

As Reported by the House Ways and Means Committee

131st General Assembly

Regular Session

2015-2016

Sub. H. B. No. 166

Representative Green

Cosponsors: Representatives Brenner, Blessing, Hambley, Becker

A BILL

To amend sections 323.153, 1343.03, 5717.04, 1
5719.042, and 5747.51 and to repeal sections 2
319.19, 1318.01, 1318.02, 1318.03, 1318.04, 3
1318.05, 1318.06, 1318.07, 1318.08, 1318.99, 4
1901.313, 1907.202, 2303.25, 3765.01, 3765.02, 5
3765.03, 3765.04, and 5709.23 of the Revised 6
Code to extend the deadline for filing an 7
application for the homestead exemption or 2 8
1/2% property tax rollback to the end of the tax 9
year, to require that auditors certify Local 10
Government Fund allocations to subdivisions by 11
regular or electronic, rather than certified 12
mail, to require that notices of appeal from a 13
decision of the Board of Tax Appeals originating 14
with a county board of revision be filed with 15
that board and the county auditor, to clarify 16
the effect of certain certifications related to 17
the repealed personal property tax, and to 18
repeal laws requiring county auditors to issue 19
permits for traveling shows, issue licenses for 20
new merchandise public auctions, certify the 21
annual state tax interest rate to local courts. 22

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

Section 1. That sections 323.153, 1343.03, 5717.04, 23
5719.042, and 5747.51 of the Revised Code be amended to read as 24
follows: 25

Sec. 323.153. (A) To obtain a reduction in real property 26
taxes under division (A) or (B) of section 323.152 of the 27
Revised Code or in manufactured home taxes under division (B) of 28
section 323.152 of the Revised Code, the owner shall file an 29
application with the county auditor of the county in which the 30
owner's homestead is located. 31

To obtain a reduction in real property taxes under 32
division (A) of section 323.152 of the Revised Code, the 33
occupant of a homestead in a housing cooperative shall file an 34
application with the nonprofit corporation that owns and 35
operates the housing cooperative, in accordance with this 36
paragraph. Not later than the first day of March each year, the 37
corporation shall obtain applications from the county auditor's 38
office and provide one to each new occupant. Not later than the 39
first day of May, any occupant who may be eligible for a 40
reduction in taxes under division (A) of section 323.152 of the 41
Revised Code shall submit the completed application to the 42
corporation. Not later than the fifteenth day of May, the 43
corporation shall file all completed applications, and the 44
information required by division (B) of section 323.159 of the 45
Revised Code, with the county auditor of the county in which the 46
occupants' homesteads are located. Continuing applications shall 47
be furnished to an occupant in the manner provided in division 48
(C) (4) of this section. 49

(1) An application for reduction based upon a physical disability shall be accompanied by a certificate signed by a physician, and an application for reduction based upon a mental disability shall be accompanied by a certificate signed by a physician or psychologist licensed to practice in this state, attesting to the fact that the applicant is permanently and totally disabled. The certificate shall be in a form that the tax commissioner requires and shall include the definition of permanently and totally disabled as set forth in section 323.151 of the Revised Code. An application for reduction based upon a disability certified as permanent and total by a state or federal agency having the function of so classifying persons shall be accompanied by a certificate from that agency. An application by a disabled veteran for the reduction under division (A) (2) of section 323.152 of the Revised Code shall be accompanied by a letter or other written confirmation from the United States department of veterans affairs, or its predecessor or successor agency, showing that the veteran qualifies as a disabled veteran.

An application for a reduction under division (A) of section 323.152 of the Revised Code constitutes a continuing application for a reduction in taxes for each year in which the dwelling is the applicant's homestead.

(2) An application for a reduction in taxes under division (B) of section 323.152 of the Revised Code shall be filed only if the homestead or manufactured or mobile home was transferred in the preceding year or did not qualify for and receive the reduction in taxes under that division for the preceding tax year. The application for homesteads transferred in the preceding year shall be incorporated into any form used by the county auditor to administer the tax law in respect to the

conveyance of real property pursuant to section 319.20 of the Revised Code or of used manufactured homes or used mobile homes as defined in section 5739.0210 of the Revised Code. The owner of a manufactured or mobile home who has elected under division (D) (4) of section 4503.06 of the Revised Code to be taxed under division (D) (2) of that section for the ensuing year may file the application at the time of making that election. The application shall contain a statement that failure by the applicant to affirm on the application that the dwelling on the property conveyed is the applicant's homestead prohibits the owner from receiving the reduction in taxes until a proper application is filed within the period prescribed by division (A) (3) of this section. Such an application constitutes a continuing application for a reduction in taxes for each year in which the dwelling is the applicant's homestead.

