

As Introduced

136th General Assembly

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H. B. No. 309

Representative Thomas, D.

**Cosponsors: Representatives Daniels, Dean, Fischer, Fowler Arthur, Gross, Hall,
T., John, Johnson, Peterson, Willis, Workman**

To amend sections 3317.01, 5705.01, 5705.03,	1
5705.13, 5705.27, 5705.28, 5705.29, 5705.31,	2
5705.32, 5705.321, 5705.35, 5705.36, 5705.37,	3
5747.51, and 5747.53 of the Revised Code to	4
modify the law governing county budget	5
commissions, property taxation, and alternative	6
apportionment formulas for local government and	7
public library funds.	8

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

Section 1. That sections 3317.01, 5705.01, 5705.03,	9
5705.13, 5705.27, 5705.28, 5705.29, 5705.31, 5705.32, 5705.321,	10
5705.35, 5705.36, 5705.37, 5747.51, and 5747.53 of the Revised	11
Code be amended to read as follows:	12

Sec. 3317.01. As used in this section, "school district,"	13
unless otherwise specified, means any city, local, exempted	14
village, joint vocational, or cooperative education school	15
district and any educational service center.	16

This chapter shall be administered by the department of	17
education and workforce. The department of education and	18
workforce shall calculate the amounts payable to each school	19

district and shall certify the amounts payable to each eligible 20
district to the treasurer of the district as provided by this 21
chapter. Certification of moneys pursuant to this section shall 22
include the amounts payable to each school building, at a 23
frequency determined by the department, for each subgroup of 24
students, as defined in section 3317.40 of the Revised Code, 25
receiving services, provided for by state funding, from the 26
district or school. No moneys shall be distributed pursuant to 27
this chapter without the approval of the controlling board. 28

The department shall, in accordance with appropriations 29
made by the general assembly, meet the financial obligations of 30
this chapter. 31

Moneys distributed to school districts pursuant to this 32
chapter shall be calculated based on the annual enrollment 33
calculated from the three reports required under sections 34
3317.03 and 3317.036 of the Revised Code and paid on a fiscal 35
year basis, beginning with the first day of July and extending 36
through the thirtieth day of June. In any given fiscal year, 37
prior to school districts submitting the first report required 38
under section 3317.03 of the Revised Code, enrollment for the 39
districts shall be calculated based on the third report 40
submitted by the districts for the previous fiscal year. The 41
moneys appropriated for each fiscal year shall be distributed 42
periodically to each school district unless otherwise provided 43
for. The department, in June of each year, shall submit to the 44
controlling board the department's year-end distributions 45
pursuant to this chapter. 46

Except as otherwise provided, payments under this chapter 47
shall be made only to those school districts in which: 48

(A) The school district, except for any educational 49

service center and any joint vocational or cooperative education 50
school district, levies for current operating expenses at least 51
twenty mills, unless the school district is levying less than 52
that amount due to a reduction in collections made under 53
division (D) of section 5705.31 of the Revised Code or division 54
(B) of section 5705.32 of the Revised Code relating to a 55
declaration made by the board under division (E) of section 56
5705.29 of the Revised Code. Levies for joint vocational or 57
cooperative education school districts or county school 58
financing districts, limited to or to the extent apportioned to 59
current expenses, shall be included in this qualification 60
requirement. School district income tax levies under Chapter 61
5748. of the Revised Code, limited to or to the extent 62
apportioned to current operating expenses, shall be included in 63
this qualification requirement to the extent determined by the 64
tax commissioner under division (C) of section 3317.021 of the 65
Revised Code. 66

(B) The school year next preceding the fiscal year for 67
which such payments are authorized meets the requirement of 68
section 3313.48 of the Revised Code, with regard to the minimum 69
number of hours school must be open for instruction with pupils 70
in attendance, for individualized parent-teacher conference and 71
reporting periods, and for professional meetings of teachers. 72

A school district shall not be considered to have failed 73
to comply with this division because schools were open for 74
instruction but either twelfth grade students were excused from 75
attendance for up to the equivalent of three school days or only 76
a portion of the kindergarten students were in attendance for up 77
to the equivalent of three school days in order to allow for the 78
gradual orientation to school of such students. 79

A board of education or governing board of an educational service center which has not conformed with other law and the rules pursuant thereto, shall not participate in the distribution of funds authorized by this chapter, except for good and sufficient reason established to the satisfaction of the department and the state controlling board.

All funds allocated to school districts under this chapter, except those specifically allocated for other purposes, shall be used to pay current operating expenses only.

Sec. 5705.01. As used in this chapter:

(A) "Subdivision" means any county; municipal corporation; township; township police district; joint police district; township fire district; joint fire district; joint ambulance district; joint emergency medical services district; fire and ambulance district; joint recreation district; township waste disposal district; township road district; community college district; technical college district; detention facility district; a district organized under section 2151.65 of the Revised Code; a combined district organized under sections 2152.41 and 2151.65 of the Revised Code; a joint-county alcohol, drug addiction, and mental health service district; a drainage improvement district created under section 6131.52 of the Revised Code; a lake facilities authority created under Chapter 353. of the Revised Code; a union cemetery district; a county school financing district; a city, local, exempted village, cooperative education, joint vocational school district; a regional student education district created under section 3313.83 of the Revised Code; or a career-technical cooperative education district created under section 3313.831 of the Revised Code.

(B) "Municipal corporation" means all municipal 110
corporations, including those that have adopted a charter under 111
Article XVIII, Ohio Constitution. 112

(C) "Taxing authority" or "bond issuing authority" means,— 113
~~in any of the following:~~ 114

(1) In the case of any county, the board of county 115
commissioners; in the case of a municipal corporation, the 116
council or other legislative authority of the municipal 117
corporation; in the case of a city, local, exempted village, 118
cooperative education, or joint vocational school district, the 119
board of education; in the case of a community college district, 120
the board of trustees of the district; in the case of a 121
technical college district, the board of trustees of the 122
district; in the case of a detention facility district, a 123
district organized under section 2151.65 of the Revised Code, or 124
a combined district organized under sections 2152.41 and 2151.65 125
of the Revised Code, the joint board of county commissioners of 126
the district; in the case of a township, the board of township 127
trustees; in the case of a joint police district, the joint 128
police district board; in the case of a joint fire district, the 129
board of fire district trustees; in the case of a joint 130
recreation district, the joint recreation district board of 131
trustees; in the case of a joint-county alcohol, drug addiction, 132
and mental health service district, the district's board of 133
alcohol, drug addiction, and mental health services; in the case 134
of a joint ambulance district or a fire and ambulance district, 135
the board of trustees of the district; in the case of a union 136
cemetery district, the legislative authority of the municipal 137
corporation and the board of township trustees, acting jointly 138
as described in section 759.341 of the Revised Code; in the case 139
of a drainage improvement district, the board of county 140

commissioners of the county in which the drainage district is 141
located; in the case of a lake facilities authority, the board 142
of directors; in the case of a joint emergency medical services 143
district, the joint board of county commissioners of all 144
counties in which all or any part of the district lies; and in 145
the case of a township police district, a township fire 146
district, a township road district, or a township waste disposal 147
district, the board of township trustees of the township in 148
which the district is located. ~~"Taxing authority" also means the~~ 149

(2) The educational service center governing board that 150
serves as the taxing authority of a county school financing 151
district as provided in section 3311.50 of the Revised Code, the 152
board of directors of a regional student education district 153
created under section 3313.83 of the Revised Code, and the board 154
of directors of a career-technical cooperative education 155
district created under section 3313.831 of the Revised Code. 156

(3) The governing body responsible for levying a tax for 157
any taxing unit for which a taxing authority is not defined 158
pursuant to division (C)(1) or (2) of this section. 159

(D) "Fiscal officer" in the case of a county, means the 160
county auditor; in the case of a municipal corporation, the city 161
auditor or village clerk, or an officer who, by virtue of the 162
charter, has the duties and functions of the city auditor or 163
village clerk, except that in the case of a municipal university 164
the board of directors of which have assumed, in the manner 165
provided by law, the custody and control of the funds of the 166
university, the chief accounting officer of the university shall 167
perform, with respect to the funds, the duties vested in the 168
fiscal officer of the subdivision by sections 5705.41 and 169
5705.44 of the Revised Code; in the case of a school district, 170

the treasurer of the board of education; in the case of a county 171
school financing district, the treasurer of the educational 172
service center governing board that serves as the taxing 173
authority; in the case of a township, the township fiscal 174
officer; in the case of a joint police district, the treasurer 175
of the district; in the case of a joint fire district, the clerk 176
of the board of fire district trustees; in the case of a joint 177
ambulance district, the clerk of the board of trustees of the 178
district; in the case of a joint emergency medical services 179
district, the person appointed as fiscal officer pursuant to 180
division (D) of section 307.053 of the Revised Code; in the case 181
of a fire and ambulance district, the person appointed as fiscal 182
officer pursuant to division (B) of section 505.375 of the 183
Revised Code; in the case of a joint recreation district, the 184
person designated pursuant to section 755.15 of the Revised 185
Code; in the case of a union cemetery district, the clerk of the 186
municipal corporation designated in section 759.34 of the 187
Revised Code; in the case of a children's home district, 188
educational service center, general health district, joint- 189
county alcohol, drug addiction, and mental health service 190
district, county library district, detention facility district, 191
district organized under section 2151.65 of the Revised Code, a 192
combined district organized under sections 2152.41 and 2151.65 193
of the Revised Code, or a metropolitan park district for which 194
no treasurer has been appointed pursuant to section 1545.07 of 195
the Revised Code, the county auditor of the county designated by 196
law to act as the auditor of the district; in the case of a 197
metropolitan park district which has appointed a treasurer 198
pursuant to section 1545.07 of the Revised Code, that treasurer; 199
in the case of a drainage improvement district, the auditor of 200
the county in which the drainage improvement district is 201
located; in the case of a lake facilities authority, the fiscal 202

officer designated under section 353.02 of the Revised Code; in 203
the case of a regional student education district, the fiscal 204
officer appointed pursuant to section 3313.83 of the Revised 205
Code; in the case of a career-technical cooperative education 206
district, the fiscal officer appointed pursuant to section 207
3313.831 of the Revised Code; and in all other cases, the 208
officer responsible for keeping the appropriation accounts and 209
drawing warrants for the expenditure of the moneys of the 210
district or taxing unit. 211

(E) "Permanent improvement" or "improvement" means any 212
property, asset, or improvement with an estimated life or 213
usefulness of five years or more, including land and interests 214
therein, and reconstructions, enlargements, and extensions 215
thereof having an estimated life or usefulness of five years or 216
more. 217

(F) "Current operating expenses" and "current expenses" 218
mean the lawful expenditures of a subdivision, except those for 219
permanent improvements, and except payments for interest, 220
sinking fund, and retirement of bonds, notes, and certificates 221
of indebtedness of the subdivision. 222

(G) "Debt charges" means interest, sinking fund, and 223
retirement charges on bonds, notes, or certificates of 224
indebtedness. 225

