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Final Analysis
Legislative Service Commission

Am. Sub. S.B. 52
123rd General Assembly
(As Passed by the General Assembly)

Sens. Carnes, Gardner, Oelslager, Mumper, DiDonato, Spada, Furney, Drake, Armbruster

Reps. Terwilleger, Schuler, Cates

Effective date: *

ACT SUMMARY

- Authorizes townships to regulate the resale of tickets to theatrical, sporting, or other public amusements.
- Adds to the sources of moneys a township may use to pay for the collection and disposal of tree leaves.
- Authorizes the board of township trustees or the electors of an unincorporated township to cause the question of a proposed name change for the township to be submitted to the electors of the unincorporated area of the township.
- Changes the conditions under which some 16 or 17 year old minors do not need to provide an age and schooling certificate as a condition of employment at a seasonal amusement or recreational establishment.

CONTENT AND OPERATION

Township regulation of ticket resales

The act authorizes a board of township trustees to adopt a resolution to regulate in the unincorporated area of the township, by license or otherwise, the resale, by parties not acting as agents of those issuing them, of tickets to theatrical

* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared.*

or sporting events or to other public amusements. The act allows the board to establish a fine of not more than \$100 for each separate violation of any such resolution. Fifty per cent of the collected fine moneys must be deposited in the township's general fund, and the remaining 50% of those moneys must be deposited in the county's general fund. (Sec. 505.95(A) and (B).)

Any person allegedly aggrieved by a violation of a resolution adopted under the act may seek injunctive or other appropriate relief in connection with the act or practice that violates the resolution (sec. 505.95(C)).

Moneys for township leaf collection and disposal

Background "continuing" law

Under continuing law, a board of township trustees may create a waste disposal district, and the township can *levy a property tax* (voted or unvoted) or *charge a fee* for the collection and disposal of garbage or refuse in the district.¹ Any *service charges* collected generally must be kept in a *waste collection fund* and used to pay the costs of managing, maintaining, and operating a garbage and refuse collection and disposal system in the district. Independent of those powers, a board of township trustees may acquire, maintain, and operate equipment and facilities for the collection and disposal of *tree leaves*. Under continuing law, the costs of providing that service *may be paid* (but are not required to be paid as under former law) from the township general fund. (Secs. 505.29, 505.31, and 505.79.)

Changes made by the act

The act adds to the sources of moneys that can be used to pay for the collection and disposal of tree leaves. It permits a board of township trustees (1) to levy a property tax *within* the ten-mill limitation in a waste disposal district to provide for the collection and disposal of tree leaves (in addition to providing for and maintaining waste disposal service) and (2) to pay the cost for the collection and disposal of tree leaves from any fund created for the tax levy moneys. The act also permits a township to use moneys in the *waste collection fund* to pay for the costs incurred by the township in relation to the collection and disposal of tree leaves. (Secs. 505.29, 505.31, and 505.79.)

¹ Section 505.29 of the Revised Code permits a township to levy a tax within the ten-mill limitation for waste disposal services within a waste disposal district. Section 5705.19(V) of the Revised Code permits a township or a township waste disposal district (both governed by the board of township trustees) to levy a tax in excess of the ten-mill limitation for the collection and disposal of garbage or refuse, including yard waste.

Township name changes

Continuing law that formerly was subject to different interpretations

Continuing law dealing with township names provides for the change of the name of an "incorporated" township. In this context, it formerly was not clear whether the term "incorporated" referred only to township territory that *was within a municipal corporation*. (The term "incorporated" is used in drafting Revised Code language today to refer to municipal corporations.) Applying that interpretation, the continuing law formerly could be construed to only provide for a township to change its name if the township was completely within or coterminous with the boundaries of a municipal corporation. Assuming that interpretation to be correct, under continuing law, a majority of the electors of such an "incorporated" township may petition the board of county commissioners to alter the name of the township. Notice of the petition must be given in three public places in the township 30 days before the petitioners apply to the board for the altering of the township's name. The board of county commissioners then may change the township's name for good cause shown. (Sec. 503.16--not in the act.)²

Continuing law also provides for the establishment of new townships, and in that context states that "[n]o two townships in any county shall be incorporated by the same name" (sec. 503.04--not in the act). The term "incorporated" in this context might mean "established." If that is so, this prohibition applies generally to township name changes. An application of that interpretation of the term "incorporated" could mean that formerly the procedure for a name change described in the immediately preceding paragraph was available to *any* township.

