

S.B. 226
As Passed by the Senate

Topic: School safety and mental health levy; emergency clause

_____ moved to amend as follows:

In line 1 of the title, after "sections" insert "3311.50, 1
5705.215," 2

In line 5 of the title, after "tax" insert ", to authorize a 3
county school financing district property tax for school safety, 4
security, and mental health services, and to declare an emergency" 5

In line 6, after "sections" insert "3311.50, 5705.215," 6

After line 7, insert: 7

"**Sec. 3311.50.** (A) As used in this section, "county school 8
financing district" means a taxing district consisting of the 9
following territory: 10

(1) The territory that constitutes the educational service 11
center on the date that the governing board of that educational 12
service center adopts a resolution under division (B) of this 13
section declaring that the territory of the educational service 14
center is a county school financing district, exclusive of any 15
territory subsequently withdrawn from the district under division 16
(D) of this section; 17

(2) Any territory that has been added to the county school 18
financing district under this section. 19

A county school financing district may include the territory 20
of a city, local, or exempted village school district whose 21
territory also is included in the territory of one or more other 22
county school financing districts. 23

(B) The governing board of any educational service center 24
may, by resolution, declare that the territory of the educational 25
service center is a county school financing district. The 26
resolution shall state the purpose for which the county school 27
financing district is created, which may be for any one or more of 28
the following purposes: 29

(1) To levy taxes for the provision of special education by 30
the school districts that are a part of the district, including 31
taxes for permanent improvements for special education; 32

(2) To levy taxes for the provision of specified educational 33
programs and services by the school districts that are a part of 34
the district, as identified in the resolution creating the 35
district, including the levying of taxes for permanent 36
improvements for those programs and services~~+~~. Services financed 37
by the levy may include school safety and security and mental 38
health services, including training and employment of or 39
contracting for the services of safety personnel, mental health 40
personnel, social workers, and counselors. 41

(3) To levy taxes for permanent improvements of school 42
districts that are a part of the district. 43

The governing board of the educational service center that 44
creates a county school financing district shall serve as the 45
taxing authority of the district and may use educational service 46
center governing board employees to perform any of the functions 47
necessary in the performance of its duties as a taxing authority. 48
A county school financing district shall not employ any personnel. 49

With the approval of a majority of the members of the board of education of each school district within the territory of the county school financing district, the taxing authority of the financing district may amend the resolution creating the district to broaden or narrow the purposes for which it was created.

A governing board of an educational service center may create more than one county school financing district. If a governing board of an educational service center creates more than one such district, it shall clearly distinguish among the districts it creates by including a designation of each district's purpose in the district's name.

(C) A majority of the members of a board of education of a city, local, or exempted village school district may adopt a resolution requesting that its territory be joined with the territory of any county school financing district. Copies of the resolution shall be filed with the state board of education and the taxing authority of the county school financing district. Within sixty days of its receipt of such a resolution, the county school financing district's taxing authority shall vote on the question of whether to accept the school district's territory as part of the county school financing district. If a majority of the members of the taxing authority vote to accept the territory, the school district's territory shall thereupon become a part of the county school financing district unless the county school financing district has in effect a tax imposed under section ~~5705.211~~ 5705.215 of the Revised Code. If the county school financing district has such a tax in effect, the taxing authority shall certify a copy of its resolution accepting the school district's territory to the school district's board of education, which may then adopt a resolution, with the affirmative vote of a majority of its members, proposing the submission to the electors

of the question of whether the district's territory shall become a 81
part of the county school financing district and subject to the 82
taxes imposed by the financing district. The resolution shall set 83
forth the date on which the question shall be submitted to the 84
electors, which shall be at a special election held on a date 85
specified in the resolution, which shall not be earlier than 86
ninety days after the adoption and certification of the 87
resolution. A copy of the resolution shall immediately be 88
certified to the board of elections of the proper county, which 89
shall make arrangements for the submission of the proposal to the 90
electors of the school district. The board of the joining district 91
shall publish notice of the election in a newspaper of general 92
circulation in the county once a week for two consecutive weeks, 93
or as provided in section 7.16 of the Revised Code, prior to the 94
election. Additionally, if the board of elections operates and 95
maintains a web site, the board of elections shall post notice of 96
the election on its web site for thirty days prior to the 97
election. The question appearing on the ballot shall read: 98

"Shall the territory within (name of the school 99
district proposing to join the county school financing district) 100
..... be added to (name) county school 101
financing district, and a property tax for the purposes of 102
..... (here insert purposes) at a rate of taxation 103
not exceeding (here insert the outstanding tax rate) 104
..... be in effect for (here insert the number of 105
years the tax is to be in effect or "a continuing period of time," 106
as applicable)?" 107

If the proposal is approved by a majority of the electors 108
voting on it, the joinder shall take effect on the first day of 109
July following the date of the election, and the county board of 110
elections shall notify the county auditor of each county in which 111

the school district joining its territory to the county school 112
financing district is located. 113