(H) "Taxing unit" means any subdivision or other 226
governmental district having authority to levy taxes on the 227
property in the district or issue bonds that constitute a charge 228
against the property of the district, including conservancy 229
districts, metropolitan park districts, sanitary districts, road 230
districts, and other districts. 231

(I) "District authority" means any board of directors, 232
trustees, commissioners, or other officers controlling a 233
district institution or activity that derives its income or 234
funds from two or more subdivisions, such as the educational 235
service center, the trustees of district children's homes, the 236
district board of health, a joint-county alcohol, drug 237
addiction, and mental health service district's board of 238
alcohol, drug addiction, and mental health services, detention 239
facility districts, a joint recreation district board of 240
trustees, districts organized under section 2151.65 of the 241
Revised Code, combined districts organized under sections 242
2152.41 and 2151.65 of the Revised Code, and other such boards. 243

(J) "Tax list" and "tax duplicate" mean the general tax 244
lists and duplicates prescribed by sections 319.28 and 319.29 of 245
the Revised Code. 246

(K) "Property" as applied to a tax levy means taxable 247
property listed on general tax lists and duplicates. 248

(L) "Association library district" means a territory, the 249
boundaries of which are defined by the state library board 250
pursuant to division (I) of section 3375.01 of the Revised Code, 251
in which a library association or private corporation maintains 252
a free public library. 253

(M) "Library district" means a territory, the boundaries 254
of which are defined by the state library board pursuant to 255
section 3375.01 of the Revised Code, in which the board of 256
trustees of a county, municipal corporation, school district, or 257
township public library maintains a free public library. 258

(N) "Qualifying library levy" means either of the 259
following: 260

(1) A levy for the support of a library association or 261
private corporation that has an association library district 262
with boundaries that are not identical to those of a 263
subdivision; 264

(2) A levy proposed under section 5705.23 of the Revised 265
Code for the support of the board of trustees of a public 266
library that has a library district with boundaries that are not 267
identical to those of a subdivision. 268

(O) "School library district" means a school district in 269
which a free public library has been established that is under 270
the control and management of a board of library trustees as 271
provided in section 3375.15 of the Revised Code. 272

(P) "The county auditor's appraised value" means the true 273
value in money of real property. 274

(Q) (1) "Effective rate" means one of the following: 275

(a) For a levy that is the renewal of an existing levy or 276
an existing levy extended to additional territory, the effective 277
tax rate of the levy on class one property, as most recently 278
determined by the county auditor under section 323.08 of the 279
Revised Code; 280

(b) For a levy that is the increase of an existing levy, 281
the effective tax rate of the portion of the levy equal to the 282
rate of the existing levy on class one property, as most 283
recently determined by the county auditor under section 323.08 284
of the Revised Code, plus the rate of the additional portion of 285
the levy; 286

(c) For a levy that is the decrease of an existing levy, 287
the effective tax rate of the levy on class one property, as 288
most recently determined by the county auditor under section 289

323.08 of the Revised Code, and as proportionately reduced to 290
account for the decrease pursuant to rules adopted by the tax 291
commissioner. 292

(2) As used in division (Q)(1) of this section: 293

(a) "Effective tax rate" has the same meaning in section 294
323.08 of the Revised Code. 295

(b) "Class one property" means real property classified as 296
residential or agricultural under section 5713.041 of the 297
Revised Code. 298

Sec. 5705.03. (A) The taxing authority of each subdivision 299
may levy taxes annually, subject to the limitations of sections 300
5705.01 to 5705.47 of the Revised Code, on the real and personal 301
property within the subdivision for the purpose of paying the 302
current operating expenses of the subdivision and acquiring or 303
constructing permanent improvements. The taxing authority of 304
each subdivision and taxing unit shall, subject to the 305
limitations of such sections, levy such taxes annually as are 306
necessary to pay the interest and sinking fund on and retire at 307
maturity the bonds, notes, and certificates of indebtedness of 308
such subdivision and taxing unit, including levies in 309
anticipation of which the subdivision or taxing unit has 310
incurred indebtedness. 311

(B) (1) When a taxing authority determines that it is 312
necessary to levy a tax outside the ten-mill limitation for any 313
purpose authorized by the Revised Code, the taxing authority 314
shall certify to the county auditor a resolution or ordinance 315
requesting that the county auditor certify to the taxing 316
authority the amounts described in division (B)(2) of this 317
section. The resolution or ordinance shall state all of the 318

following: 319

(a) The proposed rate of the tax, expressed in mills for 320
each one dollar of taxable value, or the dollar amount of 321
revenue to be generated by the proposed tax; 322

(b) The purpose of the tax; 323

(c) Whether the tax is an additional levy, a renewal or a 324
replacement of an existing tax, a renewal or replacement of an 325
existing tax with an increase or a decrease, a reduction or 326
decrease of an existing tax, or an extension of an existing tax 327
to additional territory; 328

(d) The section of the Revised Code authorizing submission 329
of the question of the tax; 330

(e) The term of years of the tax or if the tax is for a 331
continuing period of time; 332

(f) That the tax is to be levied upon the entire territory 333
of the subdivision or, if authorized by the Revised Code, a 334
description of the portion of the territory of the subdivision 335
in which the tax is to be levied; 336

(g) The date of the election at which the question of the 337
tax shall appear on the ballot; 338

(h) That the ballot measure shall be submitted to the 339
entire territory of the subdivision or, if authorized by the 340
Revised Code, a description of the portion of the territory of 341
the subdivision to which the ballot measure shall be submitted; 342

(i) The tax year in which the tax will first be levied and 343
the calendar year in which the tax will first be collected; 344

(j) Each such county in which the subdivision has 345

territory. 346

(2) Upon receipt of a resolution or ordinance certified 347
under division (B) (1) of this section, the county auditor shall 348
certify to the taxing authority each of the following, as 349
applicable to that levy: 350

(a) The total current tax valuation of the subdivision. 351

(b) The number of mills for each one dollar of taxable 352
value that is required to generate a specified amount of 353
revenue. 354

(c) Either of the following: 355

(i) If the levy is to renew, renew and increase, renew and 356
decrease, reduce or decrease, or extend to additional territory 357
an existing levy that is subject to reduction under section 358
319.301 of the Revised Code, the levy's effective rate, 359
expressed in dollars, rounded to the nearest dollar, for each 360
one hundred thousand dollars of the county auditor's appraised 361
value; 362

(ii) For all other levies, the levy's rate, described in 363
division (B) (2) (b) or (d) of this section, expressed in dollars, 364
rounded to the nearest dollar, for each one hundred thousand 365
dollars of the county auditor's appraised value. 366

(d) The dollar amount of revenue, rounded to the nearest 367
dollar, that would be generated by a specified number of mills 368
for each one dollar of taxable value. 369

(e) For any levy or portion of a levy except a levy or 370
portion of a levy to pay debt charges, an estimate of the levy's 371
annual collections, rounded to the nearest dollar, which shall 372
be calculated assuming that the amount of the tax list of the 373

taxing authority remains throughout the life of the levy the 374
same as the amount of the tax list most recently certified by 375
the auditor under division (A) of section 319.28 of the Revised 376
Code. 377

If a subdivision is located in more than one county, the 378
county auditor shall obtain from the county auditor of each 379
other county in which the subdivision is located the current tax 380
valuation for the portion of the subdivision in that county. The 381
county auditor shall issue the certification to the taxing 382
authority within ten days after receiving the taxing authority's 383
resolution or ordinance requesting it. 384

(3) Upon receiving the certification from the county 385
auditor under division (B) (2) of this section, the taxing 386
authority may adopt a resolution or ordinance stating the rate 387
of the tax levy, expressed in mills for each one dollar of 388
taxable value and the rate or effective rate, as applicable, in 389
dollars for each one hundred thousand dollars of the county 390
auditor's appraised value, as estimated by the county auditor, 391
and, except as otherwise provided in this division, that the 392
taxing authority will proceed with the submission of the 393
question of the tax to electors. 394

If the taxing authority is a board of county 395
commissioners, the resolution shall direct the county budget 396
commission to hold a public hearing to consider whether the 397
question of the tax should be submitted to the electors. The 398
board of county commissioners shall certify the resolution or 399
ordinance to the county budget commission, which shall schedule 400
a hearing for a date that is not less than ten and not more than 401
thirty days after the date of certification. 402

During the hearing before each commission, the board of 403

county commissioners, or a county department, authority, 404
commission, office, or board designed by the board of county 405
commissioners, shall present evidence demonstrating the 406
necessity of the levy to the county budget commission. The 407
county budget commission shall make a recommendation, issued on 408
a majority vote of the commissioners. 409

The taxing authority shall certify ~~this~~ the resolution or 410
ordinance adopted under division (B)(3) of this section, a copy 411
of the county auditor's certifications, a copy of the county 412
budget commission's recommendation if required, and the 413
resolution or ordinance the taxing authority adopted under 414
division (B)(1) of this section to the proper county board of 415
elections in the manner and within the time prescribed by the 416
section of the Revised Code governing submission of the 417
question. The county board of elections shall not submit the 418
question of the tax to electors unless a copy of the county 419
auditor's certification ~~accompanies~~ and any necessary county 420
budget commission recommendation accompanies the resolutions or 421
ordinances the taxing authority certifies to the board. Before 422
requesting a taxing authority to submit a tax levy, any agency 423
or authority authorized to make that request shall first request 424
the certification from the county auditor provided under this 425
section. 426

(4) This division is supplemental to, and not in 427
derogation of, any similar requirement governing the 428
certification by the county auditor of the tax valuation of a 429
subdivision or necessary tax rates for the purposes of the 430
submission of the question of a tax in excess of the ten-mill 431
limitation, including sections 133.18 and 5705.195 of the 432
Revised Code. 433

(C) All taxes levied on property shall be extended on the 434
tax list and duplicate by the county auditor of the county in 435
which the property is located, and shall be collected by the 436
county treasurer of such county in the same manner and under the 437
same laws and rules as are prescribed for the assessment and 438
collection of county taxes. The proceeds of any tax levied by or 439
for any subdivision when received by its fiscal officer shall be 440
deposited in its treasury to the credit of the appropriate fund. 441

Sec. 5705.13. (A) A taxing authority of a subdivision, by 442
resolution or ordinance, may establish reserve balance accounts 443
to accumulate currently available resources for the following 444
purposes: 445

(1) To stabilize subdivision budgets against cyclical 446
changes in revenues and expenditures; 447

(2) Except as otherwise provided by this section, to 448
provide for the payment of claims and deductibles under an 449
individual or joint self-insurance program for the subdivision, 450
if the subdivision is permitted by law to establish such a 451
program; 452

(3) To provide for the payment of claims, assessments, and 453
deductibles under a self-insurance program, individual 454
retrospective ratings plan, group rating plan, group 455
retrospective rating plan, medical only program, deductible 456
plan, or large deductible plan for workers' compensation. 457

The ordinance or resolution establishing a reserve balance 458
account shall state the purpose for which the account is 459
established, the fund in which the account is to be established, 460
and the total amount of money to be reserved in the account. 461

