

As Introduced

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H. B. No. 26

Representatives Williams, Fischer

Cosponsors: Representatives Gross, Hall, T., Johnson, Mathews, T., Lear, Miller, K., Klopfenstein, Hiner, Bird, Schmidt, King, Fowler Arthur, Robb Blasdel

A BILL

To amend sections 9.63, 4501.06, 5747.50, 5747.502, 1
5747.51, and 5747.53 and to enact sections 2
9.631, 9.632, 9.633, and 5747.504 of the Revised 3
Code to require state and local authorities to 4
cooperate with the federal government in the 5
enforcement of immigration laws, to prescribe 6
funding reductions for noncompliance, to name 7
this act the Protecting Ohio Communities Act, 8
and to declare an emergency. 9

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

Section 1. That sections 9.63, 4501.06, 5747.50, 5747.502, 10
5747.51, and 5747.53 be amended and sections 9.631, 9.632, 11
9.633, and 5747.504 of the Revised Code be enacted to read as 12
follows: 13

Sec. 9.63. (A) Notwithstanding any law, ordinance, or 14
collective bargaining contract to the contrary, no state or 15
local employee shall unreasonably fail to comply with any lawful 16
request for assistance made by any federal authorities carrying 17
out the provisions of the USA Patriot Act, any federal 18

~~immigration or~~ terrorism investigation, or any executive order 19
of the president of the United States pertaining to homeland 20
security, to the extent that the request is consistent with the 21
doctrine of federalism. 22

(B) No municipal corporation shall enact an ordinance, 23
policy, directive, rule, or resolution that would materially 24
hinder or prevent local employees from complying with the USA 25
Patriot Act or any executive order of the president of the 26
United States pertaining to homeland security or from 27
cooperating with state or federal ~~immigration services and~~ 28
terrorism investigations. 29

(C) (1) Any municipal corporation that enacts any 30
ordinance, policy, directive, rule, or resolution that division 31
(B) of this section prohibits is ineligible to receive any 32
homeland security funding available from the state. 33

(2) Whenever the director of public safety determines that 34
a municipal corporation has enacted any ordinance, policy, 35
directive, rule, or resolution that division (B) of this section 36
prohibits, the director shall certify that the municipal 37
corporation is ineligible to receive any homeland security 38
funding from the state and shall notify the general assembly of 39
that ineligibility. That municipal corporation shall remain 40
ineligible to receive any homeland security funding from the 41
state until the director certifies that the ordinance, policy, 42
directive, rule, or resolution has been repealed. 43

(D) (1) If a state or local employee states disagreement 44
with, or a critical opinion of, the USA Patriot Act, any federal 45
~~immigration or~~ terrorism policy, or any executive order of the 46
president of the United States pertaining to homeland security, 47
the statement of disagreement with or critical opinion of the 48

act or order is not sufficient to qualify for purposes of this 49
section as unreasonable noncompliance with a request for 50
assistance of the type division (A) of this section describes. 51

(2) Any municipal corporation's ordinance, policy, 52
directive, rule, or resolution that states disagreement with, or 53
a critical opinion of, any state or federal ~~immigration or~~ 54
terrorism policy, the USA Patriot Act, or any executive order of 55
the president of the United States pertaining to homeland 56
security is not sufficient to qualify as a "material hindrance 57
or prevention" of local employees from cooperating with federal 58
~~immigration services and~~ terrorism investigations or from 59
complying with the USA Patriot Act or any executive order of the 60
president of the United States pertaining to homeland security 61
for purposes of divisions (B), (C), and (D) of this section. 62

(E) As used in this section, "USA Patriot Act" means the 63
"Uniting and Strengthening America by Providing Appropriate 64
Tools Required to Intercept and Obstruct Terrorism (USA Patriot 65
Act) Act of 2001," Pub. L. No. 107-056, 115 Stat. 272, as 66
amended. 67

Sec. 9.631. (A) As used in this section and sections 9.632 68
and 9.633 of the Revised Code: 69

(1) "Law enforcement agency" means a municipal or township 70
police department, the office of a sheriff, the state highway 71
patrol, or any other state or local governmental body that 72
enforces criminal laws and that has employees who have a 73
statutory power of arrest. 74

(2) "Political subdivision" means a county, township, 75
municipal corporation, or any other body corporate and politic 76
that is responsible for government activities in a geographic 77

area smaller than that of the state. 78

(3) "State or local governmental entity" means any agency, 79
board, bureau, commission, council, department, division, 80
office, or other organized body established by the state or a 81
political subdivision for the exercise of any function of the 82
state or a political subdivision. 83

(4) "State or local public benefit" has the same meaning 84
as in division (c) of section 411 of the "Personal 85
Responsibility and Work Opportunity Reconciliation Act of 1996," 86
8 U.S.C. 1621(c), as amended. 87

(B) A law enforcement agency shall do all of the 88
following: 89

(1) Participate in any available program operated by the 90
United States department of homeland security or its successor 91
department that allows the law enforcement agency to submit to 92
federal authorities information about an arrestee in order to 93
enable those authorities to determine whether the arrestee is 94
unlawfully present in the United States; 95

(2) Immediately report the identity of any arrestee whom a 96
peace officer has reasonable cause to believe is unlawfully 97
present in the United States to the appropriate office of the 98
United States immigration and customs enforcement agency or its 99
successor agency; 100

(3) Detain a person who is unlawfully present in the 101
United States, upon receiving a lawful federal request or order 102
to do so, until the person is transferred into federal custody; 103

(4) Otherwise cooperate and comply with federal officials 104
in the enforcement of federal immigration law. 105

(C) (1) Each state or local governmental entity 106
administering a state or local public benefit shall comply with 107
section 411 of the "Personal Responsibility and Work Opportunity 108
Reconciliation Act of 1996," 8 U.S.C. 1621, as amended. 109

(2) Except as otherwise provided in division (C) (3) of 110
this section, whenever a person who is not a United States 111
citizen or national applies to a state or local governmental 112
entity for a state or local public benefit, the state or local 113
governmental entity shall verify whether the person is 114
ineligible for the benefit under section 411 of the "Personal 115
Responsibility and Work Opportunity Reconciliation Act of 1996," 116
8 U.S.C. 1621, as amended, using the systematic alien 117
verification for entitlements (SAVE) program, or its successor 118
program, operated by the United States department of homeland 119
security or its successor agency. 120

(3) Division (C) (2) of this section does not apply when a 121
person applies for a state or local public benefit described in 122
division (b) of section 411 of the "Personal Responsibility and 123
Work Opportunity Reconciliation Act of 1996," 8 U.S.C. 1621, as 124
amended, or for a state or local public benefit for which the 125
Revised Code affirmatively provides eligibility for persons 126
described in division (a) of that section. 127

