

_____ moved to amend as follows:

In line 1 of the title, delete "section" and insert "sections"; 1
after "319.301" insert ", 323.32, 5705.01, 5705.03, 5705.194, and 5709.92 2
and to enact sections 5705.195, 5705.196, and 5705.197"; after "to" insert 3
"generally" 4

In line 2 of the title, delete "all" 5

In line 3 of the title, after "floor" insert "and to authorize, with 6
limitations, school district fixed-sum levies" 7

In line 4, delete "section" and insert "sections"; after "319.301" 8
insert ", 323.32, 5705.01, 5705.03, 5705.194, and 5709.92 be amended and 9
sections 5705.195, 5705.196, and 5705.197" 10

In line 5, delete "amended" and insert "enacted" 11

Delete lines 6 through 190 12

After line 190, insert: 13

"Sec. 319.301. (A) The reductions required by division 14
(D) of this section do not apply to any of the following: 15

| | |
|--|----|
| (1) Taxes levied at whatever rate is required to produce a | 16 |
| specified amount of tax money, including a tax levied under | 17 |
| section 5705.199 or 5748.09 of the Revised Code, or an amount to | 18 |
| pay debt charges; | 19 |
| (2) Taxes levied within the one per cent limitation | 20 |
| imposed by Section 2 of Article XII, Ohio Constitution; | 21 |
| (3) Taxes provided for by the charter of a municipal | 22 |
| corporation. | 23 |
| (B) As used in this section: | 24 |
| (1) "Real property" includes real property owned by a | 25 |
| railroad. | 26 |
| (2) "Carryover property" means all real property on the | 27 |
| current year's tax list except: | 28 |
| (a) Land and improvements that were not taxed by the | 29 |
| district in both the preceding year and the current year; | 30 |
| (b) Land and improvements that were not in the same class | 31 |
| in both the preceding year and the current year. | 32 |
| (3) "Effective tax rate" means with respect to each class | 33 |
| of property: | 34 |
| (a) The sum of the total taxes that would have been | 35 |
| charged and payable for current expenses against real property | 36 |
| in that class if each of the district's taxes were reduced for | 37 |
| the current year under division (D)(1) of this section without | 38 |
| regard to the application of division (E)(3) of this section | 39 |
| divided by | 40 |
| (b) The taxable value of all real property in that class. | 41 |
| (4) "Taxes charged and payable" means the taxes charged | 42 |

and payable prior to any reduction required by section 319.302 43
of the Revised Code. 44

(C) The tax commissioner shall make the determinations 45
required by this section each year, without regard to whether a 46
taxing district has territory in a county to which section 47
5715.24 of the Revised Code applies for that year. Separate 48
determinations shall be made for each of the two classes 49
established pursuant to section 5713.041 of the Revised Code. 50

(D) With respect to each tax authorized to be levied by 51
each taxing district, the tax commissioner, annually, shall do 52
both of the following: 53

(1) Determine by what percentage, if any, the sums levied 54
by such tax against the carryover property in each class would 55
have to be reduced for the tax to levy the same number of 56
dollars against such property in that class in the current year 57
as were charged against such property by such tax in the 58
preceding year subsequent to the reduction made under this 59
section but before the reduction made under section 319.302 of 60
the Revised Code. In the case of a tax levied for the first time 61
that is not a renewal of an existing tax, the commissioner shall 62
determine by what percentage the sums that would otherwise be 63
levied by such tax against carryover property in each class 64
would have to be reduced to equal the amount that would have 65
been levied if the full rate thereof had been imposed against 66
the total taxable value of such property in the preceding tax 67
year. 68

(2) Certify each percentage determined in division (D) (1) 69
of this section, as adjusted under division (E) of this section, 70
and the class of property to which that percentage applies to 71
the auditor of each county in which the district has territory. 72

The auditor, after complying with section 319.30 of the Revised Code, shall reduce the sum to be levied by such tax against each parcel of real property in the district by the percentage so certified for its class. Certification shall be made by the first day of September except in the case of a tax levied for the first time, in which case certification shall be made within fifteen days of the date the county auditor submits the information necessary to make the required determination.

(E) (1) As used in division (E) (2) of this section, "pre-1982 joint vocational taxes" means, with respect to a class of property, the difference between the following amounts:

(a) The taxes charged and payable in tax year 1981 against the property in that class for the current expenses of the joint vocational school district of which the school district is a part after making all reductions under this section;

(b) Two-tenths of one per cent of the taxable value of all real property in that class.

