

**As Passed by the Senate**

**124th General Assembly**

**Regular Session**

**2001-2002**

**Am. H. B. No. 301**

**REPRESENTATIVES Hoops, Jolivette, Sykes, Latta, Widowfield, Niehaus,  
S. Smith, Coates, Evans, Buehrer, Schmidt, Sferra, Redfern, Carano, Allen,  
Lendrum, Barrett, Cirelli, Perry, Barnes, Fedor, Sulzer, Distel, Flowers,  
G. Smith**

**SENATORS Spada, DiDonato, Mead, Austria, Espy, Robert Gardner, Harris**

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**A B I L L**

To amend section 5731.49 of the Revised Code to 1  
prohibit the charging of interest on recoupments of 2  
erroneously distributed estate tax revenue, to 3  
provide a procedure for converting certain 4  
municipal permanent property tax levies to 5  
five-year term levies, subject to voter approval, 6  
and to repeal Section 3 of this act, effective 7  
January 1, 2004. 8

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

**Section 1.** That section 5731.49 of the Revised Code be 9  
amended to read as follows: 10

**Sec. 5731.49.** At each semiannual settlement provided for by 11  
section 5731.46 of the Revised Code, the county auditor shall 12  
certify to the county auditor of any other county in which is 13  
located in whole or in part any municipal corporation or township 14  
to which any of the taxes collected under this chapter and not 15  
previously accounted for, is due, a statement of the amount of 16

such taxes due to each corporation or township in such county 17  
entitled to share in the distribution thereof. The amount due upon 18  
such settlement to each such municipal corporation or township, 19  
and to each municipal corporation and township in the county in 20  
which the taxes are collected, shall be paid upon the warrant of 21  
the county auditor to the county treasurer or other proper officer 22  
of such municipal corporation or township. The amount of any 23  
refund chargeable against any such municipal corporation or 24  
township at the time of making such settlement, shall be adjusted 25  
in determining the amount due to such municipal corporation or 26  
township at such settlement; provided that if the municipal 27  
corporation or township against which such refund is chargeable is 28  
not entitled to share in the fund to be distributed at such 29  
settlement, the auditor shall draw ~~his~~ a warrant for the amount in 30  
favor of the treasurer payable from any undivided general taxes in 31  
the possession of such treasurer, unless such municipal 32  
corporation or township is located in another county, in which 33  
event the auditor shall issue a certificate for such amount to the 34  
auditor of the proper county, who shall draw a like warrant 35  
therefor payable from any undivided general taxes in the 36  
possession of the treasurer of such county. In either case at the 37  
next semiannual settlement of such undivided general taxes, the 38  
amount of such warrant shall be deducted from the distribution of 39  
taxes of such municipal corporation or township and charged 40  
against the proceeds of levies for the general fund of such 41  
municipal corporation or township, and a similar deduction shall 42  
be made at each next semiannual settlement of such undivided 43  
general taxes until such warrant has been satisfied in full. 44

If it is discovered that an amount of taxes collected under 45  
this chapter has been paid in error to a township or municipal 46  
corporation to which the taxes are not due under this chapter, the 47  
township or municipal corporation to which the amount was 48  
erroneously paid, when repaying that amount to any subdivision to 49

which the taxes were due, shall not be required to pay interest on  
that amount.

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**Section 2.** That existing section 5731.49 of the Revised Code  
is hereby repealed.

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**Section 3.** (A) As used in this section, "qualifying  
continuing tax" means a tax authorized to be levied by the  
legislative authority of a municipal corporation for a continuing  
period of time for a purpose other than those enumerated in  
divisions (D), (I), (J), (U), (CC), and (KK) of section 5705.19 of  
the Revised Code pursuant to a ballot proposition submitted and  
approved by electors of a municipal corporation under section  
5705.19 or 5705.191 and section 5705.25 of the Revised Code before  
the effective date of this act.

