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Am. 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, Rogers, Adams, J.,
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Milkovich, Patterson, Romanchuk, Ruhl, Scherer, Sheehy, Terhar,
Thompson**

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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 5595.14 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, 11
5595.12, 5595.13, and 5595.14 of the Revised Code be enacted to 12
read as follows: 13

Sec. 133.01. As used in this chapter, in sections 9.95, 9.96, 14

and 2151.655 of the Revised Code, in other sections of the Revised Code that make reference to this chapter unless the context does not permit, and in related proceedings, unless otherwise expressly provided:

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

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

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

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

other funds and accounts. 47

(E) "Capitalized interest" means all or a portion of the 48
interest payable on securities from their date to a date stated or 49
provided for in the applicable legislation, which interest is to 50
be paid from the proceeds of the securities. 51

(F) "Chapter 133. securities" means securities authorized by 52
or issued pursuant to or in accordance with this chapter. 53

(G) "County auditor" means the county auditor of the county 54
in which the subdivision is located. If the subdivision is located 55
in more than one county, "county auditor" means the county auditor 56
of the county that contains the highest amount of the tax 57
valuation of the subdivision or that otherwise has jurisdiction in 58
practice over and customarily handles property tax matters 59
relating to the subdivision. In the case of a county that has 60
adopted a charter, "county auditor" means the officer who 61
generally has the duties and functions provided in the Revised 62
Code for a county auditor. 63

(H) "Credit enhancement facilities" means letters of credit, 64
lines of credit, stand-by, contingent, or firm securities purchase 65
agreements, insurance, or surety arrangements, guarantees, and 66
other arrangements that provide for direct or contingent payment 67
of debt charges, for security or additional security in the event 68
of nonpayment or default in respect of securities, or for making 69
payment of debt charges to and at the option and on demand of 70
securities holders or at the option of the issuer or upon certain 71
conditions occurring under put or similar arrangements, or for 72
otherwise supporting the credit or liquidity of the securities, 73
and includes credit, reimbursement, marketing, remarketing, 74
indexing, carrying, interest rate hedge, and subrogation 75
agreements, and other agreements and arrangements for payment and 76
reimbursement of the person providing the credit enhancement 77
facility and the security for that payment and reimbursement. 78

(I) "Current operating expenses" or "current expenses" means 79
the lawful expenditures of a subdivision, except those for 80
permanent improvements and for payments of debt charges of the 81
subdivision. 82

(J) "Debt charges" means the principal, including any 83
mandatory sinking fund deposits and mandatory redemption payments, 84
interest, and any redemption premium, payable on securities as 85
those payments come due and are payable. The use of "debt charges" 86
for this purpose does not imply that any particular securities 87
constitute debt within the meaning of the Ohio Constitution or 88
other laws. 89

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

debt charges.	111
(L) "Fiscal officer" means the following, or, in the case of	112
absence or vacancy in the office, a deputy or assistant authorized	113
by law or charter to act in the place of the named officer, or if	114
there is no such authorization then the deputy or assistant	115
authorized by legislation to act in the place of the named officer	116
for purposes of this chapter, in the case of the following	117
subdivisions:	118
(1) A county, the county auditor;	119
(2) A municipal corporation, the city auditor or village	120
clerk or clerk-treasurer, or the officer who, by virtue of a	121
charter, has the duties and functions provided in the Revised Code	122
for the city auditor or village clerk or clerk-treasurer;	123
(3) A school district, the treasurer of the board of	124
education;	125
(4) A regional water and sewer district, the secretary of the	126
board of trustees;	127
(5) A joint township hospital district, the treasurer of the	128
district;	129
(6) A joint ambulance district, the clerk of the board of	130
trustees;	131
(7) A joint recreation district, the person designated	132
pursuant to section 755.15 of the Revised Code;	133
(8) A detention facility district or a district organized	134
under section 2151.65 of the Revised Code or a combined district	135
organized under sections 2152.41 and 2151.65 of the Revised Code,	136
the county auditor of the county designated by law to act as the	137
auditor of the district;	138
(9) A township, a fire district organized under division (C)	139
of section 505.37 of the Revised Code, or a township police	140

district, the fiscal officer of the township;	141
(10) A joint fire district, the clerk of the board of trustees of that district;	142 143
(11) A regional or county library district, the person responsible for the financial affairs of that district;	144 145
(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;	146 147 148
(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;	149 150 151
(14) A fire and ambulance district, the person appointed as fiscal officer under division (B) of section 505.375 of the Revised Code;	152 153 154
(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;	155 156 157
(16) A joint police district, the treasurer of the district;	158
(17) A lake facilities authority, the fiscal officer designated under section 353.02 of the Revised Code;	159 160
<u>(18) A regional transportation improvement project, the county auditor designated under section 5595.10 of the Revised Code.</u>	161 162 163
(M) "Fiscal year" has the same meaning as in section 9.34 of the Revised Code.	164 165
(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,	166 167 168 169 170

principal or interest or their equivalents payable by or on behalf 171
of an obligor pursuant to public obligations. 172