(D) No state or local government agency or political 128
subdivision shall adopt an ordinance, policy, directive, rule, 129
or resolution that prohibits or otherwise restricts a public 130
official or employee from doing any of the following: 131

(1) Complying with the requirements of division (B) or (C) 132
of this section; 133

(2) Inquiring about a person's name, birthdate, place of 134

birth, or citizenship or immigration status in the course of 135
investigating or prosecuting a violation of any law or 136
ordinance; 137

(3) Maintaining information about a person's citizenship 138
or immigration status; 139

(4) Sending information to, or requesting or receiving 140
information from, a federal, state, or local government agency 141
or employee concerning a person's citizenship or immigration 142
status or for the purpose of determining a person's citizenship 143
or immigration status; 144

(5) Complying with any request by a federal agency engaged 145
in the enforcement of federal immigration law for information, 146
access, or assistance, regardless of whether the federal agency 147
has obtained a warrant to compel the state or local government 148
agency or political subdivision to comply with the request, 149
unless federal law prohibits the state or local government 150
agency or political subdivision from complying with the request. 151

Sec. 9.632. (A) Each law enforcement agency and each state 152
or local governmental entity that administers a state or local 153
public benefit shall notify its officers and employees of the 154
requirements of sections 9.63 and 9.631 of the Revised Code. 155

(B) (1) A member of the general assembly who believes that 156
a county, township, or municipal corporation or the law 157
enforcement agency that serves the county, township, or 158
municipal corporation is not complying with the requirements of 159
section 9.631 of the Revised Code may file a complaint with the 160
attorney general. Upon receiving the complaint, the attorney 161
general shall investigate whether the county, township, 162
municipal corporation, or law enforcement agency is complying 163

with the requirements of that section and shall submit a report 164
of the attorney general's findings to the treasurer of state and 165
to the tax commissioner. 166

(2) If the attorney general determines that a county, 167
township, municipal corporation, or law enforcement agency 168
originally reported as failing to comply with the requirements 169
of section 9.631 of the Revised Code is in compliance with those 170
requirements, the attorney general promptly shall issue an 171
addendum to the attorney general's original report concerning 172
that county, township, municipal corporation, or law enforcement 173
agency to the persons who received the original report. 174

(C) If the attorney general determines that a county, 175
township, or municipal corporation or the law enforcement agency 176
that serves the county, township, or municipal corporation is 177
not in compliance with the requirements of section 9.631 of the 178
Revised Code, then the county, township, or municipal 179
corporation is ineligible to receive homeland security funding 180
and required to receive reduced local government fund 181
distributions from the state under section 5747.504 of the 182
Revised Code until the attorney general certifies in an addendum 183
issued under division (B)(2) of this section that the county, 184
township, municipal corporation, or law enforcement agency is in 185
compliance with the requirements of that section. 186

Sec. 9.633. A county, township, or municipal corporation 187
shall submit a report annually to the attorney general 188
confirming the county, township, or municipal corporation is in 189
compliance with sections 9.63, 9.631, and 9.632 of the Revised 190
Code. 191

Sec. 4501.06. The taxes, fees, and fines levied, charged, 192
or referred to in Chapters 4501., 4503., 4504., 4505., 4506., 193

4507., 4509., 4510., 4511., 4517., 4519., and 4521., division 194
(A) of section 4508.06, and sections 2935.27, 3123.59, 4508.05, 195
4513.53, 4738.06, 4738.13, ~~and 5502.12,~~ and 5747.504 of the 196
Revised Code, unless otherwise designated by law, shall be 197
deposited in the state treasury to the credit of the public 198
safety - highway purposes fund, which is hereby created. Money 199
credited to the fund shall be used for the purpose of enforcing 200
and paying the expenses of administering the laws relative to 201
the registration and operation of motor vehicles on the public 202
roads or highways and to the powers and duties of the registrar 203
of motor vehicles. Amounts credited to the fund may also be used 204
to pay the expenses of administering and enforcing the laws 205
under which such fees were collected. All investment earnings of 206
the public safety - highway purposes fund shall be credited to 207
the fund. 208

Sec. 5747.50. (A) As used in this section: 209

(1) "County's proportionate share of the calendar year 210
2007 LGF and LGRAF distributions" means the percentage computed 211
for the county under division (B) (1) (a) of section 5747.501 of 212
the Revised Code. 213

(2) "County's proportionate share of the total amount of 214
the local government fund additional revenue formula" means each 215
county's proportionate share of the state's population as 216
determined for and certified to the county for distributions to 217
be made during the current calendar year under division (B) (2) 218
(a) of section 5747.501 of the Revised Code. If prior to the 219
first day of January of the current calendar year the federal 220
government has issued a revision to the population figures 221
reflected in the estimate produced pursuant to division (B) (2) 222
(a) of section 5747.501 of the Revised Code, such revised 223

population figures shall be used for making the distributions	224
during the current calendar year.	225
(3) "2007 LGF and LGRAF county distribution base available	226
in that month" means the lesser of the amounts described in	227
division (A)(3)(a) and (b) of this section, provided that the	228
amount shall not be less than zero:	229
(a) The total amount available for distribution to	230
counties from the local government fund during the current	231
month.	232
(b) The total amount distributed to counties from the	233
local government fund and the local government revenue	234
assistance fund to counties in calendar year 2007 less the total	235
amount distributed to counties under division (B)(1) of this	236
section during previous months of the current calendar year.	237
(4) "Local government fund additional revenue distribution	238
base available during that month" means the total amount	239
available for distribution to counties during the month from the	240
local government fund, less any amounts to be distributed in	241
that month from the local government fund under division (B)(1)	242
of this section, provided that the local government fund	243
additional revenue distribution base available during that month	244
shall not be less than zero.	245
(5) "Total amount available for distribution to counties"	246
means the total amount available for distribution from the local	247
government fund during the current month less the total amount	248
available for distribution to municipal corporations during the	249
current month under division (C) of this section.	250
(B) On or before the tenth day of each month, the tax	251
commissioner shall provide for payment to each county an amount	252

equal to the sum of:	253
(1) The county's proportionate share of the calendar year	254
2007 LGF and LGRAF distributions multiplied by the 2007 LGF and	255
LGRAF county distribution base available in that month, provided	256
that if the 2007 LGF and LGRAF county distribution base	257
available in that month is zero, no payment shall be made under	258
division (B) (1) of this section for the month or the remainder	259
of the calendar year; and	260
(2) The county's proportionate share of the total amount	261
of the local government fund additional revenue formula	262
multiplied by the local government fund additional revenue	263
distribution base available during that month.	264
Money received into the treasury of a county under this	265
division shall be credited to the undivided local government	266
fund in the treasury of the county on or before the fifteenth	267
day of each month. On or before the twentieth day of each month,	268
the county auditor shall issue warrants against all of the	269
undivided local government fund in the county treasury in the	270
respective amounts allowed as provided in section 5747.51 of the	271
Revised Code, and the treasurer shall distribute and pay such	272
sums to the subdivision therein.	273
(C) (1) As used in division (C) of this section:	274
(a) "Total amount available for distribution to	275
municipalities during the current month" means the difference	276
obtained by subtracting one million dollars from the product	277
obtained by multiplying the total amount available for	278
distribution from the local government fund during the current	279
month by the aggregate municipal share.	280
(b) "Aggregate municipal share" means the quotient	281

obtained by dividing the total amount distributed directly from 282
the local government fund to municipal corporations during 283
calendar year 2007 by the total distributions from the local 284
government fund and local government revenue assistance fund 285
during calendar year 2007. 286