If the amount in division (E) (1) (b) of this section exceeds the amount in division (E) (1) (a) of this section, the pre-1982 joint vocational taxes shall be zero.

As used in divisions (E) (2) and (3) of this section, "taxes charged and payable" has the same meaning as in division (B) (4) of this section and excludes any tax charged and payable ~~in 1985 or thereafter from a tax levied under sections 5705.194 to 5705.197 or section 5705.194 or 5705.199, 5705.213, 5705.219, or 5748.09 of the Revised Code that is approved by electors at an election held before January 1, 2026, until the first tax year, starting in tax year 2026, that section 5715.24 applies in a county that includes territory of the school district.~~

(2) If in the case of a school district other than a joint vocational or cooperative education school district any percentage required to be used in division (D) (2) of this section for either class of property could cause the total taxes charged and payable for current expenses to be less than two per cent of the taxable value of all real property in that class that is subject to taxation by the district, the commissioner shall determine what percentages would cause the district's total taxes charged and payable for current expenses against that class, after all reductions that would otherwise be made under this section, to equal, when combined with the pre-1982 joint vocational taxes against that class, the lesser of the following:

(a) The sum of the rates at which those taxes are authorized to be levied;

(b) Two per cent of the taxable value of the property in that class. The auditor shall use such percentages in making the reduction required by this section for that class.

(3) If in the case of a joint vocational school district any percentage required to be used in division (D) (2) of this section for either class of property could cause the total taxes charged and payable for current expenses for that class to be less than two-tenths of one per cent of the taxable value of that class, the commissioner shall determine what percentages would cause the district's total taxes charged and payable for current expenses for that class, after all reductions that would otherwise be made under this section, to equal that amount. The auditor shall use such percentages in making the reductions required by this section for that class.

(4) If a school district is affected by division (E) (2) or

(3) of this section for either class of property, and additional 132
current expense taxes are levied or are included in the 133
definition of taxes charged and payable, then, for the first tax 134
year those taxes are levied or included, the reduction computed 135
under division (D) of this section for that district shall be 136
computed as though the sums of current expenses taxes levied for 137
the district and charged against that class in the preceding tax 138
year were equivalent to two per cent or two-tenths of one per 139
cent, respectively, of the taxable value of all real property in 140
that class. 141

(F) No reduction shall be made under this section in the 142
rate at which any tax is levied. 143

(G) The commissioner may order a county auditor to furnish 144
any information the commissioner needs to make the 145
determinations required under division (D) or (E) of this 146
section, and the auditor shall supply the information in the 147
form and by the date specified in the order. If the auditor 148
fails to comply with an order issued under this division, except 149
for good cause as determined by the commissioner, the 150
commissioner shall withhold from such county or taxing district 151
therein fifty per cent of state revenues to local governments 152
pursuant to section 5747.50 of the Revised Code or shall direct 153
the department of education and workforce to withhold therefrom 154
fifty per cent of state revenues to school districts pursuant to 155
Chapter 3317. of the Revised Code. The commissioner shall 156
withhold the distribution of such revenues until the county 157
auditor has complied with this division, and the department 158
shall withhold the distribution of such revenues until the 159
commissioner has notified the department that the county auditor 160
has complied with this division. 161

(H) If the commissioner is unable to certify a tax reduction factor for either class of property in a taxing district located in more than one county by the last day of November because information required under division (G) of this section is unavailable, the commissioner may compute and certify an estimated tax reduction factor for that district for that class. The estimated factor shall be based upon an estimate of the unavailable information. Upon receipt of the actual information for a taxing district that received an estimated tax reduction factor, the commissioner shall compute the actual tax reduction factor and use that factor to compute the taxes that should have been charged and payable against each parcel of property for the year for which the estimated reduction factor was used. The amount by which the estimated factor resulted in an overpayment or underpayment in taxes on any parcel shall be added to or subtracted from the amount due on that parcel in the ensuing tax year.

A percentage or a tax reduction factor determined or computed by the commissioner under this section shall be used solely for the purpose of reducing the sums to be levied by the tax to which it applies for the year for which it was determined or computed. It shall not be used in making any tax computations for any ensuing tax year.

