each commercial trailer and semitrailer that is 507
subject to the tax in that county the board of county 508

commissioners shall levy the tax at a rate of either one dollar or 509
any whole multiple of ten dollars not exceeding one hundred 510
dollars as determined by the governing board of the regional 511
transportation improvement project. The owner of each such motor 512
vehicle who resides in the county or a portion of the county 513
subject to the tax shall pay the tax levied by the board of county 514
commissioners. The tax is in addition to all other taxes levied 515
under this chapter, subject to reduction in the manner provided in 516
division (B)(2) of section 4503.11 of the Revised Code. 517

(B) Upon written request of the governing board of a regional 518
transportation improvement project, the board of county 519
commissioners of a county in which any part of that project is 520
located may propose that a motor vehicle license tax be levied 521
under this section. The board of county commissioners, via a 522
resolution, shall put the question of the tax to the electors of 523
the county or of that portion of the county in which the tax would 524
be levied. The board of county commissioners shall specify in the 525
resolution the rate of the tax, the date on which the tax will 526
terminate, and, if the request of the governing board of the 527
regional transportation improvement project indicates that a 528
portion of the revenue will be used for supplemental 529
transportation improvements not described in the cooperative 530
agreement, the portion of the tax revenue that will be used for 531
such supplemental improvements. The board of elections shall 532
submit the question of the tax to the electors at the primary or 533
general election to be held not less than ninety days after the 534
board of county commissioners certifies to the county board of 535
elections its resolution proposing the tax. The secretary of state 536
shall prescribe the form of the ballot for the election. If 537
approved by a majority of the electors voting on the question of 538
the tax in that county or portion of that county, as applicable, 539
the board of county commissioners of that county shall levy the 540
tax as provided in the resolution. However, the board may make 541

implementation of the tax contingent upon the approval of tax 542
measures under this section in one or more of the other counties 543
participating in the regional transportation improvement project. 544

(C) The registrar of motor vehicles shall deposit money from 545
a tax levied under this section that is received by the registrar 546
under section 4504.09 of the Revised Code in the local motor 547
vehicle license tax fund created by section 4501.031 of the 548
Revised Code. The registrar shall distribute the money to the 549
board of county commissioners levying such tax. The registrar may 550
assign to that board of county commissioners a unique code to 551
facilitate the distribution of such money, which may be the same 552
unique code assigned to that county under section 4501.03 of the 553
Revised Code. The board of county commissioners then shall pay the 554
money to the governing board of the regional transportation 555
improvement project that requested that the question of the 556
levying of the tax be placed on the ballot. 557

Sec. 5595.01. As used in this chapter: 558

(A) "Regional transportation improvement project" or 559
"project" means a regional transportation improvement project 560
undertaken pursuant to section 5595.02 of the Revised Code. 561

(B) "Transportation improvement" or "improvement" means the 562
construction, repair, maintenance, or expansion of streets, 563
highways, parking facilities, freight rail tracks and necessarily 564
related freight rail facilities, bridges, tunnels, overpasses, 565
underpasses, interchanges, approaches, culverts, and other means 566
of transportation, and the erection and maintenance of traffic 567
signs, markers, lights, and signals. 568

Sec. 5595.02. (A) The boards of county commissioners of two 569
or more counties may undertake a regional transportation 570
improvement project for the purpose of completing transportation 571

improvements within the territory of the counties. The project 572
shall be administered by a governing board in accordance with a 573
cooperative agreement. 574

(B) The cooperative agreement shall provide for the creation 575
of a governing board consisting of one county commissioner from 576
each county that is a party to the agreement or a designee 577
appointed by the board of county commissioners of the county for 578
the purpose of serving on the governing board, and the county 579
engineer of each such county or a designee appointed by the county 580
engineer for the purpose of serving on the governing board. 581
Membership on the board is not a direct or indirect interest in a 582
contract or expenditure of money by the county. The board is a 583
public body for the purposes of section 121.22 of the Revised Code 584
and a public office for the purposes of section 149.43 of the 585
Revised Code. Chapter 2744. of the Revised Code applies to the 586
board. 587