(c) A municipal corporation's "distribution share" equals 287
one of the following: 288

(i) For municipal corporations with a population of more 289
than fifty thousand, fifty thousand; 290

(ii) For municipal corporations with a population of less 291
than one thousand, zero; 292

(iii) For all other municipal corporations, the municipal 293
corporation's population. 294

(d) A municipal corporation's "distribution percentage" 295
equals the percentage that a municipal corporation's 296
distribution share is of the total of all municipal 297
corporations' distribution shares. 298

(2) On or before the tenth day of each month, the tax 299
commissioner shall provide for payment from the local government 300
fund to each municipal corporation an amount equal to the 301
product derived by multiplying the municipal corporation's 302
distribution percentage by the total amount available for 303
distribution to municipal corporations during the current month. 304

(3) Payments received by a municipal corporation under 305
this division shall be paid into its general fund and may be 306
used for any lawful purpose. 307

(4) The amount distributed to municipal corporations under 308
this division during any calendar year shall not exceed the 309

amount distributed directly from the local government fund to 310
municipal corporations during calendar year 2007. If that 311
maximum amount is reached during any month, distributions to 312
municipal corporations in that month shall be as provided in 313
divisions (C) (1) and (2) of this section, but no further 314
distributions shall be made to municipal corporations under 315
division (C) of this section during the remainder of the 316
calendar year. 317

(5) Upon being informed of a municipal corporation's 318
dissolution, the tax commissioner shall cease providing for 319
payments to that municipal corporation under division (C) of 320
this section. The proportionate shares of the total amount 321
available for distribution to each of the remaining municipal 322
corporations under this division shall be increased on a pro 323
rata basis. 324

The tax commissioner shall reduce payments under division 325
(C) of this section to municipal corporations for which reduced 326
payments are required under section 5747.502 or 5747.504 of the 327
Revised Code. 328

(D) Each municipal corporation which has in effect a tax 329
imposed under Chapter 718. of the Revised Code shall, no later 330
than the thirty-first day of August of each year, certify to the 331
tax commissioner, on a form prescribed by the commissioner, the 332
amount of income tax revenue collected and refunded by such 333
municipal corporation pursuant to such chapter during the 334
preceding calendar year, arranged, when possible, by the type of 335
income from which the revenue was collected or the refund was 336
issued. The municipal corporation shall also report the amount 337
of income tax revenue collected and refunded on behalf of a 338
joint economic development district or a joint economic 339

development zone that levies an income tax administered by the 340
municipal corporation and the amount of such revenue distributed 341
to contracting parties during the preceding calendar year. The 342
tax commissioner may withhold payment of local government fund 343
moneys pursuant to division (C) of this section from any 344
municipal corporation for failure to comply with this reporting 345
requirement. 346

(E) (1) For the purposes of division (E) of this section: 347

(a) "Eligible taxing district" means a township, township 348
fire district, or joint fire district for which the total 349
taxable value of eligible power plants for tax year 2017 is at 350
least thirty per cent less than the total taxable value of 351
eligible power plants for tax year 2016. 352

(b) "Eligible power plant" means a power plant that is 353
subject to the requirements of 10 C.F.R. part 73. 354

(c) "Total taxable value of eligible power plants" of an 355
eligible taxing district means the total taxable value of the 356
taxable property of eligible power plants apportioned to the 357
district as shown in a preliminary assessment or amended 358
preliminary assessment and listed on the tax list of real and 359
public utility property. 360

(d) "Taxable property" has the same meaning as in section 361
5727.01 of the Revised Code. 362

(e) "Tax rate" of an eligible taxing district means one of 363
the following: 364

(i) For townships, the sum of the rates of levies imposed 365
under section 505.39, 505.51, or division (I), (J), (U), or (JJ) 366
of section 5705.19 of the Revised Code and extended on the tax 367
list of real and public utility property for tax year 2017, 368

excluding any levy imposed at whatever rate is required to raise 369
a fixed sum of money; 370

(ii) For township fire districts and joint fire districts, 371
the sum of the rates of levies extended on the tax list of real 372
and public utility property for tax year 2017, excluding any 373
levy imposed at whatever rate is required to raise a fixed sum 374
of money. 375

(2) Each fiscal year from fiscal year 2018 through fiscal 376
year 2028, the tax commissioner shall compute the following 377
amount for each eligible taxing district: 378

(a) For fiscal years 2018 and 2019, the amount obtained by 379
multiplying the eligible taxing district's tax rate by the 380
difference obtained by subtracting (i) the total taxable value 381
of eligible power plants of the district for tax year 2017 from 382
(ii) the total taxable value of eligible power plants of the 383
district for tax year 2016; 384

(b) For fiscal years 2020 through 2028, ninety per cent of 385
the amount calculated for the district under division (E) (2) (a) 386
or (b) of this section for the preceding fiscal year. 387

The commissioner shall certify the sum of the amounts 388
calculated for all eligible taxing districts under this division 389
for a fiscal year to the director of budget and management who, 390
on or before the seventh day of each month of that fiscal year, 391
shall transfer from the general revenue fund to the local 392
government fund one-twelfth of the amount certified. 393

(3) On or before the tenth day of each month, the tax 394
commissioner shall provide for payment to each county treasury 395
in which an eligible taxing district is located an amount equal 396
to one-twelfth of the amount computed for the district for that 397

fiscal year under division (E) (2) of this section. 398

Money received into the treasury of a county under 399
division (E) of this section shall be credited to the undivided 400
local government fund in the treasury of the county on or before 401
the fifteenth day of each month. On or before the twentieth day 402
of each month, the county auditor shall issue warrants against 403
the undivided local government fund for the amounts attributable 404
to each eligible taxing district, and the treasurer shall 405
distribute and pay such amounts to each eligible taxing 406
district. Money received by a township fire district or joint 407
fire district under this division shall be credited to the 408
district's general fund and may be used for any lawful purpose 409
of the district. Money received by a township under this 410
division shall be credited to the township's general fund and 411
shall be used for the purpose of funding fire, police, emergency 412
medical, or ambulance services. 413