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(B) Notwithstanding section 5705.19 or 5705.191 of the  
Revised Code to the contrary, any qualifying continuing tax shall  
continue to be levied through the following tax year, whichever  
tax year ends earliest:

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(1) Tax year 2003;

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(2) The tax year immediately preceding the first tax year in  
which the tax approved pursuant to division (C) of this section is  
levied;

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(3) A tax year as may be designated by resolution of the  
legislative authority.

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(C) The legislative authority of a municipal corporation  
levying a qualifying continuing tax may declare by resolution  
that, upon the expiration or termination of the tax pursuant to  
division (B) of this section, the amount of taxes that may be  
raised within the ten-mill limitation will be insufficient to  
provide for the necessary requirements of the municipal

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corporation, and that it is therefore necessary to replace that  
tax by levying a tax in excess of that limitation for the same  
purpose for which that tax is levied. The resolution shall state  
the rate of the tax, which shall not exceed the rate of the  
qualifying continuing tax; the number of years the tax is to be  
levied, which may not exceed five years; and the first year in  
which the tax is to be levied, which shall be the tax year ensuing  
the tax year in which the election is held. The legislative  
authority shall cause a copy of the resolution to be certified to  
the county board of elections not later than seventy-five days  
before the day of the election at which the question of the tax  
will be submitted. The question of the tax may be submitted at any  
special election, as defined in section 3501.01 of the Revised  
Code, held in the municipal corporation on a date consistent with  
division (D) of that section, but not later than November 4, 2003.

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Upon receiving the copy of the resolution, the board of  
elections shall make the necessary arrangements for submission of  
the question, and the election shall be conducted, canvassed, and  
certified in the manner provided under section 5705.25 of the  
Revised Code, and the board shall provide notice of the election  
as prescribed by that section.

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The form of the ballot shall be as follows:

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"A tax to replace an existing tax for the benefit of  
..... (name of municipal corporation) for the purpose of  
..... (purpose of the tax) at a rate not exceeding  
..... mills per dollar of valuation, which amounts to  
..... (rate expressed in dollars and cents) per one hundred  
dollars in valuation for ..... (number of years for which the  
tax will be levied).

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For the replacement tax	109
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Against the replacement tax	111
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(D) The question of the tax shall be submitted as a separate proposition but may be printed on the same ballot with any other proposition submitted at the same election other than the election of officers. Immediately after the canvass, the board of elections shall certify the results of the election to the Tax Commissioner and the legislative authority. A tax levied pursuant to this section shall be considered to be a tax levied pursuant to section 5705.19 or section 5705.191 and sections 5705.25 and 5705.26 of the Revised Code for the purpose of any section of the Revised Code referring to taxes levied pursuant to those sections. For the purpose of division (D)(1) of section 319.301 of the Revised Code, a tax levied pursuant to this section shall be considered to be a renewal of an existing tax, and not a replacement levy under section 5705.192 of the Revised Code.

If a majority of electors voting on the question vote in favor thereof, the legislative authority shall certify the levy to the county auditor, who shall extend it on the tax lists for the succeeding tax year; the qualifying continuing tax that is replaced shall not be extended on the tax list in any succeeding tax year. If a majority of electors voting on the question do not vote in favor thereof, the qualifying continuing tax shall continue to be extended on the tax lists as prescribed in division (B)(1), (2), or (3) of this section.

(E) If a majority of electors voting on the question vote in favor thereof, the legislative authority may anticipate a fraction of the proceeds of the levy by issuing anticipation notes prior to the first collection of taxes from the levy. The principal amount

of the notes shall not exceed fifty per cent of the total 140  
estimated proceeds of the levy throughout the term of the levy. 141  
The notes shall be issued pursuant to section 133.24 of the 142  
Revised Code. 143

(F) This section is supplemental to sections 5705.19 and 144  
5705.191 of the Revised Code. 145

**Section 4.** Section 3 of this act is hereby repealed, 146  
effective January 1, 2004. 147