Not more than one reserve balance account may be 462

established for each of the purposes permitted under divisions 463
(A) (2) and (3) of this section. Money to the credit of a reserve 464
balance account may be expended only for the purpose for which 465
the account was established. 466

A reserve balance account established for the purpose 467
described in division (A) (1) of this section may be established 468
in the general fund or in one or more special funds for 469
operating purposes of the subdivision. The amount of money to be 470
reserved in such an account in any fiscal year shall not exceed 471
five per cent of the revenue credited in the preceding fiscal 472
year to the fund in which the account is established, or, in the 473
case of a reserve balance account of a county or of a township, 474
the greater of that amount or one-sixth of the expenditures 475
during the preceding fiscal year from the fund in which the 476
account is established. Subject to division ~~(F)~~ (G) of section 477
5705.29 of the Revised Code, any reserve balance in an account 478
established under division (A) (1) of this section shall not be 479
considered part of the unencumbered balance or revenue of the 480
subdivision under division (A) of section 5705.35 or division 481
(A) (1) of section 5705.36 of the Revised Code. 482

At any time, a taxing authority of a subdivision, by 483
resolution or ordinance, may reduce or eliminate the reserve 484
balance in a reserve balance account established for the purpose 485
described in division (A) (1) of this section. 486

A reserve balance account established for the purpose 487
described in division (A) (2) or (3) of this section shall be 488
established in the general fund of the subdivision or by the 489
establishment of a separate internal service fund established to 490
account for the operation of an individual or joint self- 491
insurance program described in division (A) (2) of this section 492

or a workers' compensation program or plan described in division 493
(A) (3) of this section, and shall be based on sound actuarial 494
principles. The total amount of money in a reserve balance 495
account for self-insurance may be expressed in dollars or as the 496
amount determined to represent an adequate reserve according to 497
sound actuarial principles. 498

A taxing authority of a subdivision, by resolution or 499
ordinance, may rescind a reserve balance account established 500
under this division. If a reserve balance account is rescinded, 501
money that has accumulated in the account shall be transferred 502
to the fund or funds from which the money originally was 503
transferred. 504

(B) A taxing authority of a subdivision, by resolution or 505
ordinance, may establish a special revenue fund for the purpose 506
of accumulating resources for the payment of accumulated sick 507
leave and vacation leave, and for payments in lieu of taking 508
compensatory time off, upon the termination of employment or the 509
retirement of officers and employees of the subdivision. The 510
special revenue fund may also accumulate resources for payment 511
of salaries during any fiscal year when the number of pay 512
periods exceeds the usual and customary number of pay periods. 513
Notwithstanding sections 5705.14, 5705.15, and 5705.16 of the 514
Revised Code, the taxing authority, by resolution or ordinance, 515
may transfer money to the special revenue fund from any other 516
fund of the subdivision from which such payments may lawfully be 517
made. The taxing authority, by resolution or ordinance, may 518
rescind a special revenue fund established under this division. 519
If a special revenue fund is rescinded, money that has 520
accumulated in the fund shall be transferred to the fund or 521
funds from which the money originally was transferred. 522

(C) A taxing authority of a subdivision, by resolution or 523
ordinance, may establish a capital projects fund for the purpose 524
of accumulating resources for the acquisition, construction, or 525
improvement of fixed assets of the subdivision. For the purposes 526
of this section, "fixed assets" includes motor vehicles. More 527
than one capital projects fund may be established and may exist 528
at any time. The ordinance or resolution shall identify the 529
source of the money to be used to acquire, construct, or improve 530
the fixed assets identified in the resolution or ordinance, the 531
amount of money to be accumulated for that purpose, the period 532
of time over which that amount is to be accumulated, and the 533
fixed assets that the taxing authority intends to acquire, 534
construct, or improve with the money to be accumulated in the 535
fund. 536

A taxing authority of a subdivision shall not accumulate 537
money in a capital projects fund for more than ten years after 538
the resolution or ordinance establishing the fund is adopted. If 539
the subdivision has not entered into a contract for the 540
acquisition, construction, or improvement of fixed assets for 541
which money was accumulated in such a fund before the end of 542
that ten-year period, the fiscal officer of the subdivision 543
shall transfer all money in the fund to the fund or funds from 544
which that money originally was transferred or the fund that 545
originally was intended to receive the money. 546

A taxing authority of a subdivision, by resolution or 547
ordinance, may rescind a capital projects fund. If a capital 548
projects fund is rescinded, money that has accumulated in the 549
fund shall be transferred to the fund or funds from which the 550
money originally was transferred. 551

Notwithstanding sections 5705.14, 5705.15, and 5705.16 of 552

the Revised Code, the taxing authority of a subdivision, by 553
resolution or ordinance, may transfer money to the capital 554
projects fund from any other fund of the subdivision that may 555
lawfully be used for the purpose of acquiring, constructing, or 556
improving the fixed assets identified in the resolution or 557
ordinance. 558

Sec. 5705.27. (A) There is hereby created in each county a 559
county budget commission consisting of the county auditor, the 560
county treasurer, and the prosecuting attorney. Upon petition 561
filed with the board of elections, signed by the number of 562
electors of the county equal in amount to three per cent of the 563
total number of votes cast for governor at the most recent 564
election therefor, there shall be submitted to the electors of 565
the county at the next general election occurring not sooner 566
than ninety days after the filing of the petition, the question 567
"Shall the county budget commission consist of two additional 568
members to be elected from the county?" Provision shall be made 569
on the ballot for the election from the county at large of two 570
additional members of the county budget commission who shall be 571
electors of the county if a majority of the electors voting on 572
the question shall have voted in the affirmative. In such 573
counties, where the electors have voted in the affirmative, the 574
county budget commission shall consist of such two elected 575
members in addition to the county auditor, the county treasurer 576
and the prosecuting attorney. Such members, who shall not hold 577
any other public office, shall serve for a term of four years. 578

(B) The commission shall meet at the office of the county 579
auditor in each county on the first Monday in February and on 580
the first Monday in August, annually, and shall complete its 581
work on or before the first day of September, annually, unless 582
for good cause the tax commissioner extends the time for 583

completing the work. Meetings of the commission are subject to 584
section 121.22 of the Revised Code, except as provided in 585
division (C) of this section. A majority of members shall 586
constitute a quorum, provided that no action of the commission 587
shall be valid unless agreed to by a majority of the members of 588
the commission. The auditor shall be the secretary of the 589
commission and shall keep a full and accurate record of all 590
proceedings. The auditor shall appoint such messengers and 591
clerks as the commission deems necessary, and the budget 592
commissioners shall be allowed their actual and necessary 593
expenses. The elected members of the commission shall also 594
receive twenty dollars for each day in attendance at commission 595
meetings and in discharge of official duties. 596

(C) Members of the commission may attend commission 597
meetings by means of communications equipment authorized under 598
this division by rule of the commission, including by video 599
conference or teleconference. Notwithstanding division (C) of 600
section 121.22 of the Revised Code, commission members who 601
attend a board meeting by means of authorized communications 602
equipment shall be considered present in person at the meeting, 603
shall be permitted to vote, and shall be counted for purposes of 604
determining whether a quorum is present at the meeting. 605

The commission shall maintain a record of any vote or 606
other action taken at a commission meeting conducted by means of 607
authorized communications equipment. The record also shall 608
identify the members attending the board meeting by means of 609
authorized communications equipment. 610

The commission shall adopt rules designating the 611
communications equipment that is authorized for use during 612
commission meetings. The commission also shall adopt rules that 613

establish procedures and guidelines for using authorized 614
communications equipment during commission meetings and that 615
ensure verification of the identity of any commission members 616
attending commission meetings by such means. 617

(D) Any vacancy among such elected members shall be filled 618
by the presiding judge of the court of common pleas. 619

(E) In adjusting the rates of taxation and fixing the 620
amount of taxes to be levied each year, the commissioners shall 621
be governed by the amount of the taxable property shown on the 622
auditor's tax list for the current year; provided that if the 623
auditor's tax list has not been completed, the auditor shall 624
estimate, as nearly as practicable, the amount of the taxable 625
property for such year, and such officers shall be governed by 626
such estimate. 627

(F) In any county in which two members of the commission 628
are elected, upon petition filed with the board of elections, 629
signed by the number of electors of the county equal in amount 630
to three per cent of the votes cast for governor at the most 631
recent election therefor, there shall be submitted to the 632
electors of the county at the next general election occurring 633
not sooner than ninety days after the filing of the petition, 634
the question "Shall the elected members be eliminated from the 635
county budget commission?" If the majority of the electors 636
voting thereon shall have voted in the affirmative, the county 637
budget commission shall consist solely of the county auditor, 638
the county treasurer, and the prosecuting attorney. 639

Sec. 5705.28. (A) Except as provided in division (B) (1) or 640
(2) of this section or in section 5705.281 of the Revised Code, 641
the taxing authority of each subdivision or other taxing unit 642
shall adopt a tax budget for the next succeeding fiscal year: 643

(1) On or before the fifteenth day of January in the case 644
of school districts and the city of Cincinnati; 645

(2) On or before the fifteenth day of July in the case of 646
all other subdivisions and taxing units. 647

(B) (1) Before the first day of June in each year, the 648
board of trustees of a school library district entitled to 649
participate in any appropriation or revenue of a school district 650
or to have a tax proposed by the board of education of a school 651
district shall file with the board of education of the school 652
district a tax budget for the ensuing fiscal year. On or before 653
the fifteenth day of July in each year, the board of education 654
of a school district to which a school library district tax 655
budget was submitted under this division shall adopt such tax 656
budget on behalf of the library district, but such budget shall 657
not be part of the school district's tax budget. 658

(2) (a) The taxing authority of a taxing unit that does not 659
levy a tax is not required to adopt a tax budget pursuant to 660
division (A) of this section. Instead, on or before the 661
fifteenth day of July each year, such taxing authority shall 662
adopt an operating budget for the taxing unit for the ensuing 663
fiscal year. The operating budget shall include an estimate of 664
receipts from all sources, a statement of all taxing unit 665
expenses that are anticipated to occur, and the amount required 666
for debt charges during the fiscal year. The operating budget is 667
not required to be filed with the county auditor or the county 668
budget commission. 669

(b) Except for this section and sections 5705.36, 5705.38, 670
5705.40, 5705.41, 5705.43, 5705.44, and 5705.45 of the Revised 671
Code, a taxing unit that does not levy a tax is not a taxing 672
unit for purposes of Chapter 5705. of the Revised Code. 673

Documents prepared in accordance with such sections are not 674
required to be filed with the county auditor or county budget 675
commission. 676

(c) The total appropriations from each fund of a taxing 677
unit that does not levy a tax shall not exceed the total 678
estimated revenue available for expenditures from the fund, and 679
appropriations shall be made from each fund only for the 680
purposes for which the fund is established. 681