(O) "Fully registered securities" means securities in 173
certificated or uncertificated form, registered as to both 174
principal and interest in the name of the owner. 175

(P) "Fund" means to provide for the payment of debt charges 176
and expenses related to that payment at or prior to retirement by 177
purchase, call for redemption, payment at maturity, or otherwise. 178

(Q) "General obligation" means securities to the payment of 179
debt charges on which the full faith and credit and the general 180
property taxing power, including taxes within the tax limitation 181
if available to the subdivision, of the subdivision are pledged. 182

(R) "Interest" or "interest equivalent" means those payments 183
or portions of payments, however denominated, that constitute or 184
represent consideration for forbearing the collection of money, or 185
for deferring the receipt of payment of money to a future time. 186

(S) "Internal Revenue Code" means the "Internal Revenue Code 187
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended, and 188
includes any laws of the United States providing for application 189
of that code. 190

(T) "Issuer" means any public issuer and any nonprofit 191
corporation authorized to issue securities for or on behalf of any 192
public issuer. 193

(U) "Legislation" means an ordinance or resolution passed by 194
a majority affirmative vote of the then members of the taxing 195
authority unless a different vote is required by charter 196
provisions governing the passage of the particular legislation by 197
the taxing authority. 198

(V) "Mandatory sinking fund redemption requirements" means 199
amounts required by proceedings to be deposited in a bond 200

retirement fund for the purpose of paying in any year or fiscal 201
year by mandatory redemption prior to stated maturity the 202
principal of securities that is due and payable, except for 203
mandatory prior redemption requirements as provided in those 204
proceedings, in a subsequent year or fiscal year. 205

(W) "Mandatory sinking fund requirements" means amounts 206
required by proceedings to be deposited in a year or fiscal year 207
in a bond retirement fund for the purpose of paying the principal 208
of securities that is due and payable in a subsequent year or 209
fiscal year. 210

(X) "Net indebtedness" has the same meaning as in division 211
(A) of section 133.04 of the Revised Code. 212

(Y) "Obligor," in the case of securities or fractionalized 213
interests in public obligations issued by another person the debt 214
charges or their equivalents on which are payable from payments 215
made by a public issuer, means that public issuer. 216

(Z) "One purpose" relating to permanent improvements means 217
any one permanent improvement or group or category of permanent 218
improvements for the same utility, enterprise, system, or project, 219
development or redevelopment project, or for or devoted to the 220
same general purpose, function, or use or for which 221
self-supporting securities, based on the same or different sources 222
of revenues, may be issued or for which special assessments may be 223
levied by a single ordinance or resolution. "One purpose" 224
includes, but is not limited to, in any case any off-street 225
parking facilities relating to another permanent improvement, and: 226

(1) Any number of roads, highways, streets, bridges, 227
sidewalks, and viaducts; 228

(2) Any number of off-street parking facilities; 229

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

county buildings, and related facilities;	232
(4) In the case of a school district, any number of	233
facilities and buildings for school district purposes, and related	234
facilities.	235
(AA) "Outstanding," referring to securities, means securities	236
that have been issued, delivered, and paid for, except any of the	237
following:	238
(1) Securities canceled upon surrender, exchange, or	239
transfer, or upon payment or redemption;	240
(2) Securities in replacement of which or in exchange for	241
which other securities have been issued;	242
(3) Securities for the payment, or redemption or purchase for	243
cancellation prior to maturity, of which sufficient moneys or	244
investments, in accordance with the applicable legislation or	245
other proceedings or any applicable law, by mandatory sinking fund	246
redemption requirements, mandatory sinking fund requirements, or	247
otherwise, have been deposited, and credited for the purpose in a	248
bond retirement fund or with a trustee or paying or escrow agent,	249
whether at or prior to their maturity or redemption, and, in the	250
case of securities to be redeemed prior to their stated maturity,	251
notice of redemption has been given or satisfactory arrangements	252
have been made for giving notice of that redemption, or waiver of	253
that notice by or on behalf of the affected security holders has	254
been filed with the subdivision or its agent for the purpose.	255
(BB) "Paying agent" means the one or more banks, trust	256
companies, or other financial institutions or qualified persons,	257
including an appropriate office or officer of the subdivision,	258
designated as a paying agent or place of payment of debt charges	259
on the particular securities.	260
(CC) "Permanent improvement" or "improvement" means any	261
property, asset, or improvement certified by the fiscal officer,	262

