

As Reported by the House Ways and Means Committee

124th General Assembly

Regular Session

2001-2002

Am. H. B. No. 301

**REPRESENTATIVES Hoops, Jolivette, Sykes, Latta, Widowfield, Niehaus,
S. Smith, Coates**

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

As Reported by the House Ways and Means Committee

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 50
that amount. 51

Section 2. That existing section 5731.49 of the Revised Code 52
is hereby repealed. 53

Section 3. (A) As used in this section, "qualifying 54
continuing tax" means a tax authorized to be levied by the 55
legislative authority of a municipal corporation for a continuing 56
period of time for a purpose other than those enumerated in 57
divisions (D), (I), (J), (U), (CC), and (KK) of section 5705.19 of 58
the Revised Code pursuant to a ballot proposition submitted and 59
approved by electors of a municipal corporation under section 60
5705.19 or 5705.191 and section 5705.25 of the Revised Code before 61
the effective date of this act. 62

(B) Notwithstanding section 5705.19 or 5705.191 of the 63
Revised Code to the contrary, any qualifying continuing tax shall 64
continue to be levied through the following tax year, whichever 65
tax year ends earliest: 66

(1) Tax year 2003; 67

(2) The tax year immediately preceding the first tax year in 68
which the tax approved pursuant to division (C) of this section is 69
levied; 70

(3) A tax year as may be designated by resolution of the 71
legislative authority. 72

(C) The legislative authority of a municipal corporation 73
levying a qualifying continuing tax may declare by resolution 74
that, upon the expiration or termination of the tax pursuant to 75
division (B) of this section, the amount of taxes that may be 76
raised within the ten-mill limitation will be insufficient to 77
provide for the necessary requirements of the municipal 78
corporation, and that it is therefore necessary to replace that 79
tax by levying a tax in excess of that limitation for the same 80
purpose for which that tax is levied. The resolution shall state 81

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.

82
83
84
85
86
87
88
89
90
91
92
93

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.

94
95
96
97
98
99

The form of the ballot shall be as follows:

100

"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).

101
102
103
104
105
106
107

For the replacement tax

108
109

Against the replacement tax

110
111

"

112

(D) The question of the tax shall be submitted as a separate

113

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
estimated proceeds of the levy throughout the term of the levy.
The notes shall be issued pursuant to section 133.24 of the
Revised Code.

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

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

146

147