As Passed by the House

136th General Assembly

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Representatives Roemer, Hall, T.

Cosponsors: Representatives Thomas, D., Click, Brennan, Daniels, John, Mathews, A., Odioso, Williams, Willis, Young

To amend section 321.261 and to enact section 9.18 of the Revised Code to require that cash payments to the state and local governments be rounded to the nearest nickel.

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

Section 1. That section 321.261 be amended and section 9.18 of the Revised Code be enacted to read as follows:

Sec. 9.18. (A) As used in this section:

"Political subdivision" means a county, township, municipal corporation, or any other body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state.

"Final price" includes the amount of any tax or fee levied by the state or a political subdivision on the transaction that is collected at the same time as the transaction.

(B) Except taxes and fees administered by the tax commissioner, any person who directly pays any tax, toll, fee, fine, or other charge to the state, a state agency, or a political subdivision, in cash, shall round the payment amount

to the nearest five cents, and the state, state agency, or political subdivision shall accept the rounded amount as payment in full, as follows:

(1)(a) Subject to division (B)(1)(b) of this section, amounts in which the second decimal place is "1" or "2" shall be rounded down to an amount in which the second decimal place is "0."

(b) Amounts in which second decimal place is "1" or "2" and all preceding digits are "0" shall be rounded up to an amount in which the second decimal place is "5."

(2) Amounts in which the second decimal place is "3" or "4" shall be rounded up to an amount in which the second decimal place is "5."

(3) Amounts in which the second decimal place is "6" or "7" shall be rounded down to an amount in which the second decimal place is "5."

(4) Amounts in which the second decimal place is "8" or "9" shall be rounded up to an amount in which the second decimal place is "0."

(C)(1) A merchant who accepts cash payments may round the final price as described in division (B) of this section for cash payments. Merchants who round the final price of cash payments in accordance with the calculations described in division (B) of this section shall incur no liability for doing so, notwithstanding any contrary provision of the Revised Code.

(2) If the cash payment to the merchant is for a transaction subject to a tax or fee levied by a political subdivision or the state, then the merchant may round the final price as described in division (B) of this section. Any

adjustments made as a result of that rounding shall not change the amount of the tax or fee the merchant remits to the political subdivision or the state.

Sec. 321.261. (A) In each county treasury there shall be created the treasurer's delinquent tax and assessment collection fund and the prosecuting attorney's delinquent tax and assessment collection fund. Except as otherwise provided in this division, two and one-half per cent of all delinquent real property, personal property, and manufactured and mobile home taxes and assessments collected by the county treasurer shall be deposited in the treasurer's delinquent tax and assessment collection fund, and two and one-half per cent of such delinquent taxes and assessments shall be deposited in the prosecuting attorney's delinquent tax and assessment collection fund. The board of county commissioners shall appropriate to the county treasurer from the treasurer's delinquent tax and assessment collection fund, and shall appropriate to the prosecuting attorney from the prosecuting attorney's delinquent tax and assessment collection fund, money to the credit of the respective fund, and except as provided in division (D) of this section, the appropriation shall be used only for the following purposes:

(1) By the county treasurer or the county prosecuting attorney in connection with the collection of delinquent real property, personal property, and manufactured and mobile home taxes and assessments, including proceedings related to foreclosure of the state's lien for such taxes against such property;

(2) With respect to any portion of the amount appropriated from the treasurer's delinquent tax and assessment collection

fund for the benefit of a county land reutilization corporation organized under Chapter 1724. of the Revised Code, the county land reutilization corporation. Upon the deposit of amounts in the treasurer's delinquent tax and assessment collection fund, any amounts allocated at the direction of the treasurer to the support of the county land reutilization corporation shall be paid out of such fund to the corporation upon a warrant of the county auditor.

If the balance in the treasurer's or prosecuting attorney's delinquent tax and assessment collection fund exceeds three times the amount deposited into the fund in the preceding year, the treasurer or prosecuting attorney, on or before the twentieth day of October of the current year, may direct the county auditor to forgo the allocation of delinquent taxes and assessments to that officer's respective fund in the ensuing year. If the county auditor receives such direction, the auditor shall cause the portion of taxes and assessments that otherwise would be credited to the fund under this section in that ensuing year to be allocated and distributed among taxing units' funds as otherwise provided in this chapter and other applicable law.