(C) (1) To assist in the preparation of the tax budget, the 682
head of each department, board, commission, and district 683
authority entitled to participate in any appropriation or 684
revenue of a subdivision shall file with the taxing authority, 685
or in the case of a municipal corporation, with its chief 686
executive officer, before the forty-fifth day prior to the date 687
on which the budget must be adopted, an estimate of contemplated 688
revenue and expenditures for the ensuing fiscal year, in such 689
form as is prescribed by the taxing authority of the subdivision 690
or by the auditor of state. The taxing authority shall include 691
in its budget of expenditures the full amounts requested by 692
district authorities, not to exceed the amount authorized by 693
law, if such authorities may fix the amount of revenue they are 694
to receive from the subdivision. In a municipal corporation in 695
which a special levy for a municipal university has been 696
authorized to be levied in excess of the ten-mill limitation, or 697
is required by the charter of the municipal corporation, the 698
taxing authority shall include an amount not less than the 699
estimated yield of such levy, if such amount is requested by the 700
board of directors of the municipal university. 701

(2) A county board of developmental disabilities may 702
include within its estimate of contemplated revenue and 703

expenditures a reserve balance account in the community 704
developmental disabilities residential services fund. The 705
account shall contain money that is not needed to pay for 706
current expenses for residential services and supported living 707
but will be needed to pay for expenses for such services in the 708
future or may be needed for unanticipated emergency expenses. On 709
the request of the county board of developmental disabilities, 710
the board of county commissioners shall include such an account 711
in its budget of expenditures and appropriate money to the 712
account from residential service moneys for the county board. 713

(D) The board of trustees of any public library desiring 714
to participate in the distribution of the county public library 715
fund shall adopt appropriate rules extending the benefits of the 716
library service of such library to all the inhabitants of the 717
county on equal terms, unless such library service is by law 718
available to all such inhabitants, and shall certify a copy of 719
such rules to the taxing authority with its estimate of 720
contemplated revenue and expenditures. Where such rules have 721
been so certified or where the adoption of such rules is not 722
required, the taxing authority shall include in its budget of 723
receipts such amounts as are specified by such board as 724
contemplated revenue from the county public library fund, and in 725
its budget of expenditures the full amounts requested therefrom 726
by such board. No library association, incorporated or 727
unincorporated, is entitled to participate in the proceeds of 728
the county public library fund unless such association both was 729
organized and operating prior to January 1, 1968, and 730
participated in the distribution of the proceeds of the county 731
public library fund prior to December 31, 2005. 732

(E) Any health district created under Chapter 3709. of the 733
Revised Code that does not file an estimate of contemplated 734

revenue and expenditures for the ensuing fiscal year pursuant to 735
division (C) of this section shall adopt a tax budget on its own 736
behalf pursuant to division (A) of this section. 737

Sec. 5705.29. This section does not apply to a subdivision 738
or taxing unit for which the county budget commission has waived 739
the requirement to adopt a tax budget pursuant to section 740
5705.281 of the Revised Code. The tax budget shall present the 741
following information in such detail as is prescribed by the 742
auditor of state: 743

(A) (1) A statement of the necessary current operating 744
expenses for the ensuing fiscal year for each department and 745
division of the subdivision, classified as to personal services 746
and other expenses, and the fund from which such expenditures 747
are to be made. Except in the case of a school district, this 748
estimate may include a contingent expense not designated for any 749
particular purpose, and not to exceed three per cent of the 750
total amount of appropriations for current expenses. In the case 751
of a school district, this estimate may include a contingent 752
expense not designated for any particular purpose and not to 753
exceed thirteen per cent of the total amount of appropriations 754
for current expenses. 755

(2) A statement of the expenditures for the ensuing fiscal 756
year necessary for permanent improvements, exclusive of any 757
expense to be paid from bond issues, classified as to the 758
improvements contemplated by the subdivision and the fund from 759
which such expenditures are to be made; 760

(3) The amounts required for the payment of final 761
judgments; 762

(4) A statement of expenditures for the ensuing fiscal 763

year necessary for any purpose for which a special levy is 764
authorized, and the fund from which such expenditures are to be 765
made; 766

(5) Comparative statements, so far as possible, in 767
parallel columns of corresponding items of expenditures for the 768
current fiscal year, including a statement of estimated expenses 769
to the end of that fiscal year, and the two preceding fiscal 770
years. 771

(B) (1) An estimate of receipts from other sources than the 772
general property tax during the ensuing fiscal year, which shall 773
include an estimate of unencumbered balances at the end of the 774
current fiscal year, and the funds to which such estimated 775
receipts are credited; 776

(2) The amount each fund requires from the general 777
property tax, which shall be the difference between the 778
contemplated expenditure from the fund and the estimated 779
receipts, as provided in this section. The section of the 780
Revised Code under which the tax is authorized shall be set 781
forth. 782

(3) Comparative statements, so far as possible, in 783
parallel columns of taxes and other revenues for the current 784
fiscal year and the two preceding fiscal years. 785

(C) (1) The amount required for debt charges; 786

(2) The estimated receipts from sources other than the tax 787
levy for payment of such debt charges, including the proceeds of 788
refunding bonds to be issued to refund bonds maturing in the 789
next succeeding fiscal year; 790

(3) The net amount for which a tax levy shall be made, 791
classified as to bonds authorized and issued prior to January 1, 792

1922, and those authorized and issued subsequent to such date, 793
and as to what portion of the levy will be within and what in 794
excess of the ten-mill limitation. 795

(D) An estimate of amounts from taxes authorized to be 796
levied in excess of the ten-mill limitation on the tax rate, and 797
the fund to which such amounts will be credited, together with 798
the sections of the Revised Code under which each such tax is 799
exempted from all limitations on the tax rate. 800

~~(E) (1)~~ (E) If the taxing unit estimates that it will 801
collect more revenue in the succeeding fiscal year than in the 802
current fiscal year from any tax levied within the ten mill 803
limitation or due to the operation of division (E) of section 804
319.301 of the Revised Code, a declaration of the taxing unit's 805
intent to collect or forgo the additional revenue. 806

(F) (1) A board of education may include in its budget for 807
the fiscal year in which a levy proposed under section 5705.194, 808
5705.199, 5705.21, 5705.213, or 5705.219, a property tax levy 809
proposed under section 5748.09, or the original levy under 810
section 5705.212 of the Revised Code is first extended on the 811
tax list and duplicate an estimate of expenditures to be known 812
as a voluntary contingency reserve balance, which shall not be 813
greater than twenty-five per cent of the total amount of the 814
levy estimated to be available for appropriation in such year. 815

(2) A board of education may include in its budget for the 816
fiscal year following the year in which a levy proposed under 817
section 5705.194, 5705.199, 5705.21, 5705.213, or 5705.219, a 818
property tax levy proposed under section 5748.09, or the 819
original levy under section 5705.212 of the Revised Code is 820
first extended on the tax list and duplicate an estimate of 821
expenditures to be known as a voluntary contingency reserve 822

balance, which shall not be greater than twenty per cent of the 823
amount of the levy estimated to be available for appropriation 824
in such year. 825

(3) Except as provided in division ~~(E) (4)~~ (F) (4) of this 826
section, the full amount of any reserve balance the board 827
includes in its budget shall be retained by the county auditor 828
and county treasurer out of the first semiannual settlement of 829
taxes until the beginning of the next succeeding fiscal year, 830
and thereupon, with the depository interest apportioned thereto, 831
it shall be turned over to the board of education, to be used 832
for the purposes of such fiscal year. 833

(4) A board of education, by a two-thirds vote of all 834
members of the board, may appropriate any amount withheld as a 835
voluntary contingency reserve balance during the fiscal year for 836
any lawful purpose, provided that prior to such appropriation 837
the board of education has authorized the expenditure of all 838
amounts appropriated for contingencies under section 5705.40 of 839
the Revised Code. Upon request by the board of education, the 840
county auditor shall draw a warrant on the district's account in 841
the county treasury payable to the district in the amount 842
requested. 843

~~(F)~~ (G) Except as otherwise provided in this division and 844
section 5705.32 of the Revised Code, the county budget 845
commission shall not reduce the taxing authority of a 846
subdivision as a result of the creation of a reserve balance 847
account. Except as otherwise provided in this division, the 848
county budget commission shall not consider the amount in a 849
reserve balance account of a township, county, or municipal 850
corporation as an unencumbered balance or as revenue for the 851
purposes of division (E) (3) or (4) of section 5747.51 of the 852

Revised Code. The county budget commission may require 853
documentation of the reasonableness of the reserve balance held 854
in any reserve balance account. The commission shall consider 855
any amount in a reserve balance account that it determines to be 856
unreasonable as unencumbered and as revenue for the purposes of 857
section 5747.51 of the Revised Code and may take such amounts 858
into consideration when determining whether to reduce the taxing 859
authority of a subdivision. 860

Sec. 5705.31. The county auditor shall present to the 861
county budget commission the annual tax budgets submitted under 862
sections 5705.01 to 5705.47 of the Revised Code, together with 863
an estimate prepared by the auditor of the amount of any state 864
levy, the rate of any school tax levy as previously determined, 865
the tax commissioner's estimate of the amount to be received in 866
the county public library fund, the tax rates provided under 867
section 5705.281 of the Revised Code if adoption of the tax 868
budget was waived under that section, and such other information 869
as the commission requests or the tax commissioner prescribes. 870
~~The~~ 871

The budget commission shall examine such budget and 872
ascertain the total amount proposed to be raised in the county 873
for the purposes of each subdivision and other taxing units in 874
the county and the need for those amounts. Except as otherwise 875
provided in this section, the county budget commission may 876
reduce the amount to be raised by any levy pursuant to section 877
5705.32 of the Revised Code. 878

The commission shall ascertain that the following levies 879
have been properly authorized and, if so authorized, shall 880
approve them without modification: 881

(A) All levies in excess of the ten-mill limitation, in 882

the first year they are levied, unless the levy is the renewal 883
of an existing tax or the subdivision or taxing unit requests an 884
amount requiring a lower rate for the succeeding fiscal year. 885
Such a request for an amount requiring a lower rate applies only 886
to the succeeding fiscal year unless the subdivision or taxing 887
unit expressly states that the request is permanent. 888

(B) All levies for unsatisfied debt charges~~not provided~~ 889
~~for by levies in excess of the ten-mill limitation,~~ including 890
levies that remain necessary to pay notes issued for emergency 891
purposes; 892

(C) The levies prescribed by division (B) of sections 893
742.33 and 742.34 of the Revised Code; 894

(D) Except as otherwise provided in this division, a 895
minimum levy within the ten-mill limitation for the current 896
expense and debt service of each subdivision or taxing unit, 897
which shall equal two-thirds of the average levy for current 898
expenses and debt service allotted within the fifteen-mill 899
limitation to such subdivision or taxing unit during the last 900
five years the fifteen-mill limitation was in effect unless such 901
subdivision or taxing unit requests an amount requiring a lower 902
rate. ~~Except~~ for the succeeding fiscal year, or if it expressed 903
its intent to forgo collections from such a levy under division 904
(E) of section 5705.26 of the Revised Code. Such a request for 905
an amount requiring a lower rate applies only to the succeeding 906
fiscal year unless the subdivision or taxing unit expressly 907
states that the request is permanent. 908