which certification is conclusive, as having an estimated life or 263
period of usefulness of five years or more, and includes, but is 264
not limited to, real estate, buildings, and personal property and 265
interests in real estate, buildings, and personal property, 266
equipment, furnishings, and site improvements, and reconstruction, 267
rehabilitation, renovation, installation, improvement, 268
enlargement, and extension of property, assets, or improvements so 269
certified as having an estimated life or period of usefulness of 270
five years or more. The acquisition of all the stock ownership of 271
a corporation is the acquisition of a permanent improvement to the 272
extent that the value of that stock is represented by permanent 273
improvements. A permanent improvement for parking, highway, road, 274
and street purposes includes resurfacing, but does not include 275
ordinary repair. 276

(DD) "Person" has the same meaning as in section 1.59 of the 277
Revised Code and also includes any federal, state, interstate, 278
regional, or local governmental agency, any subdivision, and any 279
combination of those persons. 280

(EE) "Proceedings" means the legislation, certifications, 281
notices, orders, sale proceedings, trust agreement or indenture, 282
mortgage, lease, lease-purchase agreement, assignment, credit 283
enhancement facility agreements, and other agreements, 284
instruments, and documents, as amended and supplemented, and any 285
election proceedings, authorizing, or providing for the terms and 286
conditions applicable to, or providing for the security or sale or 287
award of, public obligations, and includes the provisions set 288
forth or incorporated in those public obligations and proceedings. 289

(FF) "Public issuer" means any of the following that is 290
authorized by law to issue securities or enter into public 291
obligations: 292

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

state;	295
(2) A taxing authority, subdivision, district, or other local public or governmental entity, and any combination or consortium, or public division, district, commission, authority, department, board, officer, or institution, thereof;	296 297 298 299
(3) Any other body corporate and politic, or other public entity.	300 301
(GG) "Public obligations" means both of the following:	302
(1) Securities;	303
(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.	304 305 306
(HH) "Refund" means to fund and retire outstanding securities, including advance refunding with or without payment or redemption prior to maturity.	307 308 309
(II) "Register" means the books kept and maintained by the registrar for registration, exchange, and transfer of registered securities.	310 311 312
(JJ) "Registrar" means the person responsible for keeping the register for the particular registered securities, designated by or pursuant to the proceedings.	313 314 315
(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.	316 317 318 319 320 321 322 323
(LL) "Self-supporting securities" means securities or	324

portions of securities issued for the purpose of paying costs of 325
permanent improvements to the extent that receipts of the 326
subdivision, other than the proceeds of taxes levied by that 327
subdivision, derived from or with respect to the improvements or 328
the operation of the improvements being financed, or the 329
enterprise, system, project, or category of improvements of which 330
the improvements being financed are part, are estimated by the 331
fiscal officer to be sufficient to pay the current expenses of 332
that operation or of those improvements or enterprise, system, 333
project, or categories of improvements and the debt charges 334
payable from those receipts on securities issued for the purpose. 335
Until such time as the improvements or increases in rates and 336
charges have been in operation or effect for a period of at least 337
six months, the receipts therefrom, for purposes of this 338
definition, shall be those estimated by the fiscal officer, except 339
that those receipts may include, without limitation, payments made 340
and to be made to the subdivision under leases or agreements in 341
effect at the time the estimate is made. In the case of an 342
operation, improvements, or enterprise, system, project, or 343
category of improvements without at least a six-month history of 344
receipts, the estimate of receipts by the fiscal officer, other 345
than those to be derived under leases and agreements then in 346
effect, shall be confirmed by the taxing authority. 347

(MM) "Subdivision" means any of the following: 348

(1) A county, including a county that has adopted a charter 349
under Article X, Ohio Constitution; 350

(2) A municipal corporation, including a municipal 351
corporation that has adopted a charter under Article XVIII, Ohio 352
Constitution; 353

(3) A school district; 354

(4) A regional water and sewer district organized under 355

Chapter 6119. of the Revised Code;	356
(5) A joint township hospital district organized under section 513.07 of the Revised Code;	357 358
(6) A joint ambulance district organized under section 505.71 of the Revised Code;	359 360
(7) A joint recreation district organized under division (C) of section 755.14 of the Revised Code;	361 362
(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;	363 364 365 366
(9) A township police district organized under section 505.48 of the Revised Code;	367 368
(10) A township;	369
(11) A joint fire district organized under section 505.371 of the Revised Code;	370 371
(12) A county library district created under section 3375.19 or a regional library district created under section 3375.28 of the Revised Code;	372 373 374
(13) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code;	375 376
(14) A joint emergency medical services district organized under section 307.052 of the Revised Code;	377 378
(15) A fire and ambulance district organized under section 505.375 of the Revised Code;	379 380
(16) A fire district organized under division (C) of section 505.37 of the Revised Code;	381 382
(17) A joint police district organized under section 505.482 of the Revised Code;	383 384