(3) Failure to receive a new application filed under division (A) (1) or (2) or notification under division (C) of this section after an application for reduction has been approved is prima-facie evidence that the original applicant is entitled to the reduction in taxes calculated on the basis of the information contained in the original application. The original application and any subsequent application, including any late application, shall be in the form of a signed statement and shall be filed ~~after the first Monday in January and not later than the first Monday in June. The original application and any subsequent application for a reduction in real property taxes shall be filed in~~ on or before the thirty-first day of December of the year for which the reduction is sought. The original application and any subsequent application for a reduction in manufactured home taxes shall be filed in the year preceding the year for which the reduction is sought. The

statement shall be on a form, devised and supplied by the tax 112
commissioner, which shall require no more information than is 113
necessary to establish the applicant's eligibility for the 114
reduction in taxes and the amount of the reduction, and, except 115
for homesteads that are units in a housing cooperative, shall 116
include an affirmation by the applicant that ownership of the 117
homestead was not acquired from a person, other than the 118
applicant's spouse, related to the owner by consanguinity or 119
affinity for the purpose of qualifying for the real property or 120
manufactured home tax reduction provided for in division (A) or 121
(B) of section 323.152 of the Revised Code. The form shall 122
contain a statement that conviction of willfully falsifying 123
information to obtain a reduction in taxes or failing to comply 124
with division (C) of this section results in the revocation of 125
the right to the reduction for a period of three years. In the 126
case of an application for a reduction in taxes for persons 127
described in division (A) (1) (b) (iii) of section 323.152 of the 128
Revised Code, the form shall contain a statement that signing 129
the application constitutes a delegation of authority by the 130
applicant to the tax commissioner or the county auditor, 131
individually or in consultation with each other, to examine any 132
tax or financial records relating to the income of the applicant 133
as stated on the application for the purpose of determining 134
eligibility for the exemption or a possible violation of 135
division (D) or (E) of this section. 136

(B) A late application for a tax reduction for the year 137
preceding the year in which an original application is filed, or 138
for a reduction in manufactured home taxes for the year in which 139
an original application is filed, may be filed with the original 140
application. If the county auditor determines the information 141
contained in the late application is correct, the auditor shall 142

determine the amount of the reduction in taxes to which the 143
applicant would have been entitled for the preceding tax year 144
had the applicant's application been timely filed and approved 145
in that year. 146

The amount of such reduction shall be treated by the 147
auditor as an overpayment of taxes by the applicant and shall be 148
refunded in the manner prescribed in section 5715.22 of the 149
Revised Code for making refunds of overpayments. ~~On the first~~ 150
~~day of July of each year, the~~ The county auditor shall certify 151
the total amount of the reductions in taxes made in the current 152
year under this division to the tax commissioner, who shall 153
treat the full amount thereof as a reduction in taxes for the 154
preceding tax year and shall make reimbursement to the county 155
therefor in the manner prescribed by section 323.156 of the 156
Revised Code, from money appropriated for that purpose. 157

(C) (1) If, in any year after an application has been filed 158
under division (A) (1) or (2) of this section, the owner does not 159
qualify for a reduction in taxes on the homestead or on the 160
manufactured or mobile home set forth on such application, the 161
owner shall notify the county auditor that the owner is not 162
qualified for a reduction in taxes. 163

(2) If, in any year after an application has been filed 164
under division (A) (1) of this section, the occupant of a 165
homestead in a housing cooperative does not qualify for a 166
reduction in taxes on the homestead, the occupant shall notify 167
the county auditor that the occupant is not qualified for a 168
reduction in taxes or file a new application under division (A) 169
(1) of this section. 170