Except as provided in section 5705.312 of the Revised 909
Code, if the levies required in divisions (B) and (C) of this 910
section for the subdivision or taxing unit equal or exceed the 911
entire minimum levy of the subdivision as fixed, the minimum 912

levies of the other subdivisions or taxing units shall be 913
reduced by the commission to provide for the levies and an 914
operating levy for the subdivision. Such additional levy shall 915
be deducted from the minimum levies of each of the other 916
subdivisions or taxing units, but the operating levy for a 917
school district shall not be reduced below a figure equivalent 918
to forty-five per cent of the millage available within the ten- 919
mill limitation after all the levies in divisions (B) and (C) of 920
this section have been provided for. 921

If a municipal corporation and a township have entered 922
into an annexation agreement under section 709.192 of the 923
Revised Code in which they agree to reallocate their shares of 924
the minimum levies established under this division and if that 925
annexation agreement is submitted along with the annual tax 926
budget of both the township and the municipal corporation, then, 927
when determining the minimum levy under this division, the 928
auditor shall allocate, to the extent possible, the minimum levy 929
for that municipal corporation and township in accordance with 930
their annexation agreement. 931

~~(E) The levies prescribed by section 3709.29 of the~~ 932
~~Revised Code.~~ 933

Divisions (A) to ~~(E)~~(D) of this section are mandatory, and 934
commissions shall be without discretion to reduce such minimum 935
levies except as provided in such divisions. 936

If any debt charge is omitted from the budget, the 937
commission shall include it therein. 938

Sec. 5705.32. (A) As used in this section, "fixed-sum 939
levy" means a tax levied on property at whatever rate is 940
required to produce a specified amount of tax money or levied in 941

excess of the ten-mill limitation to pay debt charges, including 942
a tax levied under section 5705.199 of the Revised Code. 943

(B) The county budget commission shall adjust the 944
estimated amounts required from the general property tax for 945
each fund, as shown by the tax budgets or other information 946
required to be provided under section 5705.281 of the Revised 947
Code, so as to bring the tax levies required therefor within the 948
limitations specified in sections 5705.01 to 5705.47 of the 949
Revised Code, for such levies, but no levy shall be reduced 950
pursuant to this division below a minimum fixed by law. The 951
commission may revise and adjust the estimate of balances and 952
receipts from all sources for each fund and shall determine the 953
total appropriations that may be made therefrom. 954

The county budget commission shall adjust the rate of a 955
fixed-sum levy such as is necessary for the levy to produce the 956
levy's specified amount of money for the tax year. 957

If a taxing unit declared its intent to forgo collections 958
under division (E) of section 5705.29 of the Revised Code, the 959
commission shall adjust the rate of each levy as required to 960
result in that reduction in collections. 961

(C) If, as shown by a tax budget or other information 962
required pursuant to section 5705.281 of the Revised Code, the 963
unencumbered balance estimated to remain in any fund at the end 964
of the current fiscal year exceeds thirty per cent of the total 965
estimated expenses from that fund through the end of the current 966
fiscal year, the county budget commission shall hold a public 967
hearing to consider adjustments to any tax levies, the receipts 968
of which are deposited into the fund. 969

The hearing shall be held to determine whether those 970

levies should be adjusted for the succeeding fiscal year to 971
avoid excessive collections. The taxing authority for whose 972
benefit the tax is levied shall be given the opportunity, at the 973
public hearing, to present its position as to whether the levy 974
should be adjusted and to provide evidence supporting that 975
position. 976

If, after the public hearing, the commission determines 977
that one or more levies should be adjusted to avoid excessive 978
collections, the commission may reduce the levy for the 979
following fiscal year by an amount, or a rate the results in an 980
amount, that is up to or equal to the amount by which the 981
estimated fiscal-year-end unencumbered balance in the fund 982
exceeds thirty per cent of the estimated fiscal-year-end 983
expenditures from the fund. But, no levy may be reduced to a 984
level that would cause a school district subject to division (A) 985
of section 3317.01 of the Revised Code to levy less than twenty 986
mills for current operating expenses as required by that 987
division, except as authorized in division (B) of this section 988
or division (D) of section 5705.31 of the Revised Code. 989

~~(B)~~(D) The commission shall fix the amount of the county 990
public library fund to be distributed to each board of public 991
library trustees that has qualified under section 5705.28 of the 992
Revised Code for participation in the proceeds of such fund. The 993
amount paid to all libraries in the county from such fund shall 994
never be a smaller per cent of the fund than the average of the 995
percentages of the county's classified taxes that were 996
distributed to libraries in 1982, 1983, and 1984, as determined 997
by the county auditor. The commission shall base the amount for 998
distribution on the needs of such library for the construction 999
of new library buildings, parts of buildings, improvements, 1000
operation, maintenance, or other expenses. In determining the 1001

needs of each library board of trustees, and in calculating the 1002
amount to be distributed to any library board of trustees on the 1003
basis of its needs, the commission shall make no reduction in 1004
its allocation from the fund on account of additional revenues 1005
realized by a library from increased taxes or service charges 1006
voted by its electorate, from revenues received through federal 1007
or state grants, projects, or programs, or from grants from 1008
private sources. 1009

~~(C)~~ (E) Notwithstanding the fact that alternative methods 1010
of financing such needs are available, after fixing the amount 1011
to be distributed to libraries, the commission shall fix the 1012
amount, if any, of the county public library fund to be 1013
distributed to each board of township park commissioners, the 1014
county, and each municipal corporation in accordance with the 1015
following: 1016

(1) Each municipal corporation in the county shall receive 1017
a per cent of the remainder that equals the per cent that the 1018
county auditor determines the classified property taxes 1019
originating in such municipal corporation in 1984 were of the 1020
total of all of the county's classified property taxes in 1984. 1021
The commission may deduct from this amount any amount that the 1022
budget commission allows to the board of township park 1023
commissioners of a township park district, the boundaries of 1024
which are coextensive with or contained within the boundaries of 1025
the municipal corporation. 1026

(2) The county shall receive a per cent of the remainder 1027
that equals the per cent that the county auditor determines the 1028
classified property taxes originating outside of the boundaries 1029
of municipal corporations in the county in 1984 were of the 1030
total of all of the county's classified property taxes in 1984. 1031

The commission may deduct from this amount any amount that the
budget commission allows to the board of township park
commissioners of a township park district, the boundaries of
which are not coextensive with or contained within those of any
municipal corporation in the county.

~~(D)~~ (F) The commission shall separately set forth the
amounts fixed and determined under divisions ~~(B)~~ (D) and ~~(C)~~ (E)
of this section in the "official certificate of estimated
resources," as provided in section 5705.35 of the Revised Code,
and separately certify such amount to the county auditor who
shall be guided thereby in the distribution of the county public
library fund for and during the fiscal year. In determining such
amounts, the commission shall be guided by the estimate
certified by the tax commissioner and presented by the auditor
under section 5705.31 of the Revised Code, as to the total
amount of revenue to be received in the county public library
fund during such fiscal year.

~~(E)~~ ~~(1)~~ (G) (1) At least five days before the date of any
meeting at which the budget commission plans to discuss the
distribution of the county public library fund, it shall notify
each legislative authority and board of public library trustees,
county commissioners, and township park commissioners eligible
to participate in the distribution of the fund of the date,
time, place, and agenda for the meeting. Any legislative
authority or board entitled to notice under this division may
designate an officer or employee of such legislative authority
or board to whom the commission shall deliver the notice.

(2) Before the final determination of the amount to be
allotted to each subdivision from any source, the commission
shall permit representatives of each subdivision and of each

board of public library trustees to appear before it to explain 1062
its financial needs. 1063

~~(F)~~ (H) If any public library receives and expends any 1064
funds allocated to it under this section for the construction of 1065
new library buildings or parts of buildings, such library shall 1066
be free and open to the inhabitants of the county in which it is 1067
located. Any board of library trustees that receives funds under 1068
this section and section 5747.48 of the Revised Code shall have 1069
its financial records open for public inspection at all 1070
reasonable times. 1071

Sec. 5705.321. (A) ~~As used in this section:~~ 1072

~~(1) "City, located wholly or partially in the county, with 1073
the greatest population" means the city, located wholly or 1074
partially in the county, with the greatest population residing 1075
in the county; however, if the county budget commission on or 1076
before January 1, 1998, adopted an alternative method of 1077
apportionment that was approved by the city, located partially 1078
in the county, with the greatest population but not the greatest 1079
population residing in the county, "city, located wholly or 1080
partially in the county, with the greatest population" means the 1081
city, located wholly or partially in the county, with the 1082
greatest population whether residing in the county or not, if 1083
this alternative meaning is adopted by action of the board of 1084
county commissioners and a majority of the boards of township 1085
trustees and legislative authorities of municipal corporations 1086
located wholly or partially in the county. 1087~~

~~(2) "Participating political subdivision" means a 1088
municipal corporation or township that satisfies all of the 1089
following: 1090~~

~~(a) It is located wholly or partially in the county.~~ 1091

~~(b) It is not the city, located wholly or partially in the~~ 1092
~~county, with the greatest population.~~ 1093

~~(c) Public library fund moneys are apportioned to it under~~ 1094
~~the county's alternative method or formula of apportionment in~~ 1095
~~the current calendar year.~~ 1096

~~(B)~~ In lieu of the method of apportionment of the county 1097
public library fund provided by division ~~(C)~~ (E) of section 1098
5705.32 of the Revised Code, the county budget commission may 1099
provide for the apportionment of the fund under an alternative 1100
method or on a formula basis as authorized by this section. 1101

~~Except as otherwise provided in division (C) of this~~ 1102
~~section, the~~ The alternative method of apportionment shall have 1103
first been approved by all of the following governmental units: 1104
~~the board of county commissioners; the legislative authority of~~ 1105
~~the city, located wholly or partially in the county, with the~~ 1106
~~greatest population; and a majority of the boards or legislative~~ 1107
~~authorities of township trustees and legislative authorities of~~ 1108
~~municipal corporations, located wholly or partially in the~~ 1109
~~county, excluding the legislative authority of the city, located~~ 1110
~~wholly or partially in the county, with the greatest~~ 1111
~~population~~ any subdivision for which the county budget commission 1112
has fixed an allocation from public library fund moneys under 1113
the existing method of apportionment. In granting or denying 1114
approval for an alternative method of apportionment, the board 1115
of county commissioners, ~~boards of township trustees,~~ and 1116
legislative authorities of ~~municipal corporations~~ subdivisions 1117
shall act by motion. A motion to approve shall be passed upon a 1118
majority vote of the members of a board of county commissioners, 1119
~~board of township trustees,~~ or legislative authority ~~of a~~ 1120

~~municipal corporation~~, shall take effect immediately, and need 1121
not be published. 1122

