

As Introduced

**134th General Assembly
Regular Session
2021-2022**

H. B. No. 662

Representative Lightbody

A BILL

To enact section 5705.223 of the Revised Code to
allow a municipal corporation or joint
recreation district to propose, as a single
ballot question, a bond levy and separate
property tax levy for parks and recreational
purposes.

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

Section 1. That section 5705.223 of the Revised Code be
enacted to read as follows:

Sec. 5705.223. (A) The taxing authority of a municipal
corporation or joint recreation district, at any time, may
declare by resolution or ordinance that it is necessary for the
municipal corporation or joint recreation district to issue
general obligation bonds for permanent improvements to parks and
recreational facilities, to levy a tax outside the ten-mill
limitation under section 133.18 of the Revised Code to pay debt
charges on the bonds, and to levy a tax outside the ten-mill
limitation under division (H) of section 5705.19 of the Revised
Code. The resolution or ordinance shall state all of the
following:

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| <u>(1) The necessity and purpose of the bond issue;</u> | 20 |
| <u>(2) The date of the general or special election at which</u> <u>the combined question shall be submitted to the electors;</u> | 21 22 |
| <u>(3) The amount, approximate date, estimated rate of</u> <u>interest, and maximum number of years over which the principal</u> <u>of the bonds may be paid;</u> | 23 24 25 |
| <u>(4) The necessity of levying a tax outside the ten-mill</u> <u>limitation to pay debt charges on the bonds and any anticipatory</u> <u>securities;</u> | 26 27 28 |
| <u>(5) The necessity of levying a tax outside the ten-mill</u> <u>limitation for parks and recreational purposes under division</u> <u>(H) of section 5705.19 of the Revised Code and any information</u> <u>required to be submitted under division (B)(1) of section</u> <u>5705.03 of the Revised Code respecting that tax.</u> | 29 30 31 32 33 |
| <u>Upon adoption of the resolution or ordinance, the taxing</u> <u>authority shall certify a copy of it to the county auditor. The</u> <u>county auditor promptly shall estimate and certify to the taxing</u> <u>authority the average annual property tax rate required</u> <u>throughout the stated maturity of the bonds to pay debt charges</u> <u>on the bonds, in the same manner as under division (C) of</u> <u>section 133.18 of the Revised Code. The auditor shall also</u> <u>certify to the taxing authority all information required under</u> <u>section 5705.03 of the Revised Code respecting that tax and the</u> <u>tax proposed under division (A)(5) of this section.</u> | 34 35 36 37 38 39 40 41 42 43 |
| <u>(B) After receiving the county auditor's certifications</u> <u>under division (A) of this section, the taxing authority may</u> <u>declare by resolution or ordinance that the amount of taxes that</u> <u>can be raised within the ten-mill limitation will be</u> <u>insufficient to provide an adequate amount for the present and</u> | 44 45 46 47 48 |

future parks and recreational requirements of the municipal 49
corporation or joint recreation district; that it is necessary 50
to issue general obligation bonds of the municipal corporation 51
or joint recreation district for permanent improvements to parks 52
and recreational facilities and to levy an additional tax in 53
excess of the ten-mill limitation to pay debt charges on the 54
bonds and any anticipatory securities; that it is necessary for 55
a specified number of years or for a continuing period of time 56
to levy additional taxes in excess of the ten-mill limitation 57
for parks and recreational purposes; and that the question of 58
the bonds and taxes shall be submitted to the electors of the 59
municipal corporation or joint recreation district at a general 60
or special election, which shall not be earlier than ninety days 61
after certification of the resolution or ordinance to the board 62
of elections, and the date of which shall be consistent with 63
section 3501.01 of the Revised Code. The resolution or ordinance 64
shall specify both of the following: 65

(1) The county auditor's estimate of the average annual 66
property tax rate required throughout the stated maturity of the 67
bonds to pay debt charges on the bonds; 68

(2) The proposed rate of the tax for parks and recreation 69
purposes, the first year the tax will be levied, and the number 70
of years it will be levied, or that it will be levied for a 71
continuing period of time. 72