(I) In making the determinations under division (D) (1) of this section, the tax commissioner shall take account of changes in the taxable value of carryover property resulting from complaints filed under section 5715.19 of the Revised Code for determinations made for the tax year in which such changes are reported to the commissioner. Such changes shall be reported to the commissioner on the first abstract of real property filed with the commissioner under section 5715.23 of the Revised Code

following the date on which the complaint is finally determined 193
by the board of revision or by a court or other authority with 194
jurisdiction on appeal. The tax commissioner shall account for 195
such changes in making the determinations only for the tax year 196
in which the change in valuation is reported. Such a valuation 197
change shall not be used to recompute the percentages determined 198
under division (D) (1) of this section for any prior tax year. 199

Sec. 323.32. As used in this section, "railroad note" 200
means a note issued pursuant to a court order in the 201
reorganization of a railroad company under section 77 of the 202
Bankruptcy Act. 203

Notwithstanding any other provision of law to the 204
contrary, with respect to all payments received in settlement of 205
claims arising from delinquent property tax charges and ordered 206
to be paid by a railroad company under a plan of reorganization 207
as ordered by a federal district court in accordance with 208
provisions of Chapter VIII of the "Federal Bankruptcy Act," 11 209
U.S.C.A. 201-208, the following provisions shall apply: 210

(A) Except as provided in division (H) of this section, 211
all of such payments shall be made payable, and delivered, to 212
the county in which the taxing district sharing in a claim for 213
delinquent taxes is located. Any notes included in such payment 214
shall be issued to such county treasurer, who shall be the 215
custodian of all of said notes, and who shall be liable therefor 216
upon the treasurer's bond until such time as said notes mature, 217
are sold, or otherwise lawfully pass from the treasurer's 218
custody. 219

(B) Upon receipt of a payment by cash or check, the county 220
treasurer shall immediately cause such funds to be paid into the 221
county treasury and credited to a special fund established for 222

this purpose, which shall be known as the "undivided bankruptcy
claims fund." All of such moneys so received, including any
earned interest, shall be credited to said fund.

(C) When the total claim for each county has been
satisfied by the receipt of cash or notes, or both, the county
auditor shall remit from the tax list and duplicate of real and
public utility property in each county, all charges appearing
thereon in the name of the railroad company for which such
payment has been made, which are delinquent and unpaid from any
year previous to the tax year 1977.

(D) At any time that funds are present in the undivided
bankruptcy claims fund, either upon initial settlement or at any
later time, the county auditor shall, forthwith, distribute by
auditors' warrant, such funds to the various taxing districts of
the county, in which the property taxes, from which the claim in
bankruptcy has derived, were originally charged. The funds so
distributed shall be apportioned among the various taxing
authorities within each taxing district in the same proportions
as the said taxes were originally levied, taking into account
the various rates of taxation levied for different purposes for
each year in which such taxes were charged and remained unpaid,
and any unpaid special assessments, including compound interest
thereon at the rate of six per cent per annum to January 1,
1978.

In making such distribution, the auditor shall, first,
deduct an amount equal to one per cent of the total amount to be
distributed, as fees for services of the county auditor and
treasurer in making collection and distribution of the claim in
bankruptcy. Such deduction shall be in lieu of all fees provided
for in sections 319.54 and 321.26 of the Revised Code. The

amount so deducted shall be credited to the general fund of the 253
county. 254

If any funds received pursuant to this section represent 255
taxes which, if collected, would have resulted from any ~~general~~ 256
~~or emergency~~ levy which has since expired, such funds may be 257
credited to the general operating fund and expended as though 258
they are proceeds from a current levy, and if any of such funds 259
represent taxes from any current general bond retirement levy or 260
one which has since expired, said funds may be credited to the 261
current bond retirement fund and used to service any current 262
bond indebtedness, or may be credited to the general operating 263
fund of the district, if so designated by a majority of the 264
members of the taxing authority of the taxing district. 265

(E) Except as provided in division (H) of this section, 266
when, as a part of the settlement of a claim in bankruptcy of a 267
reorganized railroad company a county receives notes on behalf 268
of a taxing authority in partial payment of said claim, the 269
county treasurer shall, within a reasonable length of time, 270
notify the taxing authority of each taxing district sharing in 271
the claim that such notes are in the treasurer's custody. Within 272
sixty days of receipt of such notice, each taxing authority 273
shall decide by a resolution approved by a majority of its 274
members whether: 275