Changes made by the act

The act *permits* a board of township trustees, by a unanimous vote, to adopt a resolution causing the board of elections to submit to the electors of the *unincorporated area of the township* the question of whether the township's name should be changed (sec. 503.161(A)). In addition, if the board of township trustees receives a petition requesting a name change that is signed by electors of the unincorporated area of the township at least equal in number to 20% of the electors that voted in that unincorporated area for the office of Governor at the preceding general election, then the board of township trustees *must* adopt a resolution

² *Continuing law provides that, when the limits of a municipal corporation become identical with those of a township, the township offices are abolished, and the duties of those offices must be performed by the corresponding officers of the municipal corporation (sec. 703.22--not in the act).*

causing the board of elections to submit the question of a name change to the electors (sec. 503.161(B)). Notice of the election on this issue, along with an explanation of the proposed name change, must be published in a newspaper of general circulation in the township for three consecutive weeks and must be posted in five conspicuous places in the unincorporated area of the township. The board of township trustees must provide that notice and do that posting at least 45 days before the election. (Sec. 503.162(B).)

The question of whether the township's name should be changed must be voted on at the next primary or general election occurring at least 75 days after certification of the board of township trustees' resolution to the board of elections. The ballot must designate the name that is proposed as the new name for the township, and, if a majority of those voting approve the change, the township's name will be changed effective 90 days after the board of elections certifies the election results to the township's clerk. Upon receipt of the certification of the election results from the board of elections, the township's clerk must send a copy of that certification to the Secretary of State and to the State and Local Government Commission. (Secs. 503.161(C) and 503.162(A) and (C).)

The act specifically provides that a change in the name of a township does not alter the rights or liabilities of the township under its previous name (sec. 503.162(D)).

Minors' work without an age and schooling certificate

Former law

Under former law that became effective on May 25, 1999, minors aged 16 or 17 were *not required* to provide an age and schooling certificate (conclusive evidence of a minor's age and an employer's right to employ a minor in occupations not denied to minors of that age) as a condition of employment with *seasonal amusement or recreational establishments* if (1) they were so employed not more than two months before the last day of the school term in the spring and not more than two months after the first day of the school term in the fall (not affected by the act), (2) they were so employed while school was in session, only for hours between the end of the school day on Friday and 11 p.m. on Sunday, and (3) the superintendent of schools of the school district in which a minor resided did not require such a certificate (sec. 4109.02(A) and (B)(2)).

Changes made by the act

The act changes the periods, days, and hours during which 16 and 17 year olds may be employed *while school is in session* at seasonal amusement or

recreational establishments without having to provide an age and schooling certificate as a condition of employment. First, the act limits a minor from being so employed without having to provide a certificate for the period before Memorial Day and after Labor Day while school is in session to the hours between the end of school on Friday and 11 p.m. on Sunday. Then, for the period from Memorial Day until the last day of the school term in the spring and from the first day of the school term in the fall until Labor Day, the act permits a minor to be so employed only for hours that occur between the end of the school day and 9 p.m. on Monday through Thursday and only for hours that occur between the end of the school day on Friday and 11 p.m. on Sunday. As under former law, however, if the superintendent of schools requires an age and schooling certificate, the certificate will still be required as a condition of employment at a seasonal amusement or recreational establishment. (Sec. 4109.02(B)(2).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-04-99	p. 113
Reported, S. State & Local Gov't & Veterans Affairs	04-27-99	p. 339
Passed Senate (32-0)	04-28-99	p. 347
Reported, H. Local Gov't & Townships	06-17-99	p. 890
Passed House (94-3)	06-30-99	pp. 1136-1138
Motion to reconsider & again Passed House (53-45)	06-30-99	pp. 1146-1151
Senate concurred in House amendments (32-0)	06-30-99	pp. 870-873

99-SB52.123/rss