The resolution or ordinance shall go into immediate effect 73
upon its passage, and no publication of it is necessary other 74
than that provided in the notice of election. The taxing 75
authority shall certify a copy of the resolution or ordinance, 76
along with copies of the auditor's certifications and the taxing 77
authority's resolution or ordinance under division (A) of this 78

section, to the board of elections immediately after its 79
adoption. 80

(C) The board of elections shall make the arrangements for 81
the submission of the question proposed under division (B) of 82
this section to the electors of the municipal corporation or 83
joint recreation district, and the election shall be conducted, 84
canvassed, and certified in the same manner as regular elections 85
in the municipal corporation for the election of county 86
officers. The resolution or ordinance shall be put before the 87
electors as one ballot question, with a favorable vote 88
indicating approval of the bond issue, the levy to pay debt 89
charges on the bonds and any anticipatory securities, and the 90
levy for parks and recreational purposes. The board of elections 91
shall publish notice of the election in a newspaper of general 92
circulation in the county once a week for two consecutive weeks, 93
or as provided in section 7.16 of the Revised Code, before the 94
election. If a board of elections operates and maintains a web 95
site, that board also shall post notice of the election on its 96
web site for thirty days before the election. The notice of 97
election shall state all of the following: 98

(1) The principal amount of the proposed bond issue; 99

(2) The permanent improvements for which the bonds are to 100
be issued; 101

(3) The maximum number of years over which the principal 102
of the bonds may be paid; 103

(4) The estimated additional average annual property tax 104
rate to pay the debt charges on the bonds, as certified by the 105
county auditor; 106

(5) The proposed rate of the additional tax for parks and 107

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| <u>recreational purposes;</u> | 108 |
| <u>(6) The number of years the tax levied for parks and</u> | 109 |
| <u>recreational purposes will be in effect, or that it will be in</u> | 110 |
| <u>effect for a continuing period of time;</u> | 111 |
| <u>(7) The time and place of the election.</u> | 112 |
| <u>(D) The form of the ballot for an election under this</u> | 113 |
| <u>section is as follows:</u> | 114 |
| <u>"Shall _____ be authorized to do the following:</u> | 115 |
| <u>(1) Issue bonds for the purpose of _____ in the</u> | 116 |
| <u>principal amount of \$ _____, to be repaid annually over a</u> | 117 |
| <u>maximum period of _____ years, and levy a property tax outside</u> | 118 |
| <u>the ten-mill limitation, estimated by the county auditor to</u> | 119 |
| <u>average over the bond repayment period _____ mills for each one</u> | 120 |
| <u>dollar of tax valuation, which amounts to _____ (rate expressed</u> | 121 |
| <u>in dollars and cents) for each \$100 of tax valuation, to pay the</u> | 122 |
| <u>annual debt charges on the bonds, and to pay debt charges on any</u> | 123 |
| <u>notes issued in anticipation of those bonds?"</u> | 124 |
| <u>(2) Levy an additional property tax for parks and</u> | 125 |
| <u>recreational purposes at a rate not exceeding _____ mills for</u> | 126 |
| <u>each one dollar of tax valuation, which amounts to _____ (rate</u> | 127 |
| <u>expressed in dollars and cents) for each \$100 of tax valuation,</u> | 128 |
| <u>for _____ (number of years of the levy, or a continuing period</u> | 129 |
| <u>of time)?</u> | 130 |
| <u>FOR THE BOND ISSUE AND LEVIES</u> | 131 |
| <u>AGAINST THE BOND ISSUE AND LEVIES"</u> | 132 |
| <u>(E) The board of elections promptly shall certify the</u> | 133 |
| <u>results of the election to the tax commissioner and the county</u> | 134 |
| <u>auditor. If a majority of the electors voting on the question</u> | 135 |

vote for it, the taxing authority may proceed with issuance of 136
the bonds and the levy and collection of the property tax for 137
the debt service on the bonds and any anticipatory securities in 138
the same manner and subject to the same limitations as for 139
securities issued under section 133.18 of the Revised Code, and 140
with the levy and collection of the property tax for parks and 141
recreational purposes at the additional rate or any lesser rate 142
in excess of the ten-mill limitation. Any securities issued by 143
the taxing authority under this section are Chapter 133. 144
securities, as that term is defined in section 133.01 of the 145
Revised Code. 146

(F) After the approval under this section of a tax for 147
parks and recreational purposes and before the time the first 148
collection and distribution from the levy can be made, the 149
taxing authority may anticipate a fraction of the proceeds of 150
the levy and issue anticipation notes in a principal amount not 151
exceeding fifty per cent of the total estimated proceeds of the 152
tax to be collected during the first year of the levy. 153

Anticipation notes under this section shall be issued as 154
provided in section 133.24 of the Revised Code. Notes issued 155
under division (F) of this section shall have principal payments 156
during each year after the year of their issuance over a period 157
not to exceed five years, and may have a principal payment in 158
the year of their issuance. 159

(G) A tax for parks and recreational purposes levied under 160
this section for a specified number of years may be renewed or 161
replaced in the same manner as a tax levied under section 162
5705.19 of the Revised Code. A tax levied under this section for 163
a continuing period of time may be decreased in accordance with 164
section 5705.261 of the Revised Code. 165