(1) The notes shall remain in custody of the county 276
treasurer, as issued, and allowed to mature according to the 277
terms presented on their face with the proceeds to be 278
distributed upon maturity pursuant to division (D) of this 279
section; or 280

(2) The railroad notes shall be exchanged for several new 281
notes in denominations equal to the proportionate share, or 282

portion thereof, of the taxing district having a share in the 283
claim in bankruptcy as determined in division (D) of this 284
section. The new notes shall be distributed, upon receipt, to 285
each taxing authority in full satisfaction of its claim or in 286
full satisfaction of the portion of its claim represented by the 287
notes so received. If notes cannot be issued in denominations 288
equal to the taxing district's proportionate share, the 289
treasurer shall certify to the taxing authority of the district 290
the amount of notes held by the treasurer on behalf of the 291
district and for which notes cannot be issued pursuant to the 292
taxing authority's decision under this subdivision. Upon receipt 293
of such certification, the taxing authority may borrow money and 294
issue notes against such certification in the same manner as is 295
provided by division (F) of this section. 296

If a taxing authority elects the option provided under 297
division (E)(1) of this section, it may at any subsequent time 298
elect instead the option provided under division (E)(2) of this 299
section by resolution approved by a majority of its members. The 300
election of the option provided under division (E)(2) of this 301
section becomes final upon receipt by the taxing authority of 302
the new notes or certification distributed by the county 303
treasurer under such division. 304

Each taxing authority shall certify a copy of any 305
resolution adopted under this division to the county treasurer 306
who shall take appropriate action as directed by each taxing 307
authority. 308

(F) A taxing authority having possession of any railroad 309
note or a treasurer's certification issued under division (E)(2) 310
of this section may, by approval of a majority of its members, 311
borrow money and issue its note in anticipation of the revenue 312

payable on maturity of the railroad note and pledge the railroad 313
note or the proceeds thereof. Such anticipation note shall 314
mature no later than the railroad note and shall be in an amount 315
no greater than seventy per cent of the face amount of said 316
railroad note. By like action a taxing authority may sell any 317
railroad note in its possession at public or private offering 318
for not less than the prevailing market price. Such a sale or 319
borrowing shall be exempt from all other requirements and 320
limitations of the Revised Code, including the requirements of 321
the Uniform Bond Law. 322

(1) If a taxing authority desires to issue delinquent tax 323
bonds pursuant to section 131.23 of the Revised Code prior to 324
either receipt of any payment from a railroad in bankruptcy or 325
utilization of the authority granted in this section, the taxing 326
authority may determine whether or not the net amount of 327
delinquent taxes unpledged for purposes of division (B) (5) of 328
section 131.23 of the Revised Code shall include all or part of 329
the delinquent taxes owed by a railroad, or, if notes have been 330
received pursuant to this section, the unpaid principal amount 331
of such notes. If the taxing authority determines that any such 332
railroad delinquencies or note amount shall be included under 333
section 131.23 of the Revised Code, the amount which may be 334
borrowed pursuant to this section may not exceed seventy per 335
cent of the total face amount of railroad notes remaining after 336
deducting the amount so included. 337

(2) If a taxing authority desires to issue delinquent tax 338
bonds pursuant to section 131.23 of the Revised Code after 339
utilization of the authority granted in this section, the net 340
amount of delinquent taxes unpledged for purposes of division 341
(B) (5) of section 131.23 of the Revised Code may not include the 342
principal amount of railroad notes which have been borrowed 343

against or sold pursuant to this section. 344

(G) When a taxing authority receives a railroad note, the 345
face amount of such note shall not be considered as revenue for 346
any purpose in the year in which the note is received. Upon sale 347
or maturity of the note, any proceeds not pledged pursuant to 348
division (F) of this section shall be considered as 349
unanticipated revenue from a new source and all of the 350
provisions of law pertaining to such revenue, including section 351
5705.36 of the Revised Code, shall apply. 352

(H) When there are present in a county nonrepresented 353
taxing districts as provided in amended substitute house bill 354
336 of the 112th general assembly, all of the provisions of this 355
section shall apply to such districts, except as follows: 356

(1) Payments by cash or check may be made payable, and 357
delivered, directly to the treasurer of the taxing district. Any 358
notes included in the settlement of the district's claim may be 359
issued, and delivered, directly to said treasurer. 360