(3) If the county auditor or county treasurer discovers 171
that the owner of property not entitled to the reduction in 172

taxes under division (B) of section 323.152 of the Revised Code 173
failed to notify the county auditor as required by division (C) 174
(1) of this section, a charge shall be imposed against the 175
property in the amount by which taxes were reduced under that 176
division for each tax year the county auditor ascertains that 177
the property was not entitled to the reduction and was owned by 178
the current owner. Interest shall accrue in the manner 179
prescribed by division (B) of section 323.121 or division (G) (2) 180
of section 4503.06 of the Revised Code on the amount by which 181
taxes were reduced for each such tax year as if the reduction 182
became delinquent taxes at the close of the last day the second 183
installment of taxes for that tax year could be paid without 184
penalty. The county auditor shall notify the owner, by ordinary 185
mail, of the charge, of the owner's right to appeal the charge, 186
and of the manner in which the owner may appeal. The owner may 187
appeal the imposition of the charge and interest by filing an 188
appeal with the county board of revision not later than the last 189
day prescribed for payment of real and public utility property 190
taxes under section 323.12 of the Revised Code following receipt 191
of the notice and occurring at least ninety days after receipt 192
of the notice. The appeal shall be treated in the same manner as 193
a complaint relating to the valuation or assessment of real 194
property under Chapter 5715. of the Revised Code. The charge and 195
any interest shall be collected as other delinquent taxes. 196

(4) Each year during January, the county auditor shall 197
furnish by ordinary mail a continuing application to each person 198
receiving a reduction under division (A) of section 323.152 of 199
the Revised Code. The continuing application shall be used to 200
report changes in total income, ownership, occupancy, 201
disability, and other information earlier furnished the auditor 202
relative to the reduction in taxes on the property. The 203

continuing application shall be returned to the auditor not 204
later than the ~~first Monday in June~~ thirty-first day of 205
December; provided, that if such changes do not affect the 206
status of the homestead exemption or the amount of the reduction 207
to which the owner is entitled under division (A) of section 208
323.152 of the Revised Code or to which the occupant is entitled 209
under section 323.159 of the Revised Code, the application does 210
not need to be returned. 211

(5) Each year during February, the county auditor, except 212
as otherwise provided in this paragraph, shall furnish by 213
ordinary mail an original application to the owner, as of the 214
first day of January of that year, of a homestead or a 215
manufactured or mobile home that transferred during the 216
preceding calendar year and that qualified for and received a 217
reduction in taxes under division (B) of section 323.152 of the 218
Revised Code for the preceding tax year. In order to receive the 219
reduction under that division, the owner shall file the 220
application with the county auditor not later than the ~~first~~ 221
~~Monday in June~~ thirty-first day of December. If the application 222
is not timely filed, the auditor shall not grant a reduction in 223
taxes for the homestead for the current year, and shall notify 224
the owner that the reduction in taxes has not been granted, in 225
the same manner prescribed under section 323.154 of the Revised 226
Code for notification of denial of an application. Failure of an 227
owner to receive an application does not excuse the failure of 228
the owner to file an original application. The county auditor is 229
not required to furnish an application under this paragraph for 230
any homestead for which application has previously been made on 231
a form incorporated into any form used by the county auditor to 232
administer the tax law in respect to the conveyance of real 233
property or of used manufactured homes or used mobile homes, and 234

an owner who previously has applied on such a form is not 235
required to return an application furnished under this 236
paragraph. 237

(D) No person shall knowingly make a false statement for 238
the purpose of obtaining a reduction in the person's real 239
property or manufactured home taxes under section 323.152 of the 240
Revised Code. 241

(E) No person shall knowingly fail to notify the county 242
auditor of changes required by division (C) of this section that 243
have the effect of maintaining or securing a reduction in taxes 244
under section 323.152 of the Revised Code. 245

(F) No person shall knowingly make a false statement or 246
certification attesting to any person's physical or mental 247
condition for purposes of qualifying such person for tax relief 248
pursuant to sections 323.151 to 323.159 of the Revised Code. 249