Sec. 5747.502. (A) As used in this section: 414

(1) "Local authority" and "traffic law photo-monitoring 415
device" have the same meanings as in section 4511.092 of the 416
Revised Code. 417

(2) "School zone" has the same meaning as in section 418
4511.21 of the Revised Code. 419

(3) "Transportation district" means a territorial district 420
established by the director of transportation under section 421
5501.14 of the Revised Code. 422

(4) "District deputy director" means the person appointed 423
and assigned by the director of transportation under section 424
5501.14 of the Revised Code to administer the activities of a 425
transportation district. 426

(5) "Gross amount" means the entire amount of traffic camera fines and fees paid by a driver.	427 428
(6) "Local government fund adjustment" or "LGF adjustment" means the sum of:	429 430
(a) The gross amount of all traffic camera fines collected by a local authority during the preceding fiscal year, as reported under division (B) (1) of this section, if such a report is required; plus	431 432 433 434
(b) The residual adjustment computed for the local authority under division (B) (4) of this section, if such an adjustment applies.	435 436 437
(7) "Local government fund payments" or "LGF payments" means the payments a local authority would receive under sections 5747.502 <u>5747.503</u> , 5747.51, and 5747.53, and division (C) of section 5747.50 of the Revised Code, as applicable, if not for the reductions required by divisions (C) and (D) of this section <u>or under section 5747.504 of the Revised Code.</u>	438 439 440 441 442 443
(8) "Residual adjustment" means the most recent LGF adjustment computed for a local authority under division (B) (2) or (3) of this section minus the sum of the reductions applied after that computation under division (C) of this section to the local authority's LGF payments.	444 445 446 447 448
(9) "Traffic camera fines" means civil fines for any violation of any local ordinance or resolution that are based upon evidence recorded by a traffic law photo-monitoring device.	449 450 451
(10) "Qualifying village" has the same meaning as in section 5747.503 of the Revised Code.	452 453
(B) (1) Annually, on or before the thirty-first day of	454

July, any local authority that directly or indirectly collected 455
traffic camera fines during the preceding fiscal year shall file 456
a report with the tax commissioner that includes a detailed 457
statement of the gross amount of all traffic camera fines the 458
local authority collected during that period and the gross 459
amount of such fines that the local authority collected for 460
violations that occurred within a school zone. 461

(2) Annually, on or before the tenth day of August, the 462
commissioner shall compute a local government fund adjustment 463
for each local authority that files a report under division (B) 464
(1) of this section or with respect to which a residual 465
adjustment applies. Subject to division (B)(3) of this section, 466
the LGF adjustment shall be used by the commissioner to 467
determine the amount of the reductions required under division 468
(C) of this section for each of the next twelve months, starting 469
with the month in which the LGF adjustment is computed. After 470
those twelve months, the LGF adjustment ceases to apply and, if 471
an LGF adjustment continues to be required, the amount of the 472
reductions required under division (C) of this section shall be 473
determined based on an updated LGF adjustment computed under 474
this division. 475

(3) Upon receipt of a report described by division (B)(1) 476
of this section that is not timely filed, the commissioner shall 477
do both of the following: 478

(a) If one or more payments to the local authority has 479
been withheld under division (D) of this section because of the 480
local authority's failure to file the report, notify the county 481
auditor and county treasurer of the appropriate county that the 482
report has been received and that, subject to division (C) of 483
this section, payments to the local authority from the undivided 484

local government fund are to resume. 485

(b) Compute the local authority's LGF adjustment using the 486
information in the report. An LGF adjustment computed under this 487
division shall be used by the commissioner to determine the 488
amount of the reductions required under division (C) of this 489
section starting with the next required reduction. The LGF 490
adjustment ceases to apply on the thirty-first day of the 491
ensuing July, following which, if an LGF adjustment continues to 492
be required, the amount of the reductions required under 493
division (C) of this section shall be determined based on an 494
updated LGF adjustment computed under division (B) (2) of this 495
section. 496

(4) Annually, on or before the tenth day of August, the 497
commissioner shall compute a residual adjustment for each local 498
authority whose LGF adjustment for the preceding year exceeds 499
the amount by which the local authority's LGF payments were 500
reduced during that year under division (C) of this section. The 501
residual adjustment shall be used to compute the LGF adjustment 502
for the ensuing year under division (B) (2) of this section. 503

(C) The commissioner shall do the following, as 504
applicable, respecting any local authority to which an LGF 505
adjustment computed under division (B) of this section applies: 506

(1) If the local authority is a municipal corporation with 507
a population of one thousand or more, reduce payments to the 508
municipal corporation under division (C) of section 5747.50 of 509
the Revised Code by one-twelfth of the LGF adjustment. If one- 510
twelfth of the LGF adjustment exceeds the amount of money the 511
municipal corporation would otherwise receive under division (C) 512
of section 5747.50 of the Revised Code, the commissioner also 513
shall reduce payments to the appropriate county undivided local 514

government fund under division (B) of section 5747.50 of the Revised Code by an amount equal to the lesser of (a) one-twelfth of the excess, or (b) the amount of the payment the municipal corporation would otherwise receive from the fund under section 5747.51 or 5747.53 of the Revised Code.

(2) If the local authority is a township or qualifying village, reduce the supplemental payments to the appropriate county undivided local government fund under section 5747.503 of the Revised Code by the lesser of one-twelfth of the LGF adjustment, or the amount of money the township or qualifying village would otherwise receive under that section. If one-twelfth of the LGF adjustment exceeds the amount of money the township or qualifying village would otherwise receive under section 5747.503 of the Revised Code, the commissioner also shall reduce payments to the appropriate county undivided local government fund under division (B) of section 5747.50 of the Revised Code by an amount equal to the lesser of (a) one-twelfth of the excess, or (b) the amount of the payment the township or qualifying village would otherwise receive from the fund under section 5747.51 or 5747.53 of the Revised Code.

(3) If the local authority is a county, reduce payments to the appropriate county undivided local government fund under division (B) of section 5747.50 of the Revised Code by an amount equal to the lesser of (a) one-twelfth of the LGF adjustment, or (b) the amount of the payment the county would otherwise receive from the fund under section 5747.51 or 5747.53 of the Revised Code.