Upon receipt of any of such payments, the treasurer of the 361
taxing district shall certify, to the county treasurer of the 362
county in which the district is located, the fact of such 363
receipt and the amounts so received. 364

(2) If the claim of a nonrepresented taxing district is 365
not paid directly to the treasurer of the district but is 366
included with payments for the remainder of the county, cash 367
payments included in the initial settlement shall be distributed 368
as provided in divisions (B) and (D) of this section. Any notes 369
received as payment shall be exchanged and distributed to 370
nonrepresented taxing districts upon receipt. 371

Sec. 5705.01. As used in this chapter: 372

(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 corporations, including those that have adopted a charter under Article XVIII, Ohio Constitution.

(C) "Taxing authority" or "bond issuing authority" means any of the following:

(1) In the case of any county, the board of county commissioners; in the case of a municipal corporation, the council or other legislative authority of the municipal corporation; in the case of a city, local, exempted village, cooperative education, or joint vocational school district, the

board of education; in the case of a community college district, 403
the board of trustees of the district; in the case of a 404
technical college district, the board of trustees of the 405
district; in the case of a detention facility district, a 406
district organized under section 2151.65 of the Revised Code, or 407
a combined district organized under sections 2152.41 and 2151.65 408
of the Revised Code, the joint board of county commissioners of 409
the district; in the case of a township, the board of township 410
trustees; in the case of a joint police district, the joint 411
police district board; in the case of a joint fire district, the 412
board of fire district trustees; in the case of a joint 413
recreation district, the joint recreation district board of 414
trustees; in the case of a joint-county alcohol, drug addiction, 415
and mental health service district, the district's board of 416
alcohol, drug addiction, and mental health services; in the case 417
of a joint ambulance district or a fire and ambulance district, 418
the board of trustees of the district; in the case of a union 419
cemetery district, the legislative authority of the municipal 420
corporation and the board of township trustees, acting jointly 421
as described in section 759.341 of the Revised Code; in the case 422
of a drainage improvement district, the board of county 423
commissioners of the county in which the drainage district is 424
located; in the case of a lake facilities authority, the board 425
of directors; in the case of a joint emergency medical services 426
district, the joint board of county commissioners of all 427
counties in which all or any part of the district lies; and in 428
the case of a township police district, a township fire 429
district, a township road district, or a township waste disposal 430
district, the board of township trustees of the township in 431
which the district is located. 432

(2) The educational service center governing board that 433

serves as the taxing authority of a county school financing 434
district as provided in section 3311.50 of the Revised Code, the 435
board of directors of a regional student education district 436
created under section 3313.83 of the Revised Code, and the board 437
of directors of a career-technical cooperative education 438
district created under section 3313.831 of the Revised Code. 439

(3) The governing body responsible for levying a tax for 440
any taxing unit for which a taxing authority is not defined 441
pursuant to division (C) (1) or (2) of this section. 442

(D) "Fiscal officer" in the case of a county, means the 443
county auditor; in the case of a municipal corporation, the city 444
auditor or village clerk, or an officer who, by virtue of the 445
charter, has the duties and functions of the city auditor or 446
village clerk, except that in the case of a municipal university 447
the board of directors of which have assumed, in the manner 448
provided by law, the custody and control of the funds of the 449
university, the chief accounting officer of the university shall 450
perform, with respect to the funds, the duties vested in the 451
fiscal officer of the subdivision by sections 5705.41 and 452
5705.44 of the Revised Code; in the case of a school district, 453
the treasurer of the board of education; in the case of a county 454
school financing district, the treasurer of the educational 455
service center governing board that serves as the taxing 456
authority; in the case of a township, the township fiscal 457
officer; in the case of a joint police district, the treasurer 458
of the district; in the case of a joint fire district, the clerk 459
of the board of fire district trustees; in the case of a joint 460
ambulance district, the clerk of the board of trustees of the 461
district; in the case of a joint emergency medical services 462
district, the person appointed as fiscal officer pursuant to 463
division (D) of section 307.053 of the Revised Code; in the case 464

