



Ohio Revised Code

Section 746.02 Sale of railway; submission to electors.

Effective: June 30, 2023

Legislation: House Bill 23 - 135th General Assembly

(A)(1) A railway board of trustees may solicit or receive offers for, and sell, all or any portion of a railway in accordance with the provisions of this chapter. The board of trustees may approve and enter into a sale agreement by adopting a resolution that shall include the terms of the proposed sale, and the method that will be used to determine the minimum annual amount to be transmitted to the municipal corporation under section 746.05 of the Revised Code, which may only be amended upon consultation with the fiscal officer of the municipal corporation, and which shall result in an annual amount equal to or greater than the minimum approved by the electors under this section, except as provided in section 746.05 of the Revised Code.

(2) After the railway board of trustees has adopted the resolution described in division (A)(1) of this section, the railway board of trustees may adopt a resolution setting the date of the election in which the question of approval of the sale is to be submitted to the electors of the municipal corporation, along with the applicable ballot language as described in division (D) of this section. The date of the election shall be either the date of the primary or the general election in 2023 or 2024.

The board of trustees shall only sell a railway or portion of a railway upon approval by the electors of the municipal corporation, as described in divisions (B), (C), (D), and (E) of this section.

(B)(1) The railway board of trustees, upon adopting a resolution under division (A)(2) of this section, shall certify the resolution to the legislative authority of the municipal corporation and to the fiscal officer of the municipal corporation. The legislative authority of the municipal corporation, upon receiving a copy of the resolution, shall certify the resolution to the board of elections not less than ninety days before the date of the election specified in the resolution.

(2) The board of elections shall submit the proposed resolution for the approval or rejection of the electors of the municipal corporation at the election specified in the resolution.

(C)(1) The legislative authority of the municipal corporation shall cause a notice of an election under



this section to be published in a newspaper of general circulation within the municipal corporation for the two consecutive weeks before the election, or as provided in section 7.16 of the Revised Code.

(2) If the board of elections maintains a web site, the board of elections shall post notice of the election on its web site not later than thirty days before the election.

(3) A notice published under this section shall state the time and place of the election and shall include a description of the railway or portion of the railway to be sold, the name of the proposed purchaser, the purchase price to be paid, including the amount and due date of any installments of the purchase price, the purposes for which the proceeds of the sale may be used, and the initial minimum annual amount payable to the municipal corporation, as described in section 746.05 of the Revised Code.

(D) The ballot for an election under this section shall include the following language, as applicable:

"Shall the _____ (name of railway board of trustees) be authorized to sell _____ (name and description of railway or portion of railway being sold) to an entity, the ultimate parent company of which is _____ (name of ultimate parent company) for a purchase price of _____ (amount proposed for the sale), to be paid in _____ (number of installments) installments during the years _____ (years in which an installment will be paid), with the moneys received to be deposited into a trust fund operated by _____ (railway board of trustees), with _____ (municipal corporation) as the sole beneficiary, the moneys to be annually disbursed to the municipal corporation in an amount no less than _____ (dollar amount) per year, for the purpose of the rehabilitation, modernization, or replacement of existing streets, bridges, municipal buildings, parks and green spaces, site improvements, recreation facilities, improvements for parking purposes, and any other public facilities owned by _____ (municipal corporation), and to pay for the costs of administering the trust fund?

YES _____

NO _____"



(E) If the question is approved by a majority of electors voting on the question, the railway board of trustees may proceed and take all necessary actions to complete the sale on terms consistent with those described in the resolution adopted under division (A) of this section. Notwithstanding any other provisions of the Revised Code, any net proceeds from a sale pursuant to this section shall be deposited into the trust fund established under section 746.03 of the Revised Code.

(F) If the question is not approved by a majority of the electors voting on the question, the railway board of trustees shall not move forward with the sale and may not again submit to the electors a proposal to sell a railway or portion of a railway, unless otherwise authorized by the general assembly.