(4) For any local authority, on or before the tenth day of each month a reduction is made under division (C) (1), (2), or (3) of this section, make a payment to the local authority in an

amount equal to the lesser of (a) one-twelfth of the gross 545
amount of traffic camera fines the local authority collected in 546
the preceding fiscal year for violations that occurred within a 547
school zone, as indicated on the report filed by the local 548
authority pursuant to division (B)(1) of this section, or (b) 549
the amount by which the local authority's LGF payments were 550
reduced that month pursuant to division (C)(1), (2), or (3) of 551
this section. Payments received by a local authority under this 552
division shall be used by the local authority for school safety 553
purposes. 554

(D) Upon discovery, based on information in the 555
commissioner's possession, that a local authority required to 556
file a report under division (B)(1) of this section has failed 557
to do so, the commissioner shall do the following, as 558
applicable: 559

(1) If the local authority is a municipal corporation with 560
a population of one thousand or more, cease providing for 561
payments to the municipal corporation under section 5747.50 of 562
the Revised Code beginning with the next required payment and 563
until such time as the report is received by the commissioner; 564

(2) If the local authority is a township or qualifying 565
village, reduce the supplemental payments to the appropriate 566
county undivided local government fund under section 5747.503 of 567
the Revised Code by an amount equal to the amount of such 568
payments the local authority would otherwise receive under that 569
section, beginning with the next required payment and until such 570
time as the report is received by the commissioner; 571

(3) For any local authority, reduce payments to the 572
appropriate county undivided local government fund under 573
division (B) of section 5747.50 of the Revised Code by an amount 574

equal to the amount of such payments the local authority would 575
otherwise receive under section 5747.51 or 5747.53 of the 576
Revised Code, beginning with the next required payment and until 577
such time as the report is received by the commissioner; 578

(4) For any local authority, notify the county auditor and 579
county treasurer that such payments are to cease until the 580
commissioner notifies the auditor and treasurer under division 581
(E) of this section that the payments are to resume. 582

(E) The commissioner shall notify the county auditor and 583
county treasurer on or before the day the commissioner first 584
reduces a county undivided local government fund payment to that 585
county under division (C) of this section. The notice shall 586
include the full amount of the reduction, a list of the local 587
authorities to which the reduction applies, and the amount of 588
reduction attributed to each such local authority. The 589
commissioner shall send an updated notice to the county auditor 590
and county treasurer any time the amount the reduction 591
attributed to any local authority changes. 592

A county treasurer that receives a notice from the 593
commissioner under this division or division (B) (3) (a) or (D) (4) 594
of this section shall reduce, cease, or resume payments from the 595
undivided local government fund to the local authority that is 596
the subject of the notice as specified by the commissioner in 597
the notice. Unless otherwise specified in the notice, the 598
payments shall be reduced, ceased, or resumed beginning with the 599
next required payment. 600

(F) There is hereby created in the state treasury the Ohio 601
highway and transportation safety fund. On or before the tenth 602
day of each month, the commissioner shall deposit in the fund an 603
amount equal to the total amount by which payments to local 604

authorities were reduced or ceased under division (C) or (D) of 605
this section minus the total amount of payments made under 606
division (C) (4) of this section. The amount deposited with 607
respect to a local authority shall be credited to an account to 608
be created in the fund for the transportation district in which 609
that local authority is located. If the local authority is 610
located within more than one transportation district, the amount 611
credited to the account of each such transportation district 612
shall be prorated on the basis of the number of centerline miles 613
of public roads and highways in both the local authority and the 614
respective districts. Amounts credited to a transportation 615
district's account shall be used by the department of 616
transportation and the district deputy director exclusively to 617
enhance public safety on public roads and highways within that 618
transportation district. 619

Sec. 5747.504. (A) As used in this section: 620

(1) "Sanctuary jurisdiction adjustment" means ten per cent 621
of a local authority's local government fund payment for a 622
month. 623

(2) "Local authority" has the same meaning as in section 624
5747.502 of the Revised Code. 625

(3) "Local government fund payments" or "LGF payments" 626
means the payments a local authority would receive each month 627
under sections 5747.503, 5747.51, and 5747.53, and division (C) 628
of section 5747.50 of the Revised Code, as applicable, if not 629
for the reductions required by this section, but subject to any 630
reduction under section 5747.502 of the Revised Code for that 631
month. 632

(4) "Qualifying village" has the same meaning as in 633

section 5747.503 of the Revised Code. 634

(B) Upon receiving notification from the attorney general, 635
pursuant to section 9.632 of the Revised Code, that a local 636
authority is not in compliance with the requirements of section 637
9.631 of the Revised Code, the commissioner shall subtract a 638
sanctuary jurisdiction adjustment from the local authority's LGF 639
payments, as described in division (C) of this section, 640
beginning with the next required payment and until such time as 641
the attorney general notifies the commissioner, pursuant to 642
section 9.632 of the Revised Code, that the local authority is 643
in compliance with the requirements of section 9.631 of the 644
Revised Code. 645

(C) (1) If the local authority is a municipal corporation 646
with a population of one thousand or more, the commissioner 647
shall first reduce payments to the municipal corporation under 648
division (C) of section 5747.50 of the Revised Code by the 649
lesser of the sanctuary jurisdiction adjustment or the amount 650
the municipal corporation would otherwise receive under that 651
division. If the sanctuary jurisdiction adjustment exceeds the 652
amount of money the municipal corporation would otherwise 653
receive under division (C) of section 5747.50 of the Revised 654
Code, the commissioner also shall reduce payments to the 655
appropriate county undivided local government fund under 656
division (B) of section 5747.50 of the Revised Code by the 657
excess sanctuary jurisdiction adjustment. 658

(2) If the local authority is a qualifying village or 659
township, the commissioner shall first reduce supplemental 660
payments to the appropriate county undivided local government 661
fund under section 5747.503 of the Revised Code by the lesser of 662
the sanctuary jurisdiction adjustment, or the amount of money 663

the qualifying village or township would otherwise receive under 664
that section. If the sanctuary jurisdiction adjustment exceeds 665
the amount of money the qualifying village or township would 666
otherwise receive under section 5747.503 of the Revised Code, 667
the commissioner also shall reduce payments to the appropriate 668
county undivided local government fund under division (B) of 669
section 5747.50 of the Revised Code by the excess sanctuary 670
jurisdiction adjustment. 671

(3) If the local authority is a county, the commissioner 672
shall reduce payments to the appropriate county undivided local 673
government fund under division (B) of section 5747.50 of the 674
Revised Code by the sanctuary jurisdiction adjustment. 675

(D) The tax commissioner shall notify the county auditor 676
and county treasurer on or before the day the commissioner first 677
reduces a county undivided local government fund payment to that 678
county under division (C) of this section. The notice shall 679
include the full amount of the reduction, a list of the local 680
authorities to which the reduction applies, and the amount of 681
reduction attributed to each such local authority. The 682
commissioner shall send an updated notice to the county auditor 683
and county treasurer any time the amount of the reduction 684
attributed to any local authority changes or ceases. 685

A county treasurer that receives a notice from the 686
commissioner under this division shall reduce or resume payments 687
from the undivided local government fund to the local authority 688
that is the subject of the notice. Unless otherwise specified in 689
the notice, the payments shall be reduced or resumed beginning 690
with the next required payment. 691

