

As Passed by the House

135th General Assembly

Regular Session

2023-2024

Sub. H. B. No. 331

Representatives Mathews, Young, T.

**Cosponsors: Representatives Seitz, Dean, Brennan, Carruthers, Daniels,
Dell'Aquila, Dobos, Hillyer, Jones, McClain, Peterson, Swearingen**

A BILL

To amend sections 703.31, 703.32, and 703.33 and to 1
enact section 703.331 of the Revised Code to 2
modify the law regarding village dissolution. 3

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

Section 1. That sections 703.31, 703.32, and 703.33 be 4
amended and section 703.331 of the Revised Code be enacted to 5
read as follows: 6

Sec. 703.31. As used in sections 703.31 to 703.39 of the 7
Revised Code: 8

"Date the dissolution is effective" means the date the 9
election result is certified under section 703.33 or 703.331 of 10
the Revised Code or the date the attorney general files a 11
certified copy of a court's order of dissolution with the 12
secretary of state, auditor of state, and county recorder, as 13
applicable, under section 118.31 or 703.34 of the Revised Code. 14

"Period when a dissolution is in question" means the 15
period beginning on the date a petition under section 703.33 of 16
the Revised Code is presented, the date an unsatisfactory 17

finding under division (B) of section 703.331 of the Revised 18
Code is provided to a village, or the date a legal action is 19
filed by the attorney general under section 118.31 or 703.34 of 20
the Revised Code and ending the date the result of the election 21
under section 703.33 or 703.331 of the Revised Code is certified 22
or the decision of the court of common pleas under section 23
118.31 or 703.34 of the Revised Code is declared. 24

"Transition period" means the period beginning on the date 25
the dissolution is effective and ending on the date the 26
transition supervisory board determines all outstanding debts, 27
obligations, and liabilities of the dissolved village have been 28
resolved, all real and personal property of the dissolved 29
village has been transferred or otherwise disposed of, and all 30
utility property and utility services have been transferred. 31

"Utility services" means electric, water, sewer, and other 32
similar utilities. 33

Sec. 703.32. The process for dissolving a village, whether 34
the dissolution is determined under section 118.31, 703.33, 35
703.331, or 703.34 of the Revised Code, shall be conducted in 36
accordance with sections 703.31 to 703.39 of the Revised Code. 37

Sec. 703.33. (A) Villages may voluntarily dissolve upon 38
the petition to the legislative authority of the village, or, in 39
the alternative, to the board of elections of the county in 40
which the largest portion of the population of the village 41
resides as provided in division (B)(1) of this section, of at 42
least thirty per cent of the electors thereof, to be determined 43
by the number voting at the last regular municipal election, and 44
by an affirmative vote of a majority of the electors at the next 45
general election held in an even-numbered year occurring after 46
the period ending ninety days after the filing of the petition 47

with the legislative authority. If the result of the election is 48
in favor of the surrender, the village clerk or, in the 49
alternative, the board of elections shall certify the result to 50
the secretary of state, the auditor of state, and the county 51
recorder, who shall record it in their respective offices. 52

(B) (1) If the legislative authority of a village fails to 53
act upon the petition within thirty days after receipt of the 54
petition, the electors may present the petition to the board of 55
elections to determine the validity and sufficiency of the 56
signatures. The petition shall be governed by the rules of 57
section 3501.38 of the Revised Code. The petition shall be filed 58
with the board of elections of the county in which the largest 59
portion of the population of the village resides. A petition 60
filed under this division is only valid if filed during an even- 61
numbered year on or after the first day of July, and at least 62
ninety days before the next general election. If the petition is 63
sufficient, the board of elections shall submit the question 64
"Shall the village of _____ surrender its corporate 65
powers?" for the approval or rejection of the electors of the 66
village at the next general election held in an even-numbered 67
year occurring after the period ending ninety days after the 68
filing of the petition with the board. If the result of the 69
election is in favor of the surrender, the board of elections 70
shall certify the results to the secretary of state, the auditor 71
of state, and the county recorder, who shall record it in their 72
respective offices. ~~The corporate powers of the village shall~~ 73
~~cease upon the recording of the certified election results in~~ 74
~~the county recorder's office.~~ 75

(2) In addition to filing the petition with the board of 76
elections as provided in division (B) (1) of this section, a copy 77
of the petition shall be filed with the board of township 78

trustees of each township affected by the surrender. 79

Sec. 703.331. (A) Not later than the last day of the year 80
that is immediately after the year the results of a federal 81
decennial census are released, the county auditor, county 82
treasurer, and one member of the board of county commissioners 83
selected by the board of county commissioners, jointly shall 84
evaluate each village located within the county to determine if, 85
over the approximate ten year period beginning the day the 86
results of the preceding federal decennial census were released 87
and ending the day the most recent federal decennial census 88
results were released, both of the following are true: 89

(1) The village itself provided, or the village contracted 90
with a private nongovernmental entity to provide, at least five 91
of the following services: 92

(a) Police protection; 93

(b) Fire-fighting services; 94

(c) Garbage collection; 95

(d) Water or sewer service; 96

(e) Emergency medical services; 97

(f) Road maintenance; 98

(g) Park services or other recreation services; 99

(h) Human services; 100

(i) A public library established and operated solely by 101
the village. 102

(2) At each election at which an elected village position 103
was voted upon, at least one candidate appeared on the ballot 104
for each elected village position. 105

If a village is located in more than one county, the 106
village shall be evaluated only by the county officials of the 107
county wherein the largest portion of the population of the 108
village resides. 109

(B) The county officials shall notify the legislative 110
authority of the village of the county officials' finding not 111
later than the last day of the year that is immediately after 112
the year the results of a federal decennial census are released. 113

(C) If the county officials find a village failed to 114
provide services or field candidates as specified in division 115
(A) of this section, the county officials shall file the finding 116
with the board of elections of the county in which the largest 117
portion of the population of the village resides. The board of 118
elections shall submit the question "Shall the village of 119
_____ surrender its corporate powers?" for the approval or 120
rejection of the electors of the village at the next general 121
election, in any year, occurring after the period ending ninety 122
days after the filing of the finding with the board. If the 123
result of the election is in favor of the surrender, the board 124
of elections shall certify the results to the secretary of 125
state, the auditor of state, and the county recorder, who shall 126
record it in their respective offices. 127

(D) The procedure in this section is in addition to the 128
procedure under section 703.33 of the Revised Code for the 129
dissolution of a village. 130

Section 2. That existing sections 703.31, 703.32, and 131
703.33 of the Revised Code are hereby repealed. 132