(D) The board of any city, local, or exempted village school 114
district whose territory is part of a county school financing 115
district may withdraw its territory from the county school 116
financing district thirty days after submitting to the governing 117
board that is the taxing authority of the district and the state 118
board a resolution proclaiming such withdrawal, adopted by a 119
majority vote of its members, but any county school financing 120
district tax levied in such territory on the effective date of the 121
withdrawal shall remain in effect in such territory until such tax 122
expires or is renewed. No board may adopt a resolution withdrawing 123
from a county school financing district that would take effect 124
during the forty-five days preceding the date of an election at 125
which a levy proposed under section 5705.215 of the Revised Code 126
is to be voted upon. 127

(E) A city, local, or exempted village school district does 128
not lose its separate identity or legal existence by reason of 129
joining its territory to a county school financing district under 130
this section and an educational service center does not lose its 131
separate identity or legal existence by reason of creating a 132
county school financing district that accepts or loses territory 133
under this section. 134

Sec. 5705.215. (A) The governing board of an educational 135
service center that is the taxing authority of a county school 136
financing district, upon receipt of identical resolutions adopted 137
within a sixty-day period by a majority of the members of the 138
board of education of each school district that is within the 139
territory of the county school financing district, may submit a 140
tax levy to the electors of the territory in the same manner as a 141

school board may submit a levy under division (C) of section 142
5705.21 of the Revised Code, except that: 143

(1) The levy may be for a period not to exceed ten years, or, 144
if the levy is solely for the purpose or purposes described in 145
division (A)(2)(a) ~~or~~, (c), or (f) of this section, for a 146
continuing period of time. 147

(2) The purpose of the levy shall be one or more of the 148
following: 149

(a) For current expenses for the provision of special 150
education and related services within the territory of the 151
district; 152

(b) For permanent improvements within the territory of the 153
district for special education and related services; 154

(c) For current expenses for specified educational programs 155
within the territory of the district; 156

(d) For permanent improvements within the territory of the 157
district for specified educational programs; 158

(e) For permanent improvements within the territory of the 159
district; 160

(f) For current expenses for school safety and security and 161
mental health services, including training and employment of or 162
contracting for the services of safety personnel, mental health 163
personnel, social workers, and counselors. 164

(B) If the levy provides for but is not limited to current 165
expenses, the resolutions shall apportion the annual rate of the 166
levy between current expenses and the other purposes. The 167
apportionment need not be the same for each year of the levy, but 168
the respective portions of the rate actually levied each year for 169
current expenses and the other purposes shall be limited by that 170

apportionment. 171

(C) Prior to the application of section 319.301 of the Revised Code, the rate of a levy that is limited to, or to the extent that it is apportioned to, purposes other than current expenses shall be reduced in the same proportion in which the district's total valuation increases during the life of the levy because of additions to such valuation that have resulted from improvements added to the tax list and duplicate. 172-178

(D) After the approval of a county school financing district levy under this section, the taxing authority may anticipate a fraction of the proceeds of such levy and may from time to time during the life of such levy, but in any given year prior to the time when the tax collection from such levy can be made for that year, issue anticipation notes in an amount not exceeding fifty per cent of the estimated proceeds of the levy to be collected in each year up to a period of five years after the date of the issuance of such notes, less an amount equal to the proceeds of such levy obligated for each year by the issuance of anticipation notes, provided that the total amount maturing in any one year shall not exceed fifty per cent of the anticipated proceeds of the levy for that year. Each issue of notes shall be sold as provided in Chapter 133. of the Revised Code, and shall, except for such limitation that the total amount of such notes maturing in any one year shall not exceed fifty per cent of the anticipated proceeds of such levy for that year, mature serially in substantially equal installments during each year over a period not to exceed five years after their issuance. 179-197

(E)(1) In a resolution to be submitted to the taxing authority of a county school financing district under division (A) of this section calling for a ballot issue on the question of the 198-200

levying of a tax for a continuing period of time by the taxing authority, the board of education of a school district that is part of the territory of the county school financing district also may propose to reduce the rate of one or more of that school district's property taxes levied for a continuing period of time in excess of the ten-mill limitation. The reduction in the rate of a property tax may be any amount, expressed in mills per one dollar of valuation, not exceeding the rate at which the tax is authorized to be levied. The reduction in the rate of a tax shall first take effect in the same year that the county school financing district tax takes effect, and shall continue for each year that the county school financing district tax is in effect. A board of education's resolution proposing to reduce the rate of one or more of its school district property taxes shall specifically identify each such tax and shall state for each tax the maximum rate at which it currently may be levied and the maximum rate at which it could be levied after the proposed reduction, expressed in mills per one dollar of valuation.