(B) During the period of time that a county land reutilization corporation is functioning as such on behalf of a county, the board of county commissioners, upon the request of the county treasurer, may designate by resolution that an additional amount, not exceeding five per cent of all collections of delinquent real property, personal property, and manufactured and mobile home taxes and assessments, shall be deposited in the treasurer's delinquent tax and assessment collection fund and be available for appropriation by the board for the use of the corporation. Any such amounts so deposited and appropriated under this division shall be paid out of the

treasurer's delinquent tax and assessment collection fund to the corporation upon a warrant of the county auditor.

(C) Annually by the first day of December, the county treasurer and the prosecuting attorney each shall submit a report to the board of county commissioners regarding the use of the moneys appropriated from their respective delinquent tax and assessment collection funds. Each report shall specify the amount appropriated from the fund during the current calendar year, an estimate of the amount so appropriated that will be expended by the end of the year, a summary of how the amount appropriated has been expended in connection with delinquent tax collection activities or land reutilization, and an estimate of the amount that will be credited to the fund during the ensuing calendar year.

The annual report of a county land reutilization corporation required by section 1724.05 of the Revised Code shall include information regarding the amount and use of the moneys that the corporation received from the treasurer's delinquent tax and assessment collection fund.

(D)(1) In any county, if the county treasurer or prosecuting attorney determines that the balance to the credit of that officer's corresponding delinquent tax and assessment collection fund exceeds the amount required to be used as prescribed by division (A) of this section, the county treasurer or prosecuting attorney may expend the excess to prevent residential mortgage foreclosures in the county and to address problems associated with other foreclosed real property. The amount used for that purpose in any year may not exceed the amount that would cause the fund to have a reserve of less than twenty per cent of the amount expended in the preceding year for

the purposes of division (A) of this section.

Money authorized to be expended under division (D)(1) of this section shall be used to provide financial assistance in the form of loans to borrowers in default on their home mortgages, including for the payment of late fees, to clear arrearage balances, and to augment moneys used in the county's foreclosure prevention program. The money also may be used to assist county land reutilization corporations, municipal corporations, or townships in the county, upon their application to the county treasurer, prosecuting attorney, or the county department of development, in the nuisance abatement of deteriorated residential buildings in foreclosure, or vacant, abandoned, tax-delinquent, or blighted real property, including paying the costs of boarding up such buildings, lot maintenance, and demolition.

(2) In a county having a population of more than one hundred thousand according to the department of development's 2006 census estimate, if the county treasurer or prosecuting attorney determines that the balance to the credit of that officer's corresponding delinquent tax and assessment collection fund exceeds the amount required to be used as prescribed by division (A) of this section, the county treasurer or prosecuting attorney may expend the excess to assist county land reutilization corporations, townships, or municipal corporations located in the county as provided in division (D)(2) of this section, provided that the combined amount so expended each year in a county shall not exceed five million dollars. Upon application for the funds by a county land reutilization corporation, township, or municipal corporation, the county treasurer or prosecuting attorney may assist the county land reutilization corporation, township, or municipal corporation in

abating foreclosed residential nuisances, including paying the costs of securing such buildings, lot maintenance, and demolition. At the prosecuting attorney's discretion, the prosecuting attorney also may apply the funds to costs of prosecuting alleged violations of criminal and civil laws governing real estate and related transactions, including fraud and abuse.

(E)(1) Any underpayment or overpayment of real property or manufactured home taxes due to rounding under division (B) of section 9.18 of the Revised Code is not an underpayment or overpayment of those taxes for the purpose of any section of the Revised Code. Any underpayment resulting from such rounding shall be paid from the county treasurer's delinquent tax and assessment collection fund. Any overpayment resulting from such rounding shall be credited to that fund.

(2) Within thirty days after a settlement of taxes under divisions (A) and (C) of section 321.24 of the Revised Code, the county treasurer may certify to the tax commissioner the total amount paid from the county treasurer's delinquent tax and assessment collection fund as required by division (E)(1) of this section, if any, since the last certification under this division or the last day on which the last certification could have been made, whichever is later, to reimburse underpayments of real property and manufactured home taxes due to the rounding required under division (B) of section 9.18 of the Revised Code.

The commissioner, within thirty days after the receipt of such a certification, shall provide for payment to the county treasurer, from the general revenue fund, of the amount certified, which shall be credited upon receipt to the county treasurer's delinquent tax and assessment collection fund.

Section 2. That existing section 321.261 of the Revised Code is hereby repealed.