(18) A lake facilities authority created under Chapter 353.	385
of the Revised Code;	386
(19) <u>A regional transportation improvement project created</u>	387
<u>under Chapter 5595. of the Revised Code;</u>	388
(20) Any other political subdivision or taxing district or	389
other local public body or agency authorized by this chapter or	390
other laws to issue Chapter 133. securities.	391
(NN) "Taxing authority" means in the case of the following	392
subdivisions:	393
(1) A county, a county library district, or a regional	394
library district, the board or boards of county commissioners, or	395
other legislative authority of a county that has adopted a charter	396
under Article X, Ohio Constitution, but with respect to such a	397
library district acting solely as agent for the board of trustees	398
of that district;	399
(2) A municipal corporation, the legislative authority;	400
(3) A school district, the board of education;	401
(4) A regional water and sewer district, a joint ambulance	402
district, a joint recreation district, a fire and ambulance	403
district, or a joint fire district, the board of trustees of the	404
district;	405
(5) A joint township hospital district, the joint township	406
hospital board;	407
(6) A detention facility district or a district organized	408
under section 2151.65 of the Revised Code, a combined district	409
organized under sections 2152.41 and 2151.65 of the Revised Code,	410
or a joint emergency medical services district, the joint board of	411
county commissioners;	412
(7) A township, a fire district organized under division (C)	413
of section 505.37 of the Revised Code, or a township police	414

district, the board of township trustees; 415

(8) A joint solid waste management district organized under 416
section 343.01 or 343.012 of the Revised Code, the board of 417
directors of the district; 418

(9) A subdivision described in division (MM)(19) of this 419
section, the legislative or governing body or official; 420

(10) A joint police district, the joint police district 421
board; 422

(11) A lake facilities authority, the board of directors; 423

(12) A regional transportation improvement project, the 424
governing board. 425

(OO) "Tax limitation" means the "ten-mill limitation" as 426
defined in section 5705.02 of the Revised Code without diminution 427
by reason of section 5705.313 of the Revised Code or otherwise, 428
or, in the case of a municipal corporation or county with a 429
different charter limitation on property taxes levied to pay debt 430
charges on unvoted securities, that charter limitation. Those 431
limitations shall be respectively referred to as the "ten-mill 432
limitation" and the "charter tax limitation." 433

(PP) "Tax valuation" means the aggregate of the valuations of 434
property subject to ad valorem property taxation by the 435
subdivision on the real property, personal property, and public 436
utility property tax lists and duplicates most recently certified 437
for collection, and shall be calculated without deductions of the 438
valuations of otherwise taxable property exempt in whole or in 439
part from taxation by reason of exemptions of certain amounts of 440
taxable value under division (C) of section 5709.01, tax 441
reductions under section 323.152 of the Revised Code, or similar 442
laws now or in the future in effect. 443

For purposes of section 133.06 of the Revised Code, "tax 444

valuation" shall not include the valuation of tangible personal 445
property used in business, telephone or telegraph property, 446
interexchange telecommunications company property, or personal 447
property owned or leased by a railroad company and used in 448
railroad operations listed under or described in section 5711.22, 449
division (B) or (F) of section 5727.111, or section 5727.12 of the 450
Revised Code. 451

(QQ) "Year" means the calendar year. 452

(RR) "Administrative agent," "agent," "commercial paper," 453
"floating rate interest structure," "indexing agent," "interest 454
rate hedge," "interest rate period," "put arrangement," and 455
"remarketing agent" have the same meanings as in section 9.98 of 456
the Revised Code. 457

(SS) "Sales tax supported" means obligations to the payment 458
of debt charges on which an additional sales tax or additional 459
sales taxes have been pledged by the taxing authority of a county 460
pursuant to section 133.081 of the Revised Code. 461

Sec. 4504.08. A resolution, ordinance, or other measure 462
levying a county motor vehicle license tax, municipal motor 463
vehicle license tax, township motor vehicle license tax, ~~or~~ 464
transportation improvement district motor vehicle license tax, or 465
regional transportation improvement project motor vehicle license 466
tax shall not be applicable to motor vehicle registrations for a 467
registration year beginning at the time established in section 468
4503.10 of the Revised Code unless a copy of such resolution or 469
ordinance is certified to the registrar of motor vehicles not 470
later than the first day of July of the year preceding that in 471
which such registration year begins. 472

Sec. 4504.09. Any county, township, municipal, ~~or~~ 473
transportation improvement district, or regional transportation 474

improvement project motor vehicle license tax shall be paid to the registrar of motor vehicles or to a deputy registrar at the time application for registration of a motor vehicle as provided in sections 4503.10 and 4503.102 of the Revised Code is made and no certificate of registration, numbered license plates and validation stickers, or validation stickers alone, shall be issued to the owner of a motor vehicle for which any amount of county, township, municipal, ~~or~~ transportation improvement district, or regional transportation improvement project motor vehicle license tax due thereon has not been paid. Payment of the tax shall be evidenced by a stamp on the certificate of registration by the official issuing such certificate.