Sec. 1343.03. (A) In cases other than those provided for 250
in sections 1343.01 and 1343.02 of the Revised Code, when money 251
becomes due and payable upon any bond, bill, note, or other 252
instrument of writing, upon any book account, upon any 253
settlement between parties, upon all verbal contracts entered 254
into, and upon all judgments, decrees, and orders of any 255
judicial tribunal for the payment of money arising out of 256
tortious conduct or a contract or other transaction, the 257
creditor is entitled to interest at the rate per annum 258
determined pursuant to section 5703.47 of the Revised Code, 259
unless a written contract provides a different rate of interest 260
in relation to the money that becomes due and payable, in which 261
case the creditor is entitled to interest at the rate provided 262
in that contract. ~~Notification of the interest rate per annum~~ 263
~~shall be provided pursuant to sections 319.19, 1901.313,~~ 264

~~1907.202, 2303.25, and 5703.47 of the Revised Code.~~ 265

(B) Except as provided in divisions (C) and (D) of this 266
section and subject to section 2325.18 of the Revised Code, 267
interest on a judgment, decree, or order for the payment of 268
money rendered in a civil action based on tortious conduct or a 269
contract or other transaction, including, but not limited to a 270
civil action based on tortious conduct or a contract or other 271
transaction that has been settled by agreement of the parties, 272
shall be computed from the date the judgment, decree, or order 273
is rendered to the date on which the money is paid and shall be 274
at the rate determined pursuant to section 5703.47 of the 275
Revised Code that is in effect on the date the judgment, decree, 276
or order is rendered. That rate shall remain in effect until the 277
judgment, decree, or order is satisfied. 278

(C) (1) If, upon motion of any party to a civil action that 279
is based on tortious conduct, that has not been settled by 280
agreement of the parties, and in which the court has rendered a 281
judgment, decree, or order for the payment of money, the court 282
determines at a hearing held subsequent to the verdict or 283
decision in the action that the party required to pay the money 284
failed to make a good faith effort to settle the case and that 285
the party to whom the money is to be paid did not fail to make a 286
good faith effort to settle the case, interest on the judgment, 287
decree, or order shall be computed as follows: 288

(a) In an action in which the party required to pay the 289
money has admitted liability in a pleading, from the date the 290
cause of action accrued to the date on which the order, 291
judgment, or decree was rendered; 292

(b) In an action in which the party required to pay the 293
money engaged in the conduct resulting in liability with the 294

deliberate purpose of causing harm to the party to whom the 295
money is to be paid, from the date the cause of action accrued 296
to the date on which the order, judgment, or decree was 297
rendered; 298

(c) In all other actions, for the longer of the following 299
periods: 300

(i) From the date on which the party to whom the money is 301
to be paid gave the first notice described in division (C) (1) (c) 302
(i) of this section to the date on which the judgment, order, or 303
decree was rendered. The period described in division (C) (1) (c) 304
(i) of this section shall apply only if the party to whom the 305
money is to be paid made a reasonable attempt to determine if 306
the party required to pay had insurance coverage for liability 307
for the tortious conduct and gave to the party required to pay 308
and to any identified insurer, as nearly simultaneously as 309
practicable, written notice in person or by certified mail that 310
the cause of action had accrued. 311

(ii) From the date on which the party to whom the money is 312
to be paid filed the pleading on which the judgment, decree, or 313
order was based to the date on which the judgment, decree, or 314
order was rendered. 315

(2) No court shall award interest under division (C) (1) of 316
this section on future damages, as defined in section 2323.56 of 317
the Revised Code, that are found by the trier of fact. 318

(D) Division (B) of this section does not apply to a 319
judgment, decree, or order rendered in a civil action based on 320
tortious conduct or a contract or other transaction, and 321
division (C) of this section does not apply to a judgment, 322
decree, or order rendered in a civil action based on tortious 323

conduct, if a different period for computing interest on it is 324
specified by law, or if it is rendered in an action against the 325
state in the court of claims, or in an action under Chapter 326
4123. of the Revised Code. 327

Sec. 5717.04. This section does not apply to any decision 328
and order of the board made pursuant to section 5703.021 of the 329
Revised Code. Any such decision and order shall be conclusive 330
upon all parties and may not be appealed. 331