Any alternative method of apportionment adopted and 1123
approved under this division may be revised, amended, or 1124
repealed in the same manner as it may be adopted and approved. 1125
If an alternative method of apportionment adopted and approved 1126
under this division is repealed, the county public library fund 1127
shall be apportioned among the subdivisions eligible to 1128
participate in the fund, commencing in the ensuing calendar 1129
year, under the apportionment provided in divisions ~~(B)~~ (D) and 1130
~~(C)~~ (E) of section 5705.32 of the Revised Code, unless ~~the repeal~~ 1131
~~occurs by operation of division (C) of this section or a new~~ 1132
method for apportionment of the fund is provided in the action 1133
of repeal. 1134

~~(C) This division applies only in counties in which the~~ 1135
~~city, located wholly or partially in the county, with the~~ 1136
~~greatest population has a population of twenty thousand or less~~ 1137
~~and a population that is less than fifteen per cent of the total~~ 1138
~~population of the county. In such a county, the legislative~~ 1139
~~authorities or boards of township trustees of two or more~~ 1140
~~participating political subdivisions, which together have a~~ 1141
~~population residing in the county that is a majority of the~~ 1142
~~total population of the county, each may adopt a resolution to~~ 1143
~~exclude the approval otherwise required of the legislative~~ 1144
~~authority of the city, located wholly or partially in the~~ 1145
~~county, with the greatest population. All of the resolutions to~~ 1146
~~exclude that approval shall be adopted not later than the first~~ 1147
~~Monday of August of the year preceding the calendar year in~~ 1148
~~which distributions are to be made under an alternative method~~ 1149
~~of apportionment.~~ 1150

~~A motion granting or denying approval of an alternative
method of apportionment under this division shall be adopted by
a majority vote of the members of the board of county
commissioners and by a majority vote of a majority of the boards
of township trustees and legislative authorities of the
municipal corporations located wholly or partially in the
county, other than the city, located wholly or partially in the
county, with the greatest population, shall take effect
immediately, and need not be published. The alternative method
of apportionment under this division shall be adopted and
approved annually, not later than the first Monday of August of
the year preceding the calendar year in which distributions are
to be made under it. A motion granting approval of an
alternative method of apportionment under this division repeals
any existing alternative method of apportionment, effective with
distributions to be made from the fund in the ensuing calendar
year. An alternative method of apportionment under this division
shall not be revised or amended after the first Monday of August
of the year preceding the calendar year in which distributions
are to be made under it.~~

~~(D)~~ (B) In determining an alternative method of
apportionment authorized by this section, the county budget
commission may include in the method any factor considered to be
appropriate and reliable, in the sole discretion of the county
budget commission.

~~(E)~~ (C) On the basis of any alternative method of
apportionment adopted and approved as authorized by this
section, as certified by the auditor to the county treasurer,
the county treasurer shall make distribution of the money in the
county public library fund to each subdivision eligible to
participate in the fund, and the auditor, when the amount of

those shares is in the custody of the treasurer in the amounts 1182
so computed to be due the respective subdivisions, shall at the 1183
same time certify to the tax commissioner the percentage share 1184
of the county as a subdivision. All money received into the 1185
treasury of a subdivision from the county public library fund in 1186
a county treasury shall be paid into the general fund and used 1187
for the current operating expenses of the subdivision. 1188

~~(F)~~ (D) The actions of the county budget commission taken 1189
pursuant to this section are final and may not be appealed to 1190
the board of tax appeals, except on the issues of abuse of 1191
discretion and failure to comply with the formula. 1192

Sec. 5705.35. (A) The certification of the budget 1193
commission to the taxing authority of each subdivision or taxing 1194
unit, as set forth in section 5705.34 of the Revised Code, shall 1195
show the various funds of such subdivisions other than funds to 1196
be created by transfer and shall be filed by the county budget 1197
commission with such taxing authority on or before the first day 1198
of March in the case of school districts and the city of 1199
Cincinnati and on or before the first day of September in each 1200
year in the case of all other taxing authorities. There shall be 1201
set forth on the credit side of each fund the estimated 1202
unencumbered balances and receipts, and if a tax is to be levied 1203
for such fund, the estimated revenue to be derived therefrom, 1204
the rate of the levy, and what portion thereof is within, and 1205
what in excess of, the ten-mill tax limitation, and on the debit 1206
side, the total appropriations that may be made therefrom. 1207
Subject to division ~~(F)~~ (G) of section 5705.29 of the Revised 1208
Code, any reserve balance in an account established under 1209
section 5705.13 of the Revised Code for the purpose described in 1210
division (A)(1) of that section, and the principal of a 1211
nonexpendable trust fund established under section 5705.131 of 1212

the Revised Code and any additions to principal arising from 1213
sources other than the reinvestment of investment earnings 1214
arising from that fund, are not unencumbered balances for the 1215
purposes of this section. The balance in a reserve balance 1216
account established under section 5705.132 of the Revised Code 1217
is not an unencumbered balance for the purposes of this 1218
division. 1219

There shall be attached to the certification a summary, 1220
which shall be known as the "official certificate of estimated 1221
resources," that shall state the total estimated resources of 1222
each fund of the subdivision that are available for 1223
appropriation in the fiscal year, other than funds to be created 1224
by transfer, and a statement of the amount of the total tax 1225
duplicate of the school district to be used in the collection of 1226
taxes for the following calendar year. Before the end of the 1227
fiscal year, the taxing authority of each subdivision and other 1228
taxing unit shall revise its tax budget, if one was adopted, so 1229
that the total contemplated expenditures from any fund during 1230
the ensuing fiscal year will not exceed the total appropriations 1231
that may be made from such fund, as determined by the budget 1232
commission in its certification; and such revised budget shall 1233
be the basis of the annual appropriation measure. 1234

(B) Revenue from real property taxes scheduled to be 1235
settled on or before the tenth day of August and the fifteenth 1236
day of February of a fiscal year under divisions (A) and (C) of 1237
section 321.24 of the Revised Code shall not be available for 1238
appropriation by a board of education prior to the fiscal year 1239
in which such latest scheduled settlement date occurs, except 1240
that moneys advanced to the treasurer of a board of education 1241
under division (A) (2) (b) of section 321.34 of the Revised Code 1242
shall be available for appropriation in the fiscal year in which 1243

they are paid to the treasurer under such section. If the date 1244
for any settlement of taxes is extended under division (E) of 1245
section 321.24 of the Revised Code, the latest date set forth in 1246
divisions (A) to (D) of that section shall be used to determine 1247
in which fiscal year the revenues are first available for 1248
appropriation. 1249

Sec. 5705.36. (A) (1) On or about the first day of each 1250
fiscal year, the fiscal officer of each subdivision and other 1251
taxing unit shall certify to the county auditor the total amount 1252
from all sources available for expenditures from each fund set 1253
up in the tax budget or, if adoption of a tax budget was waived 1254
under section 5705.281 of the Revised Code, from each fund 1255
created by or on behalf of the taxing authority. The amount 1256
certified shall include any unencumbered balances that existed 1257
at the end of the preceding year, excluding any of the 1258
following: 1259

(a) Subject to division ~~(F)~~ (G) of section 5705.29 of the 1260
Revised Code, any reserve balance in an account established 1261
under section 5705.13 of the Revised Code for the purpose 1262
described in division (A) (1) of that section; 1263

(b) The principal of a nonexpendable trust fund 1264
established under section 5705.131 of the Revised Code and any 1265
additions to principal arising from sources other than the 1266
reinvestment of investment earnings arising from that fund; 1267

(c) The balance in a reserve balance account established 1268
under section 5705.132 of the Revised Code. 1269

A school district's certification shall separately show 1270
the amount of any notes and unpaid and outstanding expenses on 1271
the preceding thirtieth day of June that are to be paid from 1272

property taxes that are to be settled during the current fiscal 1273
year under divisions (C) and (D) of section 321.24 of the 1274
Revised Code. The budget commission, taking into consideration 1275
the balances and revenues to be derived from taxation and other 1276
sources, shall revise its estimate of the amounts that will be 1277
credited to each fund from such sources, and shall certify to 1278
the taxing authority of each subdivision an amended official 1279
certificate of estimated resources. 1280

(2) Subject to divisions (A) (3) and (4) of this section, 1281
upon a determination by the fiscal officer of a subdivision that 1282
the revenue to be collected by the subdivision will be greater 1283
or less than the amount included in an official certificate, the 1284
fiscal officer may certify the amount of the deficiency or 1285
excess to the commission, and if the commission determines that 1286
the fiscal officer's certification is reasonable, the commission 1287
shall certify an amended official certificate reflecting the 1288
deficiency or excess. 1289

(3) Upon a determination by the fiscal officer of a 1290
subdivision that the revenue to be collected by the subdivision 1291
will be greater than the amount included in an official 1292
certificate and the legislative authority intends to appropriate 1293
and expend the excess revenue, the fiscal officer shall certify 1294
the amount of the excess to the commission, and if the 1295
commission determines that the fiscal officer's certification is 1296
reasonable, the commission shall certify an amended official 1297
certificate reflecting the excess. 1298

(4) Upon a determination by the fiscal officer of a 1299
subdivision that the revenue to be collected by the subdivision 1300
will be less than the amount included in an official certificate 1301
and that the amount of the deficiency will reduce available 1302

resources below the level of current appropriations, the fiscal 1303
officer shall certify the amount of the deficiency to the 1304
commission, and the commission shall certify an amended 1305
certificate reflecting the deficiency. 1306

(5) The total appropriations made during the fiscal year 1307
from any fund shall not exceed the amount set forth as available 1308
for expenditure from such fund in the official certificate of 1309
estimated resources, or any amendment thereof, certified prior 1310
to the making of the appropriation or supplemental 1311
appropriation. 1312

(B) At the time of settlement of taxes against which notes 1313
have been issued under division (D) of section 133.10 of the 1314
Revised Code and at the time a tax duplicate is delivered 1315
pursuant to section 319.28 or 319.29 of the Revised Code, the 1316
county auditor shall determine whether the total amount to be 1317
distributed to each school district from such settlement or 1318
duplicate, when combined with the amounts to be distributed from 1319
any subsequent settlement, will increase or decrease the amount 1320
available for appropriation during the current fiscal year from 1321
any fund. The county auditor shall certify this finding to the 1322
budget commission, which shall certify an amended official 1323
certificate reflecting the finding or certify to the school 1324
district that no amended certificate needs to be issued. 1325