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

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

The board of county commissioners shall levy the tax at a rate from one dollar to fifteen dollars per motor vehicle in whole

dollar increments as determined by the governing board of the 506
regional transportation improvement project. However, for each 507
commercial car and each commercial trailer and semitrailer that is 508
subject to the tax in that county the board of county 509
commissioners shall levy the tax at a rate of either one dollar or 510
any whole multiple of ten dollars not exceeding one hundred 511
dollars as determined by the governing board of the regional 512
transportation improvement project. The owner of each such motor 513
vehicle who resides in the county or a portion of the county 514
subject to the tax shall pay the tax levied by the board of county 515
commissioners. The tax is in addition to all other taxes levied 516
under this chapter, subject to reduction in the manner provided in 517
division (B)(2) of section 4503.11 of the Revised Code. 518

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

approved by a majority of the electors voting on the question of 539
the tax in that county or portion of that county, as applicable, 540
the board of county commissioners of that county shall levy the 541
tax as provided in the resolution. However, the board may make 542
implementation of the tax contingent upon the approval of tax 543
measures under this section in one or more of the other counties 544
participating in the regional transportation improvement project. 545

(C) A regional transportation improvement project license tax 546
levied under this section shall continue in effect until its 547
expiration, repeal, or until the dissolution of the regional 548
transportation improvement project for which the tax is levied. 549

(D) The registrar of motor vehicles shall deposit money from 550
a tax levied under this section that is received by the registrar 551
under section 4504.09 of the Revised Code in the local motor 552
vehicle license tax fund created by section 4501.031 of the 553
Revised Code. The registrar shall distribute the money to the 554
board of county commissioners levying such tax. The registrar may 555
assign to that board of county commissioners a unique code to 556
facilitate the distribution of such money, which may be the same 557
unique code assigned to that county under section 4501.03 of the 558
Revised Code. The board of county commissioners then shall pay the 559
money to the governing board of the regional transportation 560
improvement project that requested that the question of the 561
levying of the tax be placed on the ballot. 562

Sec. 5595.01. As used in this chapter: 563

(A) "Regional transportation improvement project" or 564
"project" means a regional transportation improvement project 565
undertaken pursuant to section 5595.02 of the Revised Code. 566

(B) "Transportation improvement" or "improvement" means the 567
construction, repair, maintenance, or expansion of streets, 568
highways, parking facilities, rail tracks and necessarily related 569

rail facilities, bridges, tunnels, overpasses, underpasses, 570
interchanges, approaches, culverts, and other means of 571
transportation, and the erection and maintenance of traffic signs, 572
markers, lights, and signals. 573

Sec. 5595.02. (A) The boards of county commissioners of two 574
or more counties may undertake a regional transportation 575
improvement project for the purpose of completing transportation 576
improvements within the territory of the counties. The project 577
shall be administered by a governing board in accordance with a 578
cooperative agreement. 579

(B) The cooperative agreement shall provide for the creation 580
of a governing board consisting of one county commissioner from 581
each county that is a party to the agreement or a designee 582
appointed by the board of county commissioners of the county for 583
the purpose of serving on the governing board, and the county 584
engineer of each such county or a designee appointed by the county 585
engineer for the purpose of serving on the governing board. 586
Membership on the board is not a direct or indirect interest in a 587
contract or expenditure of money by the county. The board is a 588
public body for the purposes of section 121.22 of the Revised Code 589
and a public office for the purposes of section 149.43 of the 590
Revised Code. Chapter 2744. of the Revised Code applies to the 591
board. 592

(C) The governing board of a regional transportation 593
improvement project is a body both corporate and politic, and the 594
exercise by it of the powers conferred by this chapter in the 595
financing, construction, maintenance, repair, and operation of 596
transportation improvements are essential governmental functions. 597

(D) A board of county commissioners, in accordance with the 598
cooperative agreement, may make appropriations to pay costs 599
incurred by the governing board in the exercise of its functions 600

under this chapter so long as such costs are approved by the 601
director of transportation under section 5595.13 of the Revised 602
Code. 603