(C) The governing board of a regional transportation 588
improvement project is a body both corporate and politic, and the 589
exercise by it of the powers conferred by this chapter in the 590
financing, construction, maintenance, repair, and operation of 591
transportation improvements are essential governmental functions. 592

(D) A board of county commissioners, in accordance with the 593
cooperative agreement, may make appropriations to pay costs 594
incurred by the governing board in the exercise of its functions 595
under this chapter. 596

Sec. 5595.03. (A) A resolution of a board of county 597
commissioners undertaking a regional transportation improvement 598
project must include a cooperative agreement containing all of the 599
following: 600

(1) A description or analysis of the deficiencies of the 601

existing transportation system in the counties participating in 602
the project and of projected needs or deficiencies of the system 603
in ensuing years under reasonable assumptions about development, 604
population trends, and other factors affecting transportation 605
infrastructure in the counties; 606

(2) A comprehensive list of the transportation improvements 607
to be completed as part of the project, including a general 608
description of each improvement, schedules of the projected 609
beginning and end of each improvement, and the estimated cost of 610
each improvement; 611

(3) Directives regarding the operations and reporting 612
requirements of the governing board; 613

(4) The number of years the agreement is to be in effect; 614

(5) Any other terms the board of county commissioners 615
considers necessary or conducive to communicate the intentions of 616
the cooperative agreement and to ensure its effective 617
implementation by the governing board. 618

(B) A board of county commissioners that intends to undertake 619
a regional transportation improvement project shall hold at least 620
one public hearing on the proposed cooperative agreement before 621
adopting a resolution approving the agreement. The board of county 622
commissioners shall provide at least thirty days' public notice of 623
the time and place of the public hearing in a newspaper of general 624
circulation in the county. During the thirty-day period before the 625
public hearing, the proposed cooperative agreement shall be made 626
available for public inspection at the offices of each county that 627
will be a party to the agreement. 628

(C) The cooperative agreement governing a regional 629
transportation improvement project may be amended at any time by 630
majority vote of the governing board and of the boards of county 631
commissioners of each of the participating counties. 632

Sec. 5595.04. The governing board of a regional 633
transportation improvement project may do any of the following: 634

(A) Make and enter into all contracts and agreements 635
necessary or incidental to the performance of its functions and 636
the execution of its powers under this chapter and in accordance 637
with the cooperative agreement. The procuring of goods and 638
awarding of contracts with a cost in excess of fifty thousand 639
dollars shall be done in accordance with the competitive bidding 640
procedures established for boards of county commissioners by 641
sections 307.86 to 307.91 of the Revised Code. 642

(B) Sue and be sued in its own name, plead and be impleaded, 643
provided any actions against the governing board or the regional 644
transportation improvement project shall be brought in the court 645
of common pleas of a county that is a party to the cooperative 646
agreement or in the court of common pleas of the county in which 647
the cause of action arose, and all summonses, exceptions, and 648
notices shall be served on the governing board by leaving a copy 649
thereof at its principal office with a member of the governing 650
board or an employee or agent thereof; 651

(C) Employ or retain persons as are necessary in the judgment 652
of the governing board to carry out the project, and fix their 653
compensation; 654

(D) Acquire by purchase, lease, lease-purchase, lease with 655
option to purchase, appropriation, or otherwise any property 656
necessary, convenient, or proper for the construction, 657
maintenance, repair, or operation of one or more transportation 658
improvements. The governing board may pledge net revenues, to the 659
extent permitted by this chapter with respect to bonds, to secure 660
payments to be paid by the governing board under such a lease, 661
lease-purchase agreement, or lease with option to purchase. Title 662
to real and personal property shall be held in the name of the 663

governing board. In any proceedings for appropriation under this 664
section, the procedure to be followed shall be in accordance with 665
that provided in sections 163.01 to 163.22 of the Revised Code. 666
Except as otherwise agreed to by the owner of the property, full 667
compensation shall be paid for public property so taken. 668

(E) Issue securities to pay for the costs of transportation 669
improvements pursuant to section 5595.05 of the Revised Code. 670