Sec. 5705.37. The taxing authority of any subdivision, or 1326
the board of trustees of any public library, nonprofit 1327
corporation, or library association maintaining a free public 1328
library that has adopted and certified rules under section 1329
5705.28 of the Revised Code, that is dissatisfied with any 1330
action of the county budget commission may, through its fiscal 1331
officer, appeal to the board of tax appeals within thirty days 1332

after the receipt by the subdivision of the official certificate 1333
or notice of the commission's action. In like manner, but 1334
through its clerk, any park district may appeal to the board of 1335
tax appeals. An appeal under this section shall be taken by the 1336
filing of a notice of appeal, either in person or by certified 1337
mail, express mail, or authorized delivery service as provided 1338
in section 5703.056 of the Revised Code, with the board and with 1339
the commission. If notice of appeal is filed by certified mail, 1340
express mail, or authorized delivery service, date of the United 1341
States postmark placed on the sender's receipt by the postal 1342
service or the date of receipt recorded by the authorized 1343
delivery service shall be treated as the date of filing. Upon 1344
receipt of the notice of appeal, the commission, by certified 1345
mail, shall notify all persons who were parties to the 1346
proceeding before the commission of the filing of the notice of 1347
appeal and shall file proof of notice with the board of tax 1348
appeals. The secretary of the commission shall forthwith certify 1349
to the board a transcript of the full and accurate record of all 1350
proceedings before the commission, together with all evidence 1351
presented in the proceedings or considered by the commission, 1352
pertaining to the action from which the appeal is taken. The 1353
secretary of the commission also shall certify to the board any 1354
additional information that the board may request. 1355

The board of tax appeals, in a de novo proceeding, shall 1356
forthwith consider the matter presented to the commission, and 1357
may modify any action of the commission with reference to the 1358
budget, the estimate of revenues and balances, the allocation of 1359
the public library fund, or the fixing of tax rates. ~~The~~ If the 1360
appeal is taken in response to the fixing of tax rates through a 1361
reduction made by the county budget commission, the burden of 1362
proof is on the appellant to show the need for a different rate 1363

or amount to meet expenses in the ensuing fiscal year and the 1364
board of tax appeals shall render its decision in the same 1365
calendar year the appeal is filed. 1366

The finding of the board of tax appeals shall be 1367
substituted for the findings of the commission, and shall be 1368
sent to the tax commissioner, the county auditor, and the taxing 1369
authority of the subdivision affected, or to the board of public 1370
library trustees affected, as the action of the commission under 1371
sections 5705.01 to 5705.47 of the Revised Code. At the request 1372
of the taxing authority, board of trustees, or park district 1373
that appealed an action of the county budget commission under 1374
this section, the findings of the board of tax appeals shall be 1375
sent by certified mail at the requestor's expense. 1376

This section does not give the board of tax appeals any 1377
authority to place any tax levy authorized by law within the 1378
ten-mill limitation outside of that limitation, or to reduce any 1379
levy below any minimum fixed by law. 1380

Sec. 5747.51. (A) On or before the twenty-fifth day of 1381
July of each year, the tax commissioner shall make and certify 1382
to the county auditor of each county an estimate of the amount 1383
of the local government fund to be allocated to the undivided 1384
local government fund of each county for the ensuing calendar 1385
year, adjusting the total as required to account for 1386
subdivisions receiving local government funds under section 1387
5747.502 of the Revised Code. 1388

(B) At each annual regular session of the county budget 1389
commission convened pursuant to section 5705.27 of the Revised 1390
Code, each auditor shall present to the commission the 1391
certificate of the commissioner, the annual tax budget and 1392
estimates, and the records showing the action of the commission 1393

in its last preceding regular session. The commission, after 1394
extending to the representatives of each subdivision an 1395
opportunity to be heard, under oath administered by any member 1396
of the commission, and considering all the facts and information 1397
presented to it by the auditor, shall determine the amount of 1398
the undivided local government fund needed by and to be 1399
apportioned to each subdivision for current operating expenses, 1400
as shown in the tax budget of the subdivision. This 1401
determination shall be made pursuant to divisions (C) to (I) of 1402
this section, unless the commission has provided for a formula 1403
pursuant to section 5747.53 of the Revised Code. The 1404
commissioner shall reduce the amount of funds from the undivided 1405
local government fund to a subdivision required to receive 1406
reduced funds under section 5747.502 of the Revised Code. 1407

Nothing in this section prevents the budget commission, 1408
for the purpose of apportioning the undivided local government 1409
fund, from inquiring into the claimed needs of any subdivision 1410
as stated in its tax budget, or from adjusting claimed needs to 1411
reflect actual needs. For the purposes of this section, "current 1412
operating expenses" means the lawful expenditures of a 1413
subdivision, except those for permanent improvements and except 1414
payments for interest, sinking fund, and retirement of bonds, 1415
notes, and certificates of indebtedness of the subdivision. 1416

(C) The commission shall determine the combined total of 1417
the estimated expenditures, including transfers, from the 1418
general fund and any special funds other than special funds 1419
established for road and bridge; street construction, 1420
maintenance, and repair; state highway improvement; and gas, 1421
water, sewer, and electric public utilities operated by a 1422
subdivision, as shown in the subdivision's tax budget for the 1423
ensuing calendar year. 1424

(D) From the combined total of expenditures calculated 1425
pursuant to division (C) of this section, the commission shall 1426
deduct the following expenditures, if included in these funds in 1427
the tax budget: 1428

(1) Expenditures for permanent improvements as defined in 1429
division (E) of section 5705.01 of the Revised Code; 1430

(2) In the case of counties and townships, transfers to 1431
the road and bridge fund, and in the case of municipalities, 1432
transfers to the street construction, maintenance, and repair 1433
fund and the state highway improvement fund; 1434

(3) Expenditures for the payment of debt charges; 1435

(4) Expenditures for the payment of judgments. 1436

(E) In addition to the deductions made pursuant to 1437
division (D) of this section, revenues accruing to the general 1438
fund and any special fund considered under division (C) of this 1439
section from the following sources shall be deducted from the 1440
combined total of expenditures calculated pursuant to division 1441
(C) of this section: 1442

(1) Taxes levied within the ten-mill limitation, as 1443
defined in section 5705.02 of the Revised Code; 1444

(2) The budget commission allocation of estimated county 1445
public library fund revenues to be distributed pursuant to 1446
section 5747.48 of the Revised Code; 1447

(3) Estimated unencumbered balances as shown on the tax 1448
budget as of the thirty-first day of December of the current 1449
year in the general fund, but not any estimated balance in any 1450
special fund considered in division (C) of this section; 1451

(4) Revenue, including transfers, shown in the general 1452

fund and any special funds other than special funds established 1453
for road and bridge; street construction, maintenance, and 1454
repair; state highway improvement; and gas, water, sewer, and 1455
electric public utilities, from all other sources except those 1456
that a subdivision receives from an additional tax or service 1457
charge voted by its electorate or receives from special 1458
assessment or revenue bond collection. For the purposes of this 1459
division, where the charter of a municipal corporation prohibits 1460
the levy of an income tax, an income tax levied by the 1461
legislative authority of such municipal corporation pursuant to 1462
an amendment of the charter of that municipal corporation to 1463
authorize such a levy represents an additional tax voted by the 1464
electorate of that municipal corporation. For the purposes of 1465
this division, any measure adopted by a board of county 1466
commissioners pursuant to section 322.02, 4504.02, or 5739.021 1467
of the Revised Code, including those measures upheld by the 1468
electorate in a referendum conducted pursuant to section 1469
322.021, 4504.021, or 5739.022 of the Revised Code, shall not be 1470
considered an additional tax voted by the electorate. 1471

Subject to division ~~(F)~~(G) of section 5705.29 of the 1472
Revised Code, money in a reserve balance account established by 1473
a county, township, or municipal corporation under section 1474
5705.13 of the Revised Code shall not be considered an 1475
unencumbered balance or revenue under division (E) (3) or (4) of 1476
this section. Money in a reserve balance account established by 1477
a township under section 5705.132 of the Revised Code shall not 1478
be considered an unencumbered balance or revenue under division 1479
(E) (3) or (4) of this section. 1480

If a county, township, or municipal corporation has 1481
created and maintains a nonexpendable trust fund under section 1482
5705.131 of the Revised Code, the principal of the fund, and any 1483

additions to the principal arising from sources other than the 1484
reinvestment of investment earnings arising from such a fund, 1485
shall not be considered an unencumbered balance or revenue under 1486
division (E) (3) or (4) of this section. Only investment earnings 1487
arising from investment of the principal or investment of such 1488
additions to principal may be considered an unencumbered balance 1489
or revenue under those divisions. 1490

(F) The total expenditures calculated pursuant to division 1491
(C) of this section, less the deductions authorized in divisions 1492
(D) and (E) of this section, shall be known as the "relative 1493
need" of the subdivision, for the purposes of this section. 1494

(G) The budget commission shall total the relative need of 1495
all participating subdivisions in the county, and shall compute 1496
a relative need factor by dividing the total estimate of the 1497
undivided local government fund by the total relative need of 1498
all participating subdivisions. 1499

(H) The relative need of each subdivision shall be 1500
multiplied by the relative need factor to determine the 1501
proportionate share of the subdivision in the undivided local 1502
government fund of the county; provided, that the maximum 1503
proportionate share of a county shall not exceed the following 1504
maximum percentages of the total estimate of the undivided local 1505
government fund governed by the relationship of the percentage 1506
of the population of the county that resides within municipal 1507
corporations within the county to the total population of the 1508
county as reported in the reports on population in Ohio by the 1509
department of development as of the twentieth day of July of the 1510
year in which the tax budget is filed with the budget 1511
commission: 1512

1513

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A	Percentage of municipal population within the county:	Percentage share of the county shall not exceed:
B	Less than forty-one per cent	Sixty per cent
C	Forty-one per cent or more but less than eighty-one per cent	Fifty per cent
D	Eighty-one per cent or more	Thirty per cent

Where the proportionate share of the county exceeds the 1514
limitations established in this division, the budget commission 1515
shall adjust the proportionate shares determined pursuant to 1516
this division so that the proportionate share of the county does 1517
not exceed these limitations, and it shall increase the 1518
proportionate shares of all other subdivisions on a pro rata 1519
basis. In counties having a population of less than one hundred 1520
thousand, not less than ten per cent shall be distributed to the 1521
townships therein. 1522

(I) The proportionate share of each subdivision in the 1523
undivided local government fund determined pursuant to division 1524
(H) of this section for any calendar year shall not be less than 1525
the product of the average of the percentages of the undivided 1526
local government fund of the county as apportioned to that 1527
subdivision for the calendar years 1968, 1969, and 1970, 1528
multiplied by the total amount of the undivided local government 1529
fund of the county apportioned pursuant to former section 1530
5739.23 of the Revised Code for the calendar year 1970. For the 1531
purposes of this division, the total apportioned amount for the 1532
calendar year 1970 shall be the amount actually allocated to the 1533

county in 1970 from the state collected intangible tax as levied 1534
by section 5707.03 of the Revised Code and distributed pursuant 1535
to section 5725.24 of the Revised Code, plus the amount received 1536
by the county in the calendar year 1970 pursuant to division (B) 1537
(1) of former section 5739.21 of the Revised Code, and 1538
distributed pursuant to former section 5739.22 of the Revised 1539
Code. If the total amount of the undivided local government fund 1540
for any calendar year is less than the amount of the undivided 1541
local government fund apportioned pursuant to former section 1542
5739.23 of the Revised Code for the calendar year 1970, the 1543
minimum amount guaranteed to each subdivision for that calendar 1544
year pursuant to this division shall be reduced on a basis 1545
proportionate to the amount by which the amount of the undivided 1546
local government fund for that calendar year is less than the 1547
amount of the undivided local government fund apportioned for 1548
the calendar year 1970. 1549