Sec. 5595.03. (A) A resolution of a board of county 604
commissioners undertaking a regional transportation improvement 605
project must include a cooperative agreement containing all of the 606
following: 607

(1) A description or analysis of the deficiencies of the 608
existing transportation system in the counties participating in 609
the project and of projected needs or deficiencies of the system 610
in ensuing years under reasonable assumptions about development, 611
population trends, and other factors affecting transportation 612
infrastructure in the counties; 613

(2) A comprehensive list of the transportation improvements 614
to be completed as part of the project, including a general 615
description of each improvement, schedules of the projected 616
beginning and end of each improvement, and the estimated cost of 617
each improvement; 618

(3) Directives regarding the operations and reporting 619
requirements of the governing board; 620

(4) The number of years the agreement is to be in effect; 621

(5) Any other terms the board of county commissioners 622
considers necessary or conducive to communicate the intentions of 623
the cooperative agreement and to ensure its effective 624
implementation by the governing board. 625

(B) A board of county commissioners that intends to undertake 626
a regional transportation improvement project shall hold at least 627
one public hearing on the proposed cooperative agreement before 628
adopting a resolution approving the agreement. The board of county 629
commissioners shall provide at least thirty days' public notice of 630

the time and place of the public hearing in a newspaper of general 631
circulation in the county. During the thirty-day period before the 632
public hearing, the proposed cooperative agreement shall be made 633
available for public inspection at the offices of each county that 634
will be a party to the agreement. 635

(C) If the cooperative agreement is approved by each county 636
that will be a party to the agreement, one of the participating 637
counties shall send a copy of the agreement to the director of 638
transportation. The director shall evaluate the agreement and 639
determine if the transportation improvements specified in the 640
agreement are in the best interest of the transportation 641
facilities of this state, as defined in section 5501.01 of the 642
Revised Code. If the director approves the agreement, the director 643
shall send notice of approval to each county that is a party to 644
the agreement. Unless otherwise provided in the cooperative 645
agreement, the agreement is effective immediately upon approval by 646
the director. If the director does not approve the agreement, the 647
director shall send notice of denial to each county that is a 648
party to the agreement. The notice of denial shall include the 649
reason or reasons for the denial and recommendations for ways in 650
which the agreement may be changed to meet the approval of the 651
director. If the director does not make a determination within 652
ninety days after receiving a cooperative agreement under this 653
section, the director is deemed to have approved the agreement 654
and, unless otherwise provided in the agreement, the agreement is 655
effective immediately. No cooperative agreement is effective 656
without actual or constructive approval by the director under this 657
section. 658

(D) The cooperative agreement governing a regional 659
transportation improvement project may be amended at any time by 660
majority vote of the governing board and of the boards of county 661
commissioners of each of the participating counties and with the 662

approval of the director of transportation obtained in the same 663
manner as approval of the original agreement. 664

Sec. 5595.04. The governing board of a regional 665
transportation improvement project may do any of the following: 666

(A) Make and enter into all contracts and agreements 667
necessary or incidental to the performance of its functions and 668
the execution of its powers under this chapter and in accordance 669
with the cooperative agreement. The procuring of goods and 670
awarding of contracts with a cost in excess of fifty thousand 671
dollars shall be done in accordance with the competitive bidding 672
procedures established for boards of county commissioners by 673
sections 307.86 to 307.91 of the Revised Code. 674

(B) Sue and be sued in its own name, plead and be impleaded, 675
provided any actions against the governing board or the regional 676
transportation improvement project shall be brought in the court 677
of common pleas of a county that is a party to the cooperative 678
agreement or in the court of common pleas of the county in which 679
the cause of action arose, and all summonses, exceptions, and 680
notices shall be served on the governing board by leaving a copy 681
thereof at its principal office with a member of the governing 682
board or an employee or agent thereof; 683

(C) Employ or retain persons as are necessary in the judgment 684
of the governing board to carry out the project, and fix their 685
compensation; 686

(D) Acquire by purchase, lease, lease-purchase, lease with 687
option to purchase, appropriation, or otherwise any property 688
necessary, convenient, or proper for the construction, 689
maintenance, repair, or operation of one or more transportation 690
improvements. The governing board may pledge net revenues, to the 691
extent permitted by this chapter with respect to bonds, to secure 692
payments to be paid by the governing board under such a lease, 693

lease-purchase agreement, or lease with option to purchase. Title 694
to real and personal property shall be held in the name of the 695
governing board. In any proceedings for appropriation under this 696
section, the procedure to be followed shall be in accordance with 697
that provided in sections 163.01 to 163.22 of the Revised Code. 698
Except as otherwise agreed to by the owner of the property, full 699
compensation shall be paid for public property so taken. 700