Sec. 5595.05. The governing board of a regional 671
transportation improvement project may provide for the issuance of 672
securities for the purpose of paying costs of transportation 673
improvements. The securities are Chapter 133. securities, and the 674
issuance of the securities, the maturities and other details 675
thereof, the rights of the holders thereof, and the rights, 676
duties, and obligations of the governing board in respect to the 677
securities is governed by the applicable bond proceedings, section 678
133.22 or 133.23, and other applicable sections of Chapter 133. of 679
the Revised Code, notwithstanding that the transportation 680
improvements may result in permanent improvements for more than 681
one purpose under that chapter. 682

Such securities do not constitute a debt or a pledge of the 683
faith and credit of the state or of any political subdivision of 684
the state. Debt charges on outstanding securities are payable 685
solely from revenues pledged to the regional transportation 686
improvement project pursuant to section 5595.06 of the Revised 687
Code. All securities shall contain on their face a statement to 688
that effect. Sections 9.98 to 9.983 of the Revised Code apply to 689
the securities. 690

Sec. 5595.06. (A) The governing board of a regional 691
transportation improvement project, pursuant to the cooperative 692
agreement, may request and receive pledges of revenue from the 693

state, the counties that are parties to the agreement, and any 694
political subdivision or taxing unit located within any of those 695
counties. Except as provided in division (B) of this section, the 696
pledged revenues shall be used solely for the purpose of funding 697
the transportation improvements prescribed by the cooperative 698
agreement, the debt charges on any securities issued by the 699
governing board under section 5595.05 of the Revised Code, and the 700
expenses of the governing board. The state, the counties, and any 701
political subdivision or taxing unit located within such a county 702
may pledge revenue to the governing board from any of the 703
following sources: 704

(1) The general revenue fund of the state; 705

(2) License tax revenue derived from an annual motor vehicle 706
license tax imposed pursuant to section 4504.22 of the Revised 707
Code; 708

(3) Payments in lieu of taxes derived under section 5709.42, 709
5709.74, or 5709.79 of the Revised Code if the real property for 710
which such payments are made will benefit from the proposed 711
transportation improvements; 712

(4) Income tax revenue derived from a joint economic 713
development district or joint economic development zone 714
established pursuant to section 715.69, 715.691, 715.70, or 715.71 715
or sections 715.72 to 715.81 of the Revised Code if the district 716
or zone will benefit from the proposed transportation 717
improvements; 718

(5) Revenue derived from special assessments levied in a 719
special improvement district created under Chapter 1710. of the 720
Revised Code if the district will benefit from the proposed 721
transportation improvements; 722

(6) Revenue from an income source of a new community district 723

established pursuant to section 349.03 of the Revised Code if the 724
district will benefit from the proposed transportation 725
improvements. 726

(B) The governing board shall use license tax revenue pledged 727
to the project under division (A)(2) of this section for the 728
purpose of funding transportation improvements described in the 729
cooperative agreement and any other supplemental transportation 730
improvements necessary to complete the project. If the board 731
intends to use any of the license tax revenue for supplemental 732
improvements not described in the agreement, the board, before 733
submitting a request for license tax revenue to a board of county 734
commissioners under section 4504.22 of the Revised Code, shall 735
adopt a resolution allocating the revenue among the improvements 736
described in the agreement and such supplemental improvements not 737
described in the agreement. The amount used for supplemental 738
improvements may not exceed five dollars for each motor vehicle on 739
which the motor vehicle license tax is collected. If the motor 740
vehicle license tax is approved, the governing board shall 741
allocate the revenue only in accordance with the resolution. The 742
allocation may not be changed unless a proposition to change the 743
allocation is approved by the majority of electors voting on the 744
proposition in each county that is a party to the cooperative 745
agreement. Such a proposition may be proposed by resolution of the 746
governing board certified to the board of county commissioners of 747
each county, and, upon receiving such a certified resolution, each 748
board of county commissioners shall certify identical resolutions 749
to the respective county board of elections for placement on the 750
questions and issues ballot at the next succeeding election 751
occurring at least ninety days after the resolution is certified 752
to the board of elections. 753