(E) On or before the tenth day of each month, the tax 692
commissioner shall transfer from the local government fund to 693

the public safety - highway purposes fund created in section 694
4501.06 of the Revised Code the sum of the payments withheld 695
that month under division (C) of this section. Such moneys shall 696
be used to pay the administrative costs and expenses associated 697
with the state highway patrol and the state enforcement of 698
traffic laws as conducted by the state highway patrol. 699

Sec. 5747.51. (A) On or before the twenty-fifth day of 700
July of each year, the tax commissioner shall make and certify 701
to the county auditor of each county an estimate of the amount 702
of the local government fund to be allocated to the undivided 703
local government fund of each county for the ensuing calendar 704
year, adjusting the total as required to account for 705
subdivisions receiving reduced local government funds under 706
section 5747.502 or 5747.504 of the Revised Code. 707

(B) At each annual regular session of the county budget 708
commission convened pursuant to section 5705.27 of the Revised 709
Code, each auditor shall present to the commission the 710
certificate of the commissioner, the annual tax budget and 711
estimates, and the records showing the action of the commission 712
in its last preceding regular session. The commission, after 713
extending to the representatives of each subdivision an 714
opportunity to be heard, under oath administered by any member 715
of the commission, and considering all the facts and information 716
presented to it by the auditor, shall determine the amount of 717
the undivided local government fund needed by and to be 718
apportioned to each subdivision for current operating expenses, 719
as shown in the tax budget of the subdivision. This 720
determination shall be made pursuant to divisions (C) to (I) of 721
this section, unless the commission has provided for a formula 722
pursuant to section 5747.53 of the Revised Code. The 723
commissioner shall reduce the amount of funds from the undivided 724

local government fund to a subdivision required to receive 725
reduced funds under section 5747.502 of the Revised Code. 726

Nothing in this section prevents the budget commission, 727
for the purpose of apportioning the undivided local government 728
fund, from inquiring into the claimed needs of any subdivision 729
as stated in its tax budget, or from adjusting claimed needs to 730
reflect actual needs. For the purposes of this section, "current 731
operating expenses" means the lawful expenditures of a 732
subdivision, except those for permanent improvements and except 733
payments for interest, sinking fund, and retirement of bonds, 734
notes, and certificates of indebtedness of the subdivision. 735

(C) The commission shall determine the combined total of 736
the estimated expenditures, including transfers, from the 737
general fund and any special funds other than special funds 738
established for road and bridge; street construction, 739
maintenance, and repair; state highway improvement; and gas, 740
water, sewer, and electric public utilities operated by a 741
subdivision, as shown in the subdivision's tax budget for the 742
ensuing calendar year. 743

(D) From the combined total of expenditures calculated 744
pursuant to division (C) of this section, the commission shall 745
deduct the following expenditures, if included in these funds in 746
the tax budget: 747

(1) Expenditures for permanent improvements as defined in 748
division (E) of section 5705.01 of the Revised Code; 749

(2) In the case of counties and townships, transfers to 750
the road and bridge fund, and in the case of municipalities, 751
transfers to the street construction, maintenance, and repair 752
fund and the state highway improvement fund; 753

(3) Expenditures for the payment of debt charges;	754
(4) Expenditures for the payment of judgments.	755
(E) In addition to the deductions made pursuant to	756
division (D) of this section, revenues accruing to the general	757
fund and any special fund considered under division (C) of this	758
section from the following sources shall be deducted from the	759
combined total of expenditures calculated pursuant to division	760
(C) of this section:	761
(1) Taxes levied within the ten-mill limitation, as	762
defined in section 5705.02 of the Revised Code;	763
(2) The budget commission allocation of estimated county	764
public library fund revenues to be distributed pursuant to	765
section 5747.48 of the Revised Code;	766
(3) Estimated unencumbered balances as shown on the tax	767
budget as of the thirty-first day of December of the current	768
year in the general fund, but not any estimated balance in any	769
special fund considered in division (C) of this section;	770
(4) Revenue, including transfers, shown in the general	771
fund and any special funds other than special funds established	772
for road and bridge; street construction, maintenance, and	773
repair; state highway improvement; and gas, water, sewer, and	774
electric public utilities, from all other sources except those	775
that a subdivision receives from an additional tax or service	776
charge voted by its electorate or receives from special	777
assessment or revenue bond collection. For the purposes of this	778
division, where the charter of a municipal corporation prohibits	779
the levy of an income tax, an income tax levied by the	780
legislative authority of such municipal corporation pursuant to	781
an amendment of the charter of that municipal corporation to	782

authorize such a levy represents an additional tax voted by the 783
electorate of that municipal corporation. For the purposes of 784
this division, any measure adopted by a board of county 785
commissioners pursuant to section 322.02, 4504.02, or 5739.021 786
of the Revised Code, including those measures upheld by the 787
electorate in a referendum conducted pursuant to section 788
322.021, 4504.021, or 5739.022 of the Revised Code, shall not be 789
considered an additional tax voted by the electorate. 790

Subject to division (F) of section 5705.29 of the Revised 791
Code, money in a reserve balance account established by a 792
county, township, or municipal corporation under section 5705.13 793
of the Revised Code shall not be considered an unencumbered 794
balance or revenue under division (E) (3) or (4) of this section. 795
Money in a reserve balance account established by a township 796
under section 5705.132 of the Revised Code shall not be 797
considered an unencumbered balance or revenue under division (E) 798
(3) or (4) of this section. 799

If a county, township, or municipal corporation has 800
created and maintains a nonexpendable trust fund under section 801
5705.131 of the Revised Code, the principal of the fund, and any 802
additions to the principal arising from sources other than the 803
reinvestment of investment earnings arising from such a fund, 804
shall not be considered an unencumbered balance or revenue under 805
division (E) (3) or (4) of this section. Only investment earnings 806
arising from investment of the principal or investment of such 807
additions to principal may be considered an unencumbered balance 808
or revenue under those divisions. 809

(F) The total expenditures calculated pursuant to division 810
(C) of this section, less the deductions authorized in divisions 811
(D) and (E) of this section, shall be known as the "relative 812

need" of the subdivision, for the purposes of this section. 813

(G) The budget commission shall total the relative need of 814
all participating subdivisions in the county, and shall compute 815
a relative need factor by dividing the total estimate of the 816
undivided local government fund by the total relative need of 817
all participating subdivisions. 818

(H) The relative need of each subdivision shall be 819
multiplied by the relative need factor to determine the 820
proportionate share of the subdivision in the undivided local 821
government fund of the county; provided, that the maximum 822
proportionate share of a county shall not exceed the following 823
maximum percentages of the total estimate of the undivided local 824
government fund governed by the relationship of the percentage 825
of the population of the county that resides within municipal 826
corporations within the county to the total population of the 827
county as reported in the reports on population in Ohio by the 828
department of development as of the twentieth day of July of the 829
year in which the tax budget is filed with the budget 830
commission: 831