(E) Issue securities to pay for the costs of transportation 701
improvements pursuant to section 5595.05 of the Revised Code. 702

Sec. 5595.05. The governing board of a regional 703
transportation improvement project may provide for the issuance of 704
securities for the purpose of paying costs of transportation 705
improvements. The securities are Chapter 133. securities, and the 706
issuance of the securities, the maturities and other details 707
thereof, the rights of the holders thereof, and the rights, 708
duties, and obligations of the governing board in respect to the 709
securities is governed by the applicable bond proceedings, section 710
133.22 or 133.23, and other applicable sections of Chapter 133. of 711
the Revised Code, notwithstanding that the transportation 712
improvements may result in permanent improvements for more than 713
one purpose under that chapter. 714

Such securities do not constitute a debt or a pledge of the 715
faith and credit of the state or of any political subdivision of 716
the state. Debt charges on outstanding securities are payable 717
solely from revenues pledged to the regional transportation 718
improvement project pursuant to section 5595.06 of the Revised 719
Code. All securities shall contain on their face a statement to 720
that effect. Sections 9.98 to 9.983 of the Revised Code apply to 721
the securities. 722

Sec. 5595.06. (A) The governing board of a regional 723

transportation improvement project, pursuant to the cooperative 724
agreement, may request and receive pledges of revenue from the 725
state, the counties that are parties to the agreement, and any 726
political subdivision or taxing unit located within any of those 727
counties. Except as provided in division (B) of this section, the 728
pledged revenues shall be used solely for the purpose of funding 729
the transportation improvements prescribed by the cooperative 730
agreement, the debt charges on any securities issued by the 731
governing board under section 5595.05 of the Revised Code, and the 732
expenses of the governing board. The state, the counties, and any 733
political subdivision or taxing unit located within such a county 734
may pledge revenue to the governing board from any of the 735
following sources: 736

(1) The general revenue fund of the state; 737

(2) License tax revenue derived from an annual motor vehicle 738
license tax imposed pursuant to section 4504.22 of the Revised 739
Code; 740

(3) Payments in lieu of taxes derived under section 5709.42, 741
5709.74, or 5709.79 of the Revised Code if the real property for 742
which such payments are made will benefit from the proposed 743
transportation improvements; 744

(4) Income tax revenue derived from a joint economic 745
development district or joint economic development zone 746
established pursuant to section 715.69, 715.691, 715.70, or 715.71 747
or sections 715.72 to 715.81 of the Revised Code if the district 748
or zone will benefit from the proposed transportation 749
improvements; 750

(5) Revenue derived from special assessments levied in a 751
special improvement district created under Chapter 1710. of the 752
Revised Code if the district will benefit from the proposed 753
transportation improvements; 754

(6) Revenue from an income source of a new community district established pursuant to section 349.03 of the Revised Code if the district will benefit from the proposed transportation improvements. 755
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(B) The governing board shall use license tax revenue pledged to the project under division (A)(2) of this section for the purpose of funding transportation improvements described in the cooperative agreement and any other supplemental transportation improvements necessary to complete the project. If the board intends to use any of the license tax revenue for supplemental improvements not described in the agreement, the board, before submitting a request for license tax revenue to a board of county commissioners under section 4504.22 of the Revised Code, shall adopt a resolution allocating the revenue among the improvements described in the agreement and such supplemental improvements not described in the agreement. The amount used for supplemental improvements may not exceed five dollars for each motor vehicle on which the motor vehicle license tax is collected. If the motor vehicle license tax is approved, the governing board shall allocate the revenue only in accordance with the resolution. The allocation may not be changed unless a proposition to change the allocation is approved by the majority of electors voting on the proposition in each county that is a party to the cooperative agreement. Such a proposition may be proposed by resolution of the governing board certified to the board of county commissioners of each county, and, upon receiving such a certified resolution, each board of county commissioners shall certify identical resolutions to the respective county board of elections for placement on the questions and issues ballot at the next succeeding election occurring at least ninety days after the resolution is certified to the board of elections. 759
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Sec. 5595.07. The governing board of a regional 786

transportation improvement project may submit a written request to 787
the director of transportation for the assistance of the 788
department of transportation in any or all aspects, components, or 789
phases of that project. Upon receipt of such a request, the 790
director may require the board to submit documentation to 791
substantiate that the board has sufficient resources to fund the 792
board's share of the project. If the director determines that the 793
board has sufficient resources, the director may make available to 794
the board resources of the department as may be necessary to 795
fulfill the request. The director, in the director's discretion, 796
may elect to assign any or all of any post-construction management 797
responsibilities for the project back to the governing board. 798