The proceeding to obtain a reversal, vacation, or 332
modification of a decision of the board of tax appeals shall be 333
by appeal to the supreme court or the court of appeals for the 334
county in which the property taxed is situate or in which the 335
taxpayer resides. If the taxpayer is a corporation, then the 336
proceeding to obtain such reversal, vacation, or modification 337
shall be by appeal to the supreme court or to the court of 338
appeals for the county in which the property taxed is situate, 339
or the county of residence of the agent for service of process, 340
tax notices, or demands, or the county in which the corporation 341
has its principal place of business. In all other instances, the 342
proceeding to obtain such reversal, vacation, or modification 343
shall be by appeal to the court of appeals for Franklin county. 344

Appeals from decisions of the board determining appeals 345
from decisions of county boards of revision may be instituted by 346
any of the persons who were parties to the appeal before the 347
board of tax appeals, by the person in whose name the property 348
involved in the appeal is listed or sought to be listed, if such 349
person was not a party to the appeal before the board of tax 350
appeals, or by the county auditor of the county in which the 351
property involved in the appeal is located. 352

Appeals from decisions of the board of tax appeals 353

determining appeals from final determinations by the tax 354
commissioner of any preliminary, amended, or final tax 355
assessments, reassessments, valuations, determinations, 356
findings, computations, or orders made by the commissioner may 357
be instituted by any of the persons who were parties to the 358
appeal or application before the board, by the person in whose 359
name the property is listed or sought to be listed, if the 360
decision appealed from determines the valuation or liability of 361
property for taxation and if any such person was not a party to 362
the appeal or application before the board, by the taxpayer or 363
any other person to whom the decision of the board appealed from 364
was by law required to be sent, by the director of budget and 365
management if the revenue affected by the decision of the board 366
appealed from would accrue primarily to the state treasury, by 367
the county auditor of the county to the undivided general tax 368
funds of which the revenues affected by the decision of the 369
board appealed from would primarily accrue, or by the tax 370
commissioner. 371

Appeals from decisions of the board upon all other appeals 372
or applications filed with and determined by the board may be 373
instituted by any of the persons who were parties to such appeal 374
or application before the board, by any persons to whom the 375
decision of the board appealed from was by law required to be 376
sent, or by any other person to whom the board sent the decision 377
appealed from, as authorized by section 5717.03 of the Revised 378
Code. 379

Such appeals shall be taken within thirty days after the 380
date of the entry of the decision of the board on the journal of 381
its proceedings, as provided by such section, by the filing by 382
appellant of a notice of appeal with the court to which the 383
appeal is taken and the board. If the appeal is of a decision of 384

the board on an action originally brought under section 5717.01 385
of the Revised Code, the appellant also shall submit, at the 386
same time, a copy of the notice of appeal to the county board of 387
revision and the county auditor. If a timely notice of appeal is 388
filed by a party, any other party may file a notice of appeal 389
within ten days of the date on which the first notice of appeal 390
was filed or within the time otherwise prescribed in this 391
section, whichever is later. A notice of appeal shall set forth 392
the decision of the board appealed from and the errors therein 393
complained of. Proof of the filing of such notice with the board 394
of tax appeals shall be filed with the court to which the appeal 395
is being taken. The court in which notice of appeal is first 396
filed shall have exclusive jurisdiction of the appeal. 397

In all such appeals the commissioner or all persons to 398
whom the decision of the board appealed from is required by such 399
section to be sent, other than the appellant, shall be made 400
appellees. Unless waived, notice of the appeal shall be served 401
upon all appellees by certified mail. The prosecuting attorney 402
shall represent the county auditor in any such appeal in which 403
the auditor is a party. 404

The board, upon written demand filed by an appellant, 405
shall within thirty days after the filing of such demand file 406
with the court to which the appeal is being taken a certified 407
transcript of the record of the proceedings of the board 408
pertaining to the decision complained of and the evidence 409
considered by the board in making such decision. 410

If upon hearing and consideration of such record and 411
evidence the court decides that the decision of the board 412
appealed from is reasonable and lawful it shall affirm the same, 413
but if the court decides that such decision of the board is 414

unreasonable or unlawful, the court shall reverse and vacate the 415
decision or modify it and enter final judgment in accordance 416
with such modification. 417