832

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A	Percentage of municipal population within the county:	Percentage share of the county shall not exceed:
B	Less than forty-one per cent	Sixty per cent
C	Forty-one per cent or more but less than eighty-one per cent	Fifty per cent
D	Eighty-one per cent or more	Thirty per cent

Where the proportionate share of the county exceeds the 833
limitations established in this division, the budget commission 834
shall adjust the proportionate shares determined pursuant to 835
this division so that the proportionate share of the county does 836
not exceed these limitations, and it shall increase the 837
proportionate shares of all other subdivisions on a pro rata 838
basis. In counties having a population of less than one hundred 839
thousand, not less than ten per cent shall be distributed to the 840
townships therein. 841

(I) The proportionate share of each subdivision in the 842
undivided local government fund determined pursuant to division 843
(H) of this section for any calendar year shall not be less than 844
the product of the average of the percentages of the undivided 845
local government fund of the county as apportioned to that 846
subdivision for the calendar years 1968, 1969, and 1970, 847
multiplied by the total amount of the undivided local government 848
fund of the county apportioned pursuant to former section 849
5739.23 of the Revised Code for the calendar year 1970. For the 850
purposes of this division, the total apportioned amount for the 851
calendar year 1970 shall be the amount actually allocated to the 852
county in 1970 from the state collected intangible tax as levied 853
by section 5707.03 of the Revised Code and distributed pursuant 854
to section 5725.24 of the Revised Code, plus the amount received 855
by the county in the calendar year 1970 pursuant to division (B) 856
(1) of former section 5739.21 of the Revised Code, and 857
distributed pursuant to former section 5739.22 of the Revised 858
Code. If the total amount of the undivided local government fund 859
for any calendar year is less than the amount of the undivided 860
local government fund apportioned pursuant to former section 861
5739.23 of the Revised Code for the calendar year 1970, the 862
minimum amount guaranteed to each subdivision for that calendar 863

year pursuant to this division shall be reduced on a basis 864
proportionate to the amount by which the amount of the undivided 865
local government fund for that calendar year is less than the 866
amount of the undivided local government fund apportioned for 867
the calendar year 1970. 868

(J) On the basis of such apportionment, the county auditor 869
shall compute the percentage share of each such subdivision in 870
the undivided local government fund and shall at the same time 871
certify to the tax commissioner the percentage share of the 872
county as a subdivision. No payment shall be made from the 873
undivided local government fund, except in accordance with such 874
percentage shares. 875

Within ten days after the budget commission has made its 876
apportionment, whether conducted pursuant to section 5747.51 or 877
5747.53 of the Revised Code, the auditor shall publish a list of 878
the subdivisions and the amount each is to receive from the 879
undivided local government fund and the percentage share of each 880
subdivision, in a newspaper or newspapers of countywide 881
circulation, and send a copy of such allocation to the tax 882
commissioner. 883

The county auditor shall also send a copy of such 884
allocation by ordinary or electronic mail to the fiscal officer 885
of each subdivision entitled to participate in the allocation of 886
the undivided local government fund of the county. This copy 887
shall constitute the official notice of the commission action 888
referred to in section 5705.37 of the Revised Code. 889

All money received into the treasury of a subdivision from 890
the undivided local government fund in a county treasury shall 891
be paid into the general fund and used for the current operating 892
expenses of the subdivision. 893

If a municipal corporation maintains a municipal university, such municipal university, when the board of trustees so requests the legislative authority of the municipal corporation, shall participate in the money apportioned to such municipal corporation from the total local government fund, however created and constituted, in such amount as requested by the board of trustees, provided such sum does not exceed nine per cent of the total amount paid to the municipal corporation.

If any public official fails to maintain the records required by sections 5747.50 to 5747.55 of the Revised Code or by the rules issued by the tax commissioner, the auditor of state, or the treasurer of state pursuant to such sections, or fails to comply with any law relating to the enforcement of such sections, the local government fund money allocated to the county may be withheld until such time as the public official has complied with such sections or such law or the rules issued pursuant thereto.

Sec. 5747.53. (A) As used in this section:

(1) "City, located wholly or partially in the county, with the greatest population" means the city, located wholly or partially in the county, with the greatest population residing in the county; however, if the county budget commission on or before January 1, 1998, adopted an alternative method of apportionment that was approved by the legislative authority of the city, located partially in the county, with the greatest population but not the greatest population residing in the county, "city, located wholly or partially in the county, with the greatest population" means the city, located wholly or partially in the county, with the greatest population whether residing in the county or not, if this alternative meaning is

adopted by action of the board of county commissioners and a 924
majority of the boards of township trustees and legislative 925
authorities of municipal corporations located wholly or 926
partially in the county. 927

(2) "Participating political subdivision" means a 928
municipal corporation or township that satisfies all of the 929
following: 930

(a) It is located wholly or partially in the county. 931

(b) It is not the city, located wholly or partially in the 932
county, with the greatest population. 933

(c) Undivided local government fund moneys are apportioned 934
to it under the county's alternative method or formula of 935
apportionment in the current calendar year. 936

(B) In lieu of the method of apportionment of the 937
undivided local government fund of the county provided by 938
section 5747.51 of the Revised Code, the county budget 939
commission may provide for the apportionment of the fund under 940
an alternative method or on a formula basis as authorized by 941
this section. The commissioner shall reduce the amount of funds 942
from the undivided local government fund to a subdivision 943
required to receive reduced funds under section 5747.502 or 944
5747.504 of the Revised Code. 945

Except as otherwise provided in division (C) of this 946
section, the alternative method of apportionment shall have 947
first been approved by all of the following governmental units: 948
the board of county commissioners; the legislative authority of 949
the city, located wholly or partially in the county, with the 950
greatest population; and a majority of the boards of township 951
trustees and legislative authorities of municipal corporations, 952

located wholly or partially in the county, excluding the 953
legislative authority of the city, located wholly or partially 954
in the county, with the greatest population. In granting or 955
denying approval for an alternative method of apportionment, the 956
board of county commissioners, boards of township trustees, and 957
legislative authorities of municipal corporations shall act by 958
motion. A motion to approve shall be passed upon a majority vote 959
of the members of a board of county commissioners, board of 960
township trustees, or legislative authority of a municipal 961
corporation, shall take effect immediately, and need not be 962
published. 963

Any alternative method of apportionment adopted and 964
approved under this division shall be reviewed by the county 965
budget commission at a public hearing held at least once in the 966
year following ~~the effective date of this amendment~~ October 3, 967
2023, and in every fifth year thereafter. The county budget 968
commission shall provide reasonable advance notice of the 969
hearing to all political subdivisions eligible to participate in 970
the fund and shall take public testimony from any such political 971
subdivision that wishes to testify. 972

