



Am. H.B. 189*

123rd General Assembly

(As Reported by S. State & Local Government & Veterans Affairs)

Reps. Taylor, Willamowski, Olman, Vesper, Van Vyven, Young, Haines, Metelsky, Buchy, Brading, Bender

BILL SUMMARY

- Excludes persons under detention in a detention facility from persons counted to determine the population of a municipal corporation for purposes of classifying the municipal corporation as a village or a city.

CONTENT AND OPERATION

Municipal corporations are classified by population into villages and cities: villages have a population under 5,000; cities have a population of 5,000 or more.¹ Population generally is determined by the last federal census. In addition to a census count, a village can become a city if at the last preceding general election more than 5,000 resident electors registered to vote or actually voted.²

Existing statutory law specifically prohibits the counting of college or university students attending school in a municipal corporation as part of its population if the students are not residents of the municipal corporation, when determining whether a village has changed to a city. The bill adds that persons under detention in a detention facility located within a municipal corporation are not to be included as part of its population in determining whether a village has changed to a city, unless the persons' addresses when not detained, as indicated in

* This analysis was prepared before the report of the Senate State and Local Government and Veterans Affairs Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

¹ Section 1 of Article XVIII of the Ohio Constitution and R.C. 703.01.

² R.C. 703.01 and 703.011.

the facility's records, are in that municipal corporation.³ (R.C. 703.01(B)(1).) The bill also requires the Secretary of State to issue a proclamation, after each federal census, which certifies the number of permanent residents in a municipal corporation in which a detention facility is located and the number of persons detained in that facility; this is similar to existing law's proclamation requirements pertaining to permanent residents in municipal corporations in which a college or university is located and to attending students (R.C. 703.01(B)(2)).

COMMENT

In a federal census, the census counts inmates in institutions as residents of the place where their institution is located; thus, prisoners are counted as residents wherever they are incarcerated.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-17-99	p. 213
Reported, H. Local Gov't & Townships	03-30-99	pp. 373-374
Passed House (95-1)	05-11-99	pp. 622-623
Reported, S. State & Local Gov't & Veterans Affairs	---	---

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³ The bill defines a "detention facility," by cross-reference to R.C. 2921.01, as any place used for the confinement of a person charged with or convicted of any crime or alleged or found to be a delinquent child or unruly child (R.C. 703.01(B)(3)).