Sec. 5595.07. The governing board of a regional 754
transportation improvement project may submit a written request to 755

the director of transportation for the assistance of the 756
department of transportation in any or all aspects, components, or 757
phases of that project. Upon receipt of such a request, the 758
director shall make available to the governing board all such 759
resources of the department as may be necessary to fulfill the 760
request. The director, in the director's discretion, may elect to 761
assign any or all of any post-construction management 762
responsibilities for the project back to the governing board. 763

The governing board shall pay all expenses the department 764
incurs in fulfilling the request of the governing board for 765
assistance, which expenses may be paid from the proceeds of bonds 766
issued by the governing board under this section. 767

Sec. 5595.08. All money, funds, properties, and assets 768
acquired by the governing board of a regional transportation 769
improvement project under this chapter, whether as proceeds from 770
the sale of securities, as revenues, or otherwise, shall be held 771
by it in trust for the purpose of carrying out its powers and 772
duties, shall be used and reused as provided in this chapter, and 773
shall at no time be part of other public funds. Such funds, except 774
as otherwise provided in bond proceedings or in any trust 775
agreement securing such securities, or except when invested 776
pursuant to section 5595.09 of the Revised Code, shall be kept in 777
depositories selected by the governing board in the manner 778
provided in Chapter 135. of the Revised Code for the selection of 779
eligible public depositories, and the deposits shall be secured as 780
provided in that chapter. Bond proceedings or the trust agreement 781
securing securities shall provide that any officer to whom, or any 782
bank or trust company to which, such money is paid shall act as 783
trustee of the money and hold and apply the money for the purposes 784
for which the securities are issued, subject to such conditions as 785
Chapter 133. or 135. of the Revised Code and such proceedings or 786

trust agreement provide. 787

Sec. 5595.09. Except as otherwise provided in any bond 788
proceedings or in any trust agreement securing securities, money 789
in the funds of the governing board of a regional transportation 790
improvement project in excess of current needs may be invested as 791
permitted by sections 135.01 to 135.21 of the Revised Code. Income 792
from all investments of moneys in any fund shall be credited to 793
funds as the governing board determines, subject to the provisions 794
of any such proceedings or trust agreement, and the investments 795
may be sold at any time the governing board determines. 796

Sec. 5595.10. The county auditor of the county with the 797
greatest population, according to the most recent federal 798
decennial census, that is a party to the cooperative agreement 799
shall be the fiscal officer for the governing board of the 800
project. The county prosecutor of the county with the greatest 801
population, according to the most recent federal decennial census, 802
that is participating in the project shall be the legal advisor of 803
the governing board of the project and shall prosecute and defend 804
all suits and actions that the governing board directs or to which 805
it is a party. 806

Sec. 5595.11. The exercise of the powers granted by this 807
chapter is in all respects for the benefit of the people of the 808
state, for the increase of their commerce and prosperity, and for 809
the improvement of their health and living conditions, and, as the 810
completion of transportation improvements by a regional 811
transportation improvement project constitute the performance of 812
essential governmental functions, neither the project nor the 813
governing board may be required to pay any state or local taxes or 814
assessments upon any improvement, or upon revenue or any property 815
acquired or used by the governing board of the project under this 816

chapter, or upon the income therefrom. The securities issued under 817
this chapter, their transfer, and the income therefrom, including 818
any profit made on the sale thereof, shall at all times be free 819
from taxation within the state. 820

Sec. 5595.12. Notwithstanding any other section of the 821
Revised Code to the contrary, the approval, consent, or 822
cooperation of a political subdivision is not required for a 823
transportation improvement that involves constructing or improving 824
a street or highway that runs through the territory of the 825
political subdivision, connects to a highway that is part of the 826
interstate system, and has been journalized by the director of 827
transportation prior to the effective date of the enactment of 828
this section. 829

Section 2. That existing sections 133.01, 4504.08, and 830
4504.09 of the Revised Code are hereby repealed. 831