Before submitting the resolution to the taxing authority of the county school financing district, the board of education of the school district shall certify a copy of it to the tax commissioner. Within ten days of receiving the copy, the tax commissioner shall certify to the board the reduction in the school district's total effective tax rate for each class of property that would have resulted if the proposed reduction in the rate or rates had been in effect the previous year. After receiving the certification from the commissioner, the board may amend its resolution to change the proposed property tax rate reduction before submitting the resolution to the financing district taxing authority. As used in this paragraph, "effective tax rate" has the same meaning as in section 323.08 of the Revised

Code. 232

If the board of education of a school district that is part 233
of the territory of a county school financing district adopts a 234
resolution proposing to reduce the rate of one or more of its 235
property taxes in conjunction with the levying of a tax by the 236
financing district, the resolution submitted by the board to the 237
taxing authority of the financing district under division (A) of 238
this section does not have to be identical in this respect to the 239
resolutions submitted by the boards of education of the other 240
school districts that are part of the territory of the county 241
school financing district. 242

(2) Each school district that is part of the territory of a 243
county school financing district may tailor to its own situation a 244
proposed reduction in one or more property tax rates in 245
conjunction with the proposed levying of a tax by the county 246
school financing district; if one such school district proposes a 247
reduction in one or more tax rates, another school district may 248
propose a reduction of a different size or may propose no 249
reduction. Within each school district that is part of the 250
territory of the county school financing district, the electors 251
shall vote on one ballot issue combining the question of the 252
levying of the tax by the taxing authority of the county school 253
financing district with, if any such reduction is proposed, the 254
question of the reduction in the rate of one or more taxes of the 255
school district. If a majority of the electors of the county 256
school financing district voting on the question of the proposed 257
levying of a tax by the taxing authority of the financing district 258
vote to approve the question, any tax reductions proposed by 259
school districts that are part of the territory of the financing 260
district also are approved. 261

(3) The form of the ballot for an issue proposing to levy a county school financing district tax in conjunction with the reduction of the rate of one or more school district taxes shall be as follows:

"Shall the (name of the county school financing district) be authorized to levy an additional tax for (purpose stated in the resolutions) at a rate not exceeding mills for each one dollar of valuation, which amounts to (rate expressed in dollars and cents) for each one hundred dollars of valuation, for a continuing period of time? If the county school financing district tax is approved, the rate of an existing tax currently levied by the (name of the school district of which the elector is a resident) at the rate of mills for each one dollar of valuation shall be reduced to mills until any such time as the county school financing district tax is decreased or repealed.

	For the issue
	Against the issue

If the board of education of the school district proposes to reduce the rate of more than one of its existing taxes, the second sentence of the ballot language shall be modified for residents of that district to express the rates at which those taxes currently are levied and the rates to which they would be reduced. If the board of education of the school district does not propose to reduce the rate of any of its taxes, the second sentence of the ballot language shall not be used for residents of that district. In any case, the first sentence of the ballot language shall be the same for all the electors in the county school financing

district, but the second sentence shall be different in each 292
 school district depending on whether and in what amount the board 293
 of education of the school district proposes to reduce the rate of 294
 one or more of its property taxes. 295

(4) If the rate of a school district property tax is reduced 296
 pursuant to this division, the tax commissioner shall compute the 297
 percentage required to be computed for that tax under division (D) 298
 of section 319.301 of the Revised Code each year the rate is 299
 reduced as if the tax had been levied in the preceding year at the 300
 rate to which it has been reduced. If the reduced rate of a tax is 301
 increased under division (E)(5) of this section, the commissioner 302
 shall compute the percentage required to be computed for that tax 303
 under division (D) of section 319.301 of the Revised Code each 304
 year the rate is increased as if the tax had been levied in the 305
 preceding year at the rate to which it has been increased. 306

(5) After the levying of a county school financing district 307
 tax in conjunction with the reduction of the rate of one or more 308
 school district taxes is approved by the electors under this 309
 division, if the rate of the county school financing district tax 310
 is decreased pursuant to an election under section 5705.261 of the 311
 Revised Code, the rate of each school district tax that had been 312
 reduced shall be increased by the number of mills obtained by 313
 multiplying the number of mills of the original reduction by the 314
 same percentage that the financing district tax rate is decreased. 315
 If the county school financing district tax is repealed pursuant 316
 to an election under section 5705.261 of the Revised Code, each 317
 school district may resume levying the property taxes that had 318
 been reduced at the full rate originally approved by the electors. 319
 A reduction in the rate of a school district property tax under 320
 this division is a reduction in the rate at which the board of 321
 education may levy that tax only for the period during which the 322

county school financing district tax is levied prior to any
 decrease or repeal under section 5705.261 of the Revised Code. The
 resumption of the authority of the board of education to levy an
 increased or the full rate of tax does not constitute the levying
 of a new tax in excess of the ten-mill limitation.

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(F) If a county school financing district has a tax in effect
 under this section, the territory of a city, local, or exempted
 village school district that is not a part of the county school
 financing district shall not become a part of the county school
 financing district unless approved by the electors of the city,
 local, or exempted village school district in accordance with
 division (C) of section 3311.50 of the Revised Code."

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In line 974, after "sections" insert "3311.50, 5705.215,"

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After line 975, insert:

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"Section 3. This act is hereby declared to be an emergency
 measure necessary for the immediate preservation of the public
 peace, health, and safety. The reason for such necessity is to
 permit governing boards of educational service centers that are
 the taxing authorities of county school financing districts to
 submit levies to the electors of their territories for school
 safety and security as soon as possible. Therefore, this act shall
 go into immediate effect."

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The motion was _____ agreed to.