The governing board shall pay all expenses the department 799
incurs in fulfilling the request of the governing board for 800
assistance, which expenses may be paid from the proceeds of bonds 801
issued by the governing board under this section. 802

Sec. 5595.08. All money, funds, properties, and assets 803
acquired by the governing board of a regional transportation 804
improvement project under this chapter, whether as proceeds from 805
the sale of securities, as revenues, or otherwise, shall be held 806
by it in trust for the purpose of carrying out its powers and 807
duties, shall be used and reused as provided in this chapter, and 808
shall at no time be part of other public funds. Such funds, except 809
as otherwise provided in bond proceedings or in any trust 810
agreement securing such securities, or except when invested 811
pursuant to section 5595.09 of the Revised Code, shall be kept in 812
depositories selected by the governing board in the manner 813
provided in Chapter 135. of the Revised Code for the selection of 814
eligible public depositories, and the deposits shall be secured as 815
provided in that chapter. Bond proceedings or the trust agreement 816
securing securities shall provide that any officer to whom, or any 817

bank or trust company to which, such money is paid shall act as 818
trustee of the money and hold and apply the money for the purposes 819
for which the securities are issued, subject to such conditions as 820
Chapter 133. or 135. of the Revised Code and such proceedings or 821
trust agreement provide. 822

Sec. 5595.09. Except as otherwise provided in any bond 823
proceedings or in any trust agreement securing securities, money 824
in the funds of the governing board of a regional transportation 825
improvement project in excess of current needs may be invested as 826
permitted by sections 135.01 to 135.21 of the Revised Code. Income 827
from all investments of moneys in any fund shall be credited to 828
funds as the governing board determines, subject to the provisions 829
of any such proceedings or trust agreement, and the investments 830
may be sold at any time the governing board determines. 831

Sec. 5595.10. The county auditor of the county with the 832
greatest population, according to the most recent federal 833
decennial census, that is a party to the cooperative agreement 834
shall be the fiscal officer for the governing board of the 835
project. The county prosecutor of the county with the greatest 836
population, according to the most recent federal decennial census, 837
that is participating in the project shall be the legal advisor of 838
the governing board of the project and shall prosecute and defend 839
all suits and actions that the governing board directs or to which 840
it is a party. 841

Sec. 5595.11. The exercise of the powers granted by this 842
chapter is in all respects for the benefit of the people of the 843
state, for the increase of their commerce and prosperity, and for 844
the improvement of their health and living conditions, and, as the 845
completion of transportation improvements by a regional 846
transportation improvement project constitute the performance of 847

essential governmental functions, neither the project nor the 848
governing board may be required to pay any state or local taxes or 849
assessments upon any improvement, or upon revenue or any property 850
acquired or used by the governing board of the project under this 851
chapter, or upon the income therefrom. The securities issued under 852
this chapter, their transfer, and the income therefrom, including 853
any profit made on the sale thereof, shall at all times be free 854
from taxation within the state. 855

Sec. 5595.12. Notwithstanding any other section of the 856
Revised Code to the contrary, the approval, consent, or 857
cooperation of a political subdivision is not required for a 858
transportation improvement that involves constructing or improving 859
a street or highway that runs through the territory of the 860
political subdivision, connects to a highway that is part of the 861
interstate system, and has been journalized by the director of 862
transportation prior to the effective date of the enactment of 863
this section. 864

Sec. 5595.13. The governing board of a regional 865
transportation improvement project shall not use any amount 866
pledged or allocated to the board under this chapter for 867
administrative expenses of the board without prior approval of the 868
director of transportation. The director may approve expenses 869
individually by line item or may approve an aggregate amount to be 870
allocated for administrative expenses over a period of time not 871
exceeding twelve months. The director may prescribe rules pursuant 872
to Chapter 119. of the Revised Code necessary to implement this 873
section. 874

Sec. 5595.14. Upon completion of the transportation 875
improvements listed in the cooperative agreement, fulfillment of 876
all contractual duties assumed by the governing board, and 877

repayment of all bonds issued by the governing board, the regional 878
transportation improvement project and the governing board shall 879
dissolve by operation of law. Upon dissolution of the regional 880
transportation improvement project, the boards of county 881
commissioners that created the regional transportation improvement 882
project shall assume title to all real and personal property 883
acquired by the board in the fulfillment of its duties under this 884
chapter. The property shall be divided and distributed in 885
accordance with the cooperative agreement. Unless otherwise 886
provided by contract, pledges of revenue to the governing board 887
from the state or a political subdivision or taxing unit shall 888
terminate by operation of law upon the dissolution of the regional 889
transportation improvement project. 890

Section 2. That existing sections 133.01, 4504.08, and 891
4504.09 of the Revised Code are hereby repealed. 892