(J) On the basis of such apportionment, the county auditor 1550
shall compute the percentage share of each such subdivision in 1551
the undivided local government fund and shall at the same time 1552
certify to the tax commissioner the percentage share of the 1553
county as a subdivision. No payment shall be made from the 1554
undivided local government fund, except in accordance with such 1555
percentage shares. 1556

Within ten days after the budget commission has made its 1557
apportionment, whether conducted pursuant to section 5747.51 or 1558
5747.53 of the Revised Code, the auditor shall publish a list of 1559
the subdivisions and the amount each is to receive from the 1560
undivided local government fund and the percentage share of each 1561
subdivision, in a newspaper or newspapers of countywide 1562
circulation, and send a copy of such allocation to the tax 1563
commissioner. 1564

The county auditor shall also send a copy of such 1565
allocation by ordinary or electronic mail to the fiscal officer 1566
of each subdivision entitled to participate in the allocation of 1567
the undivided local government fund of the county. This copy 1568
shall constitute the official notice of the commission action 1569
referred to in section 5705.37 of the Revised Code. 1570

All money received into the treasury of a subdivision from 1571
the undivided local government fund in a county treasury shall 1572
be paid into the general fund and used for the current operating 1573
expenses of the subdivision. 1574

If a municipal corporation maintains a municipal 1575
university, such municipal university, when the board of 1576
trustees so requests the legislative authority of the municipal 1577
corporation, shall participate in the money apportioned to such 1578
municipal corporation from the total local government fund, 1579
however created and constituted, in such amount as requested by 1580
the board of trustees, provided such sum does not exceed nine 1581
per cent of the total amount paid to the municipal corporation. 1582

If any public official fails to maintain the records 1583
required by sections 5747.50 to 5747.55 of the Revised Code or 1584
by the rules issued by the tax commissioner, the auditor of 1585
state, or the treasurer of state pursuant to such sections, or 1586
fails to comply with any law relating to the enforcement of such 1587
sections, the local government fund money allocated to the 1588
county may be withheld until such time as the public official 1589
has complied with such sections or such law or the rules issued 1590
pursuant thereto. 1591

Sec. 5747.53. (A) ~~As used in this section:—~~ 1592

~~(1) "City, located wholly or partially in the county, with~~ 1593

~~the greatest population" means the city, located wholly or~~ 1594
~~partially in the county, with the greatest population residing~~ 1595
~~in the county; however, if the county budget commission on or~~ 1596
~~before January 1, 1998, adopted an alternative method of~~ 1597
~~apportionment that was approved by the legislative authority of~~ 1598
~~the city, located partially in the county, with the greatest~~ 1599
~~population but not the greatest population residing in the~~ 1600
~~county, "city, located wholly or partially in the county, with~~ 1601
~~the greatest population" means the city, located wholly or~~ 1602
~~partially in the county, with the greatest population whether~~ 1603
~~residing in the county or not, if this alternative meaning is~~ 1604
~~adopted by action of the board of county commissioners and a~~ 1605
~~majority of the boards of township trustees and legislative~~ 1606
~~authorities of municipal corporations located wholly or~~ 1607
~~partially in the county.~~ 1608

~~(2) "Participating political subdivision" means a~~ 1609
~~municipal corporation or township that satisfies all of the~~ 1610
~~following:~~ 1611

~~(a) It is located wholly or partially in the county.~~ 1612

~~(b) It is not the city, located wholly or partially in the~~ 1613
~~county, with the greatest population.~~ 1614

~~(c) Undivided local government fund moneys are apportioned~~ 1615
~~to it under the county's alternative method or formula of~~ 1616
~~apportionment in the current calendar year.~~ 1617

~~(B) In lieu of the method of apportionment of the~~ 1618
~~undivided local government fund of the county provided by~~ 1619
~~section 5747.51 of the Revised Code, the county budget~~ 1620
~~commission may provide for the apportionment of the fund under~~ 1621
~~an alternative method or on a formula basis as authorized by~~ 1622

this section. The commissioner shall reduce the amount of funds 1623
from the undivided local government fund to a subdivision 1624
required to receive reduced funds under section 5747.502 of the 1625
Revised Code. 1626

~~Except as otherwise provided in division (C) of this~~ 1627
~~section, the~~ The alternative method of apportionment shall have 1628
first been approved by ~~all of the following governmental units:~~ 1629
~~the board of county commissioners; the legislative authority of~~ 1630
~~the city, located wholly or partially in the county, with the~~ 1631
~~greatest population;~~ and a majority of the boards of township 1632
trustees and legislative authorities of municipal corporations, 1633
located wholly or partially in the county, ~~excluding the~~ 1634
~~legislative authority of the city, located wholly or partially~~ 1635
~~in the county, with the greatest population.~~ In granting or 1636
denying approval for an alternative method of apportionment, the 1637
board of county commissioners, boards of township trustees, and 1638
legislative authorities of municipal corporations shall act by 1639
motion. A motion to approve shall be passed upon a majority vote 1640
of the members of a board of county commissioners, board of 1641
township trustees, or legislative authority of a municipal 1642
corporation, shall take effect immediately, and need not be 1643
published. 1644

Any alternative method of apportionment adopted and 1645
approved under this division shall be reviewed by the county 1646
budget commission at a public hearing held at least once in ~~the~~ 1647
~~year following the effective date of this amendment~~ 2024 and in 1648
every fifth year thereafter. The county budget commission shall 1649
provide reasonable advance notice of the hearing to all 1650
political subdivisions eligible to participate in the fund and 1651
shall take public testimony from any such political subdivision 1652
that wishes to testify. 1653

Any alternative method of apportionment adopted and 1654
approved under this division may be revised, amended, or 1655
repealed in the same manner as it may be adopted and approved. 1656
If an alternative method of apportionment adopted and approved 1657
under this division is repealed, the undivided local government 1658
fund of the county shall be apportioned among the subdivisions 1659
eligible to participate in the fund, commencing in the ensuing 1660
calendar year, under the apportionment provided in section 1661
5747.52 of the Revised Code, unless ~~the repeal occurs by~~ 1662
~~operation of division (C) of this section or~~ a new method for 1663
apportionment of the fund is provided in the action of repeal. 1664

~~(C) This division applies only in counties in which the~~ 1665
~~city, located wholly or partially in the county, with the~~ 1666
~~greatest population has a population of twenty thousand or less~~ 1667
~~and a population that is less than fifteen per cent of the total~~ 1668
~~population of the county. In such a county, the legislative~~ 1669
~~authorities or boards of township trustees of two or more~~ 1670
~~participating political subdivisions, which together have a~~ 1671
~~population residing in the county that is a majority of the~~ 1672
~~total population of the county, each may adopt a resolution to~~ 1673
~~exclude the approval otherwise required of the legislative~~ 1674
~~authority of the city, located wholly or partially in the~~ 1675
~~county, with the greatest population. All of the resolutions to~~ 1676
~~exclude that approval shall be adopted not later than the first~~ 1677
~~Monday of August of the year preceding the calendar year in~~ 1678
~~which distributions are to be made under an alternative method~~ 1679
~~of apportionment.~~ 1680

~~A motion granting or denying approval of an alternative~~ 1681
~~method of apportionment under this division shall be adopted by~~ 1682
~~a majority vote of the members of the board of county~~ 1683
~~commissioners and by a majority vote of a majority of the boards~~ 1684

~~of township trustees and legislative authorities of the~~ 1685
~~municipal corporations located wholly or partially in the~~ 1686
~~county, other than the city, located wholly or partially in the~~ 1687
~~county, with the greatest population, shall take effect~~ 1688
~~immediately, and need not be published. The alternative method~~ 1689
~~of apportionment under this division shall be adopted and~~ 1690
~~approved annually, not later than the first Monday of August of~~ 1691
~~the year preceding the calendar year in which distributions are~~ 1692
~~to be made under it. A motion granting approval of an~~ 1693
~~alternative method of apportionment under this division repeals~~ 1694
~~any existing alternative method of apportionment, effective with~~ 1695
~~distributions to be made from the fund in the ensuing calendar~~ 1696
~~year. An alternative method of apportionment under this division~~ 1697
~~shall not be revised or amended after the first Monday of August~~ 1698
~~of the year preceding the calendar year in which distributions~~ 1699
~~are to be made under it.~~ 1700

~~(D)~~ (B) In determining an alternative method of 1701
apportionment authorized by this section, the county budget 1702
commission may include in the method any factor considered to be 1703
appropriate and reliable, in the sole discretion of the county 1704
budget commission. 1705

~~(E)~~ (C) The limitations set forth in section 5747.51 of the 1706
Revised Code, stating the maximum amount that the county may 1707
receive from the undivided local government fund and the minimum 1708
amount the townships in counties having a population of less 1709
than one hundred thousand may receive from the fund, are 1710
applicable to any alternative method of apportionment authorized 1711
under this section. 1712

~~(F)~~ (D) On the basis of any alternative method of 1713
apportionment adopted and approved as authorized by this 1714

section, as certified by the auditor to the county treasurer, 1715
the county treasurer shall make distribution of the money in the 1716
undivided local government fund to each subdivision eligible to 1717
participate in the fund, and the auditor, when the amount of 1718
those shares is in the custody of the treasurer in the amounts 1719
so computed to be due the respective subdivisions, shall at the 1720
same time certify to the tax commissioner the percentage share 1721
of the county as a subdivision. All money received into the 1722
treasury of a subdivision from the undivided local government 1723
fund in a county treasury shall be paid into the general fund 1724
and used for the current operating expenses of the subdivision. 1725
If a municipal corporation maintains a municipal university, the 1726
university, when the board of trustees so requests the 1727
legislative authority of the municipal corporation, shall 1728
participate in the money apportioned to the municipal 1729
corporation from the total local government fund, however 1730
created and constituted, in the amount requested by the board of 1731
trustees, provided that amount does not exceed nine per cent of 1732
the total amount paid to the municipal corporation. 1733

~~(G)~~(E) The actions of the county budget commission taken 1734
pursuant to this section are final and may not be appealed to 1735
the board of tax appeals, except on the issues of abuse of 1736
discretion and failure to comply with the formula. 1737

Section 2. That existing sections 3317.01, 5705.01, 1738
5705.03, 5705.13, 5705.27, 5705.28, 5705.29, 5705.31, 5705.32, 1739
5705.321, 5705.35, 5705.36, 5705.37, 5747.51, and 5747.53 of the 1740
Revised Code are hereby repealed. 1741

Section 3. Section 5747.53 of the Revised Code is 1742
presented in this act as a composite of the section as amended 1743
by H.B. 33 of the 135th General Assembly and H.B. 62 of the 1744

133rd General Assembly. The General Assembly, applying the	1745
principle stated in division (B) of section 1.52 of the Revised	1746
Code that amendments are to be harmonized if reasonably capable	1747
of simultaneous operation, finds that the composite is the	1748
resulting version of the section in effect prior to the	1749
effective date of the section as presented in this act.	1750