The clerk of the court shall certify the judgment of the 418
court to the board, which shall certify such judgment to such 419
public officials or take such other action in connection 420
therewith as is required to give effect to the decision. The 421
"taxpayer" includes any person required to return any property 422
for taxation. 423

Any party to the appeal shall have the right to appeal 424
from the judgment of the court of appeals on questions of law, 425
as in other cases. 426

Sec. 5719.042. After the award by a taxing district of any 427
contract let by competitive bid and prior to the time the 428
contract is entered into, the person making a bid shall submit 429
to the district's fiscal officer a statement affirmed under oath 430
that the person with whom the contract is to be made was not 431
charged at the time the bid was submitted with any delinquent 432
personal property taxes on the general tax list of personal 433
property of any county in which the taxing district has 434
territory or that such person was charged with delinquent 435
personal property taxes on any such tax list, in which case the 436
statement shall also set forth the amount of such due and unpaid 437
delinquent taxes and any due and unpaid penalties and interest 438
thereon. ~~If~~ 439

If the statement indicates that the taxpayer was charged 440
with any such taxes, all of the following apply: 441

(A) The fiscal officer shall transmit a copy of the 442
statement ~~shall be transmitted by the fiscal officer to the~~ 443

county treasurer within thirty days of the date it is submitted. 444

(B) A copy of ~~the that~~ statement shall ~~also~~ be 445
incorporated into the contract, ~~and no~~. 446

(C) No payment shall be made with respect to any contract 447
to which this section applies unless ~~such that~~ statement has 448
been ~~so~~ incorporated as ~~a part thereof~~ required under division 449
(B) of this section. 450

Sec. 5747.51. (A) On or before the twenty-fifth day of 451
July of each year, the tax commissioner shall make and certify 452
to the county auditor of each county an estimate of the amount 453
of the local government fund to be allocated to the undivided 454
local government fund of each county for the ensuing calendar 455
year. 456

(B) At each annual regular session of the county budget 457
commission convened pursuant to section 5705.27 of the Revised 458
Code, each auditor shall present to the commission the 459
certificate of the commissioner, the annual tax budget and 460
estimates, and the records showing the action of the commission 461
in its last preceding regular session. The commission, after 462
extending to the representatives of each subdivision an 463
opportunity to be heard, under oath administered by any member 464
of the commission, and considering all the facts and information 465
presented to it by the auditor, shall determine the amount of 466
the undivided local government fund needed by and to be 467
apportioned to each subdivision for current operating expenses, 468
as shown in the tax budget of the subdivision. This 469
determination shall be made pursuant to divisions (C) to (I) of 470
this section, unless the commission has provided for a formula 471
pursuant to section 5747.53 of the Revised Code. 472

Nothing in this section prevents the budget commission, 473
for the purpose of apportioning the undivided local government 474
fund, from inquiring into the claimed needs of any subdivision 475
as stated in its tax budget, or from adjusting claimed needs to 476
reflect actual needs. For the purposes of this section, "current 477
operating expenses" means the lawful expenditures of a 478
subdivision, except those for permanent improvements and except 479
payments for interest, sinking fund, and retirement of bonds, 480
notes, and certificates of indebtedness of the subdivision. 481

(C) The commission shall determine the combined total of 482
the estimated expenditures, including transfers, from the 483
general fund and any special funds other than special funds 484
established for road and bridge; street construction, 485
maintenance, and repair; state highway improvement; and gas, 486
water, sewer, and electric public utilities operated by a 487
subdivision, as shown in the subdivision's tax budget for the 488
ensuing calendar year. 489

(D) From the combined total of expenditures calculated 490
pursuant to division (C) of this section, the commission shall 491
deduct the following expenditures, if included in these funds in 492
the tax budget: 493

(1) Expenditures for permanent improvements as defined in 494
division (E) of section 5705.01 of the Revised Code; 495

(2) In the case of counties and townships, transfers to 496
the road and bridge fund, and in the case of municipalities, 497
transfers to the street construction, maintenance, and repair 498
fund and the state highway improvement fund; 499

