

As Introduced

136th General Assembly

Regular Session

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H. B. No. 137

Representative Lorenz

To amend sections 3709.29 and 5705.23 of the
Revised Code to authorize a taxing authority to
decline to submit a requested library levy or
general health district levy to voters.

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

Section 1. That sections 3709.29 and 5705.23 of the
Revised Code be amended to read as follows:

Sec. 3709.29. If the estimated amount of money necessary
to meet the expenses of a general health district program will
not be forthcoming to the board of health of such district out
of the district health fund because the taxes within the ten-
mill limitation will be insufficient, the board of health shall
certify the fact of such insufficiency to the board of county
commissioners of the county in which such district is located.
Such board of county commissioners is hereby ordained to be a
special taxing authority for the purposes of this section only,
and, notwithstanding any other law to the contrary, the board of
county commissioners of any county in which a general health
district is located is the taxing authority for such special
levy outside the ten-mill limitation. The board of county
commissioners ~~shall~~ may thereupon, in the year preceding that in
which such health program will be effective, by vote of two-

thirds of all the members of that body, declare by resolution 22
that the amount of taxes which may be raised within the ten-mill 23
limitation will be insufficient to provide an adequate amount 24
for the necessary requirements of such district within the 25
county, and that it is necessary to levy a tax in excess of such 26
limitation in order to provide the board of health with 27
sufficient funds to carry out such health program. Such 28
resolution shall be filed with the board of elections not later 29
than four p.m. of the ninetieth day before the day of election. 30

Such resolution shall specify the amount of increase in 31
rate which it is necessary to levy and the number of years 32
during which such increase shall be in effect, which shall not 33
be for a longer period than ten years. 34

The resolution shall conform to section 5705.191 of the 35
Revised Code and be certified and submitted in the manner 36
provided in section 5705.25 of the Revised Code, provided that 37
the proposal shall be placed on the ballot at the next primary 38
or general election occurring more than ninety days after the 39
resolution is filed with the board of elections. 40

Sec. 5705.23. The board of library trustees of any county, 41
municipal corporation, school district, or township public 42
library by a vote of two-thirds of all its members may at any 43
time declare by resolution that the amount of taxes which may be 44
raised within the ten-mill limitation by levies on the current 45
tax duplicate will be insufficient to provide an adequate amount 46
for the necessary requirements of the public library, that it is 47
necessary to levy a tax in excess of such limitation for current 48
expenses of the public library or for the construction of any 49
specific permanent improvement or class of improvements which 50
the board of library trustees is authorized to make or acquire 51

and which could be included in a single issue of bonds, and that 52
the question of such additional tax levy shall be submitted ~~by~~ 53
to the taxing authority of the political subdivision to whose 54
jurisdiction the board is subject~~7~~. After receiving such a 55
resolution, the taxing authority may submit the question to the 56
electors of the subdivision, or, in the case of a qualifying 57
library levy, to the electors residing within the boundaries of 58
the library district, on the day specified by division (E) of 59
section 3501.01 of the Revised Code for the holding of a primary 60
election or at an election on another day to be specified in the 61
resolution. No more than two elections ~~shall~~may be held under 62
authority of this section in any one calendar year. Such 63
resolution shall conform to section 5705.19 of the Revised Code, 64
except that the tax levy may be in effect for any specified 65
number of years or for a continuing period of time, as set forth 66
in the resolution, and the resolution shall specify the date of 67
holding the election, which shall not be earlier than ninety 68
days after the adoption and certification of the resolution to 69
the taxing authority of the political subdivision to whose 70
jurisdiction the board is subject, and which shall be consistent 71
with the requirements of section 3501.01 of the Revised Code. 72
The resolution shall not include a levy on the current tax list 73
and duplicate unless the election is to be held at or prior to 74
the first Tuesday after the first Monday in November of the 75
current tax year. 76

Upon receipt of the resolution, the taxing authority of 77
the political subdivision to whose jurisdiction the board is 78
subject ~~shall~~may adopt a resolution providing for the 79
submission of such additional tax levy to the electors of the 80
subdivision, or, in the case of a qualifying library levy, to 81
the electors residing within the boundaries of the library 82

district on the date specified in the resolution of the board of 83
library trustees. ~~The~~ A resolution, if adopted by the taxing 84
authority shall otherwise conform to the resolution certified to 85
it by the board. The resolution of the taxing authority shall be 86
certified to the board of elections of the proper county not 87
less than ninety days before the date of such election. Such 88
resolution shall go into immediate effect upon its passage, and 89
no publication of the resolution shall be necessary other than 90
that provided in the notice of election. Section 5705.25 of the 91
Revised Code shall govern the arrangements for the submission of 92
such question and other matters concerning the election, to 93
which that section refers, except that such election shall be 94
held on the date specified in the resolution. If a majority of 95
the electors voting on the question so submitted in an election 96
vote in favor of such levy, the taxing authority may forthwith 97
make the necessary levy within the subdivision or, in the case 98
of a qualifying library levy, within the boundaries of the 99
library district at the additional rate in excess of the ten- 100
mill limitation on the tax list, for the purpose stated in such 101
resolutions. Such tax levy shall be included in the next annual 102
tax budget that is certified to the county budget commission. 103
The proceeds of any library levy in excess of the ten-mill 104
limitation shall be used for purposes of the board in accordance 105
with the law applicable to the board. 106

After the approval of a levy on the current tax list and 107
duplicate to provide an increase in current expenses, and prior 108
to the time when the first tax collection from such levy can be 109
made, the taxing authority at the request of the board of 110
library trustees may anticipate a fraction of the proceeds of 111
such levy and issue anticipation notes in an amount not 112
exceeding fifty per cent of the total estimated proceeds of the 113

levy to be collected during the first year of the levy. 114

After the approval of a levy to provide revenues for the 115
construction or acquisition of any specific permanent 116
improvement or class of improvements, the taxing authority at 117
the request of the board of library trustees may anticipate a 118
fraction of the proceeds of such levy and issue anticipation 119
notes in a principal amount not exceeding fifty per cent of the 120
total estimated proceeds of the levy to be collected in each 121
year over a period of ten years after the issuance of such 122
notes. 123

The notes shall be issued as provided in section 133.24 of 124
the Revised Code, shall have principal payments during each year 125
after the year of their issuance over a period not to exceed ten 126
years, and may have a principal payment in the year of their 127
issuance. 128

Any levy approved by the electors of a library district 129
shall be made within the library district only. 130

Section 2. That existing sections 3709.29 and 5705.23 of 131
the Revised Code are hereby repealed. 132

Section 3. The amendment by this act of section 3709.29 of 133
the Revised Code applies to certifications to a board of county 134
commissioners under that section made on or after the effective 135
date of this section. 136

The amendment by this act of section 5705.23 of the 137
Revised Code applies to resolutions adopted by a board of 138
library trustees and certified to a taxing authority under that 139
section on or after the effective date of this section. 140