Any alternative method of apportionment adopted and 973
approved under this division may be revised, amended, or 974
repealed in the same manner as it may be adopted and approved. 975
If an alternative method of apportionment adopted and approved 976
under this division is repealed, the undivided local government 977
fund of the county shall be apportioned among the subdivisions 978
eligible to participate in the fund, commencing in the ensuing 979
calendar year, under the apportionment provided in section 980
5747.52 of the Revised Code, unless the repeal occurs by 981
operation of division (C) of this section or a new method for 982
apportionment of the fund is provided in the action of repeal. 983

(C) This division applies only in counties in which the 984
city, located wholly or partially in the county, with the 985
greatest population has a population of twenty thousand or less 986
and a population that is less than fifteen per cent of the total 987
population of the county. In such a county, the legislative 988
authorities or boards of township trustees of two or more 989
participating political subdivisions, which together have a 990
population residing in the county that is a majority of the 991
total population of the county, each may adopt a resolution to 992
exclude the approval otherwise required of the legislative 993
authority of the city, located wholly or partially in the 994
county, with the greatest population. All of the resolutions to 995
exclude that approval shall be adopted not later than the first 996
Monday of August of the year preceding the calendar year in 997
which distributions are to be made under an alternative method 998
of apportionment. 999

A motion granting or denying approval of an alternative 1000
method of apportionment under this division shall be adopted by 1001
a majority vote of the members of the board of county 1002
commissioners and by a majority vote of a majority of the boards 1003
of township trustees and legislative authorities of the 1004
municipal corporations located wholly or partially in the 1005
county, other than the city, located wholly or partially in the 1006
county, with the greatest population, shall take effect 1007
immediately, and need not be published. The alternative method 1008
of apportionment under this division shall be adopted and 1009
approved annually, not later than the first Monday of August of 1010
the year preceding the calendar year in which distributions are 1011
to be made under it. A motion granting approval of an 1012
alternative method of apportionment under this division repeals 1013
any existing alternative method of apportionment, effective with 1014

distributions to be made from the fund in the ensuing calendar year. An alternative method of apportionment under this division shall not be revised or amended after the first Monday of August of the year preceding the calendar year in which distributions are to be made under it.

(D) In determining an alternative method of apportionment authorized by this section, the county budget commission may include in the method any factor considered to be appropriate and reliable, in the sole discretion of the county budget commission.

(E) The limitations set forth in section 5747.51 of the Revised Code, stating the maximum amount that the county may receive from the undivided local government fund and the minimum amount the townships in counties having a population of less than one hundred thousand may receive from the fund, are applicable to any alternative method of apportionment authorized under this section.

(F) On the basis of any alternative method of apportionment adopted and approved as authorized by this section, as certified by the auditor to the county treasurer, the county treasurer shall make distribution of the money in the undivided local government fund to each subdivision eligible to participate in the fund, and the auditor, when the amount of those shares is in the custody of the treasurer in the amounts so computed to be due the respective subdivisions, shall at the same time certify to the tax commissioner the percentage share of the county as a subdivision. All money received into the treasury of a subdivision from the undivided local government fund in a county treasury shall be paid into the general fund and used for the current operating expenses of the subdivision.

If a municipal corporation maintains a municipal university, the 1045
university, when the board of trustees so requests the 1046
legislative authority of the municipal corporation, shall 1047
participate in the money apportioned to the municipal 1048
corporation from the total local government fund, however 1049
created and constituted, in the amount requested by the board of 1050
trustees, provided that amount does not exceed nine per cent of 1051
the total amount paid to the municipal corporation. 1052

(G) The actions of the county budget commission taken 1053
pursuant to this section are final and may not be appealed to 1054
the board of tax appeals, except on the issues of abuse of 1055
discretion and failure to comply with the formula. 1056

Section 2. That existing sections 9.63, 4501.06, 5747.50, 1057
5747.502, 5747.51, and 5747.53 of the Revised Code are hereby 1058
repealed. 1059

Section 3. If any provision of this act or the application 1060
of this act to any person or circumstance is held invalid, that 1061
invalidity does not affect any other provisions or applications 1062
of this act that can be given effect without the invalid 1063
provision or application. 1064

Section 4. (A) The General Assembly finds that all of the 1065
following are true: 1066

(1) Sanctuary policies that restrict, obstruct, or 1067
discourage cooperation with federal immigration authorities are 1068
prohibited by such federal laws as Section 642 of the "Omnibus 1069
Consolidated Appropriations Act of 1996," 8 U.S.C. 1373, which 1070
states that "a Federal, State, or local government entity or 1071
official may not prohibit, or in any way restrict, any 1072
government entity or official from sending to, or receiving 1073

from, the Immigration and Naturalization Service information 1074
regarding the citizenship or immigration status, lawful or 1075
unlawful, of any individual." 1076

(2) In *Arizona v. United States*, 567 U.S. 387 (2012), the 1077
Supreme Court of the United States ruled that the United States 1078
Congress has the exclusive authority to legislate on immigration 1079
matters, that states may not augment the penalties for violating 1080
federal immigration laws, that "consultation between federal and 1081
state officials is an important feature of the immigration 1082
system," and that "Congress has encouraged the sharing of 1083
information about possible immigration violations." 1084

(B) The General Assembly declares all of the following: 1085

(1) Given the supremacy of all federal laws pertaining to 1086
immigration, including Section 274 of the "Immigration and 1087
Nationality Act," 8 U.S.C. 1324, as amended, which prohibits 1088
knowingly harboring persons who are unlawfully present in the 1089
United States, it is inappropriate and contrary to the public 1090
safety and welfare of this state for any public official to 1091
encourage, endorse, or otherwise support any public or private 1092
organization that seeks to offer so-called "sanctuary 1093
protection" to persons who are unlawfully present in the United 1094
States. 1095

(2) Policies that direct state or local employees not to 1096
cooperate with federal immigration authorities or that protect 1097
persons who are unlawfully present in the United States are 1098
contrary to federal law, the interests of this state, and the 1099
safety and welfare of the people of this state. 1100

(3) This act is necessary to ensure consistency and 1101
fairness in the enforcement of the laws of this state. 1102

(4) The subject of this act is a matter of statewide concern. 1103
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Section 5. This act shall be known as the Protecting Ohio Communities Act. 1105
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Section 6. Section 5747.53 of the Revised Code is presented in this act as a composite of the section as amended by H.B. 33 of the 135th General Assembly and H.B. 62 of the 133rd General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act. 1107
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Section 7. This act is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for that necessity is that government policies that prohibit cooperation with federal authorities in the enforcement of immigration laws endanger the public safety and welfare. Therefore, this act shall go into immediate effect. 1116
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