(3) Expenditures for the payment of debt charges; 500

(4) Expenditures for the payment of judgments. 501

(E) In addition to the deductions made pursuant to 502
division (D) of this section, revenues accruing to the general 503
fund and any special fund considered under division (C) of this 504
section from the following sources shall be deducted from the 505
combined total of expenditures calculated pursuant to division 506
(C) of this section: 507

(1) Taxes levied within the ten-mill limitation, as 508
defined in section 5705.02 of the Revised Code; 509

(2) The budget commission allocation of estimated county 510
public library fund revenues to be distributed pursuant to 511
section 5747.48 of the Revised Code; 512

(3) Estimated unencumbered balances as shown on the tax 513
budget as of the thirty-first day of December of the current 514
year in the general fund, but not any estimated balance in any 515
special fund considered in division (C) of this section; 516

(4) Revenue, including transfers, shown in the general 517
fund and any special funds other than special funds established 518
for road and bridge; street construction, maintenance, and 519
repair; state highway improvement; and gas, water, sewer, and 520
electric public utilities, from all other sources except those 521
that a subdivision receives from an additional tax or service 522
charge voted by its electorate or receives from special 523
assessment or revenue bond collection. For the purposes of this 524
division, where the charter of a municipal corporation prohibits 525
the levy of an income tax, an income tax levied by the 526
legislative authority of such municipal corporation pursuant to 527
an amendment of the charter of that municipal corporation to 528
authorize such a levy represents an additional tax voted by the 529
electorate of that municipal corporation. For the purposes of 530
this division, any measure adopted by a board of county 531

commissioners pursuant to section 322.02, 324.02, 4504.02, or 532
5739.021 of the Revised Code, including those measures upheld by 533
the electorate in a referendum conducted pursuant to section 534
322.021, 324.021, 4504.021, or 5739.022 of the Revised Code, 535
shall not be considered an additional tax voted by the 536
electorate. 537

Subject to division (G) of section 5705.29 of the Revised 538
Code, money in a reserve balance account established by a 539
county, township, or municipal corporation under section 5705.13 540
of the Revised Code shall not be considered an unencumbered 541
balance or revenue under division (E) (3) or (4) of this section. 542
Money in a reserve balance account established by a township 543
under section 5705.132 of the Revised Code shall not be 544
considered an unencumbered balance or revenue under division (E) 545
(3) or (4) of this section. 546

If a county, township, or municipal corporation has 547
created and maintains a nonexpendable trust fund under section 548
5705.131 of the Revised Code, the principal of the fund, and any 549
additions to the principal arising from sources other than the 550
reinvestment of investment earnings arising from such a fund, 551
shall not be considered an unencumbered balance or revenue under 552
division (E) (3) or (4) of this section. Only investment earnings 553
arising from investment of the principal or investment of such 554
additions to principal may be considered an unencumbered balance 555
or revenue under those divisions. 556

(F) The total expenditures calculated pursuant to division 557
(C) of this section, less the deductions authorized in divisions 558
(D) and (E) of this section, shall be known as the "relative 559
need" of the subdivision, for the purposes of this section. 560

(G) The budget commission shall total the relative need of 561

all participating subdivisions in the county, and shall compute 562
a relative need factor by dividing the total estimate of the 563
undivided local government fund by the total relative need of 564
all participating subdivisions. 565

(H) The relative need of each subdivision shall be 566
multiplied by the relative need factor to determine the 567
proportionate share of the subdivision in the undivided local 568
government fund of the county; provided, that the maximum 569
proportionate share of a county shall not exceed the following 570
maximum percentages of the total estimate of the undivided local 571
government fund governed by the relationship of the percentage 572
of the population of the county that resides within municipal 573
corporations within the county to the total population of the 574
county as reported in the reports on population in Ohio by the 575
department of development as of the twentieth day of July of the 576
year in which the tax budget is filed with the budget 577
commission: 578

Percentage of municipal population within the county:	Percentage share of the county shall not exceed:	
Less than forty-one per cent	Sixty per cent	579
Forty-one per cent or more but less than eighty-one per cent	Fifty per cent	580
Eighty-one per cent or more	Thirty per cent	581

Where the proportionate share of the county exceeds the 586
limitations established in this division, the budget commission 587
shall adjust the proportionate shares determined pursuant to 588
this division so that the proportionate share of the county does 589
not exceed these limitations, and it shall increase the 590
proportionate shares of all other subdivisions on a pro rata 591

basis. In counties having a population of less than one hundred 592
thousand, not less than ten per cent shall be distributed to the 593
townships therein. 594

(I) The proportionate share of each subdivision in the 595
undivided local government fund determined pursuant to division 596
(H) of this section for any calendar year shall not be less than 597
the product of the average of the percentages of the undivided 598
local government fund of the county as apportioned to that 599
subdivision for the calendar years 1968, 1969, and 1970, 600
multiplied by the total amount of the undivided local government 601
fund of the county apportioned pursuant to former section 602
5735.23 of the Revised Code for the calendar year 1970. For the 603
purposes of this division, the total apportioned amount for the 604
calendar year 1970 shall be the amount actually allocated to the 605
county in 1970 from the state collected intangible tax as levied 606
by section 5707.03 of the Revised Code and distributed pursuant 607
to section 5725.24 of the Revised Code, plus the amount received 608
by the county in the calendar year 1970 pursuant to division (B) 609
(1) of former section 5739.21 of the Revised Code, and 610
distributed pursuant to former section 5739.22 of the Revised 611
Code. If the total amount of the undivided local government fund 612
for any calendar year is less than the amount of the undivided 613
local government fund apportioned pursuant to former section 614
5739.23 of the Revised Code for the calendar year 1970, the 615
minimum amount guaranteed to each subdivision for that calendar 616
year pursuant to this division shall be reduced on a basis 617
proportionate to the amount by which the amount of the undivided 618
local government fund for that calendar year is less than the 619
amount of the undivided local government fund apportioned for 620
the calendar year 1970. 621

(J) On the basis of such apportionment, the county auditor 622

shall compute the percentage share of each such subdivision in 623
the undivided local government fund and shall at the same time 624
certify to the tax commissioner the percentage share of the 625
county as a subdivision. No payment shall be made from the 626
undivided local government fund, except in accordance with such 627
percentage shares. 628

Within ten days after the budget commission has made its 629
apportionment, whether conducted pursuant to section 5747.51 or 630
5747.53 of the Revised Code, the auditor shall publish a list of 631
the subdivisions and the amount each is to receive from the 632
undivided local government fund and the percentage share of each 633
subdivision, in a newspaper or newspapers of countywide 634
circulation, and send a copy of such allocation to the tax 635
commissioner. 636

The county auditor shall also send ~~by certified mail,~~ 637
~~return receipt requested,~~ a copy of such allocation by ordinary 638
or electronic mail to the fiscal officer of each subdivision 639
entitled to participate in the allocation of the undivided local 640
government fund of the county. This copy shall constitute the 641
official notice of the commission action referred to in section 642
5705.37 of the Revised Code. 643

All money received into the treasury of a subdivision from 644
the undivided local government fund in a county treasury shall 645
be paid into the general fund and used for the current operating 646
expenses of the subdivision. 647

If a municipal corporation maintains a municipal 648
university, such municipal university, when the board of 649
trustees so requests the legislative authority of the municipal 650
corporation, shall participate in the money apportioned to such 651
municipal corporation from the total local government fund, 652

however created and constituted, in such amount as requested by 653
the board of trustees, provided such sum does not exceed nine 654
per cent of the total amount paid to the municipal corporation. 655

If any public official fails to maintain the records 656
required by sections 5747.50 to 5747.55 of the Revised Code or 657
by the rules issued by the tax commissioner, the auditor of 658
state, or the treasurer of state pursuant to such sections, or 659
fails to comply with any law relating to the enforcement of such 660
sections, the local government fund money allocated to the 661
county may be withheld until such time as the public official 662
has complied with such sections or such law or the rules issued 663
pursuant thereto. 664

Section 2. That existing sections 323.153, 1343.03, 665
5717.04, 5719.042, and 5747.51 and sections 319.19, 1318.01, 666
1318.02, 1318.03, 1318.04, 1318.05, 1318.06, 1318.07, 1318.08, 667
1318.99, 1901.313, 1907.202, 2303.25, 3765.01, 3765.02, 3765.03, 668
3765.04, and 5709.23 of the Revised Code are hereby repealed. 669