of a fire and ambulance district, the person appointed as fiscal
officer pursuant to division (B) of section 505.375 of the
Revised Code; in the case of a joint recreation district, the
person designated pursuant to section 755.15 of the Revised
Code; in the case of a union cemetery district, the clerk of the
municipal corporation designated in section 759.34 of the
Revised Code; in the case of a children's home district,
educational service center, general health district, joint-
county alcohol, drug addiction, and mental health service
district, county library district, detention facility district,
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, or a metropolitan park district for which
no treasurer has been appointed pursuant to section 1545.07 of
the Revised Code, the county auditor of the county designated by
law to act as the auditor of the district; in the case of a
metropolitan park district which has appointed a treasurer
pursuant to section 1545.07 of the Revised Code, that treasurer;
in the case of a drainage improvement district, the auditor of
the county in which the drainage improvement district is
located; in the case of a lake facilities authority, the fiscal
officer designated under section 353.02 of the Revised Code; in
the case of a regional student education district, the fiscal
officer appointed pursuant to section 3313.83 of the Revised
Code; in the case of a career-technical cooperative education
district, the fiscal officer appointed pursuant to section
3313.831 of the Revised Code; and in all other cases, the
officer responsible for keeping the appropriation accounts and
drawing warrants for the expenditure of the moneys of the
district or taxing unit.

(E) "Permanent improvement" or "improvement" means any

property, asset, or improvement with an estimated life or 496
usefulness of five years or more, including land and interests 497
therein, and reconstructions, enlargements, and extensions 498
thereof having an estimated life or usefulness of five years or 499
more. 500

(F) "Current operating expenses" and "current expenses" 501
mean the lawful expenditures of a subdivision, except those for 502
permanent improvements, and except payments for interest, 503
sinking fund, and retirement of bonds, notes, and certificates 504
of indebtedness of the subdivision. 505

(G) "Debt charges" means interest, sinking fund, and 506
retirement charges on bonds, notes, or certificates of 507
indebtedness. 508

(H) "Taxing unit" means any subdivision or other 509
governmental district having authority to levy taxes on the 510
property in the district or issue bonds that constitute a charge 511
against the property of the district, including conservancy 512
districts, metropolitan park districts, sanitary districts, road 513
districts, and other districts. 514

(I) "District authority" means any board of directors, 515
trustees, commissioners, or other officers controlling a 516
district institution or activity that derives its income or 517
funds from two or more subdivisions, such as the educational 518
service center, the trustees of district children's homes, the 519
district board of health, a joint-county alcohol, drug 520
addiction, and mental health service district's board of 521
alcohol, drug addiction, and mental health services, detention 522
facility districts, a joint recreation district board of 523
trustees, districts organized under section 2151.65 of the 524
Revised Code, combined districts organized under sections 525

| | |
|---|---------------------------------|
| 2152.41 and 2151.65 of the Revised Code, and other such boards. | 526 |
| (J) "Tax list" and "tax duplicate" mean the general tax lists and duplicates prescribed by sections 319.28 and 319.29 of the Revised Code. | 527 528 529 |
| (K) "Property" as applied to a tax levy means taxable property listed on general tax lists and duplicates. | 530 531 |
| (L) "Association library district" means a territory, the boundaries of which are defined by the state library board pursuant to division (I) of section 3375.01 of the Revised Code, in which a library association or private corporation maintains a free public library. | 532 533 534 535 536 |
| (M) "Library district" means a territory, the boundaries of which are defined by the state library board pursuant to section 3375.01 of the Revised Code, in which the board of trustees of a county, municipal corporation, school district, or township public library maintains a free public library. | 537 538 539 540 541 |
| (N) "Qualifying library levy" means either of the following: | 542 543 |
| (1) A levy for the support of a library association or private corporation that has an association library district with boundaries that are not identical to those of a subdivision; | 544 545 546 547 |
| (2) A levy proposed under section 5705.23 of the Revised Code for the support of the board of trustees of a public library that has a library district with boundaries that are not identical to those of a subdivision. | 548 549 550 551 |
| (O) "School library district" means a school district in which a free public library has been established that is under | 552 553 |

the control and management of a board of library trustees as 554
provided in section 3375.15 of the Revised Code. 555

(P) "The county auditor's market value" means the true 556
value in money of real property. 557

(Q) (1) "Effective rate" means one of the following: 558

(a) For a levy that is the renewal of an existing levy or 559
an existing levy extended to additional territory, the effective 560
tax rate of the levy on class one property, as most recently 561
determined by the county auditor under section 323.08 of the 562
Revised Code; 563

(b) For a levy that is the increase of an existing levy, 564
the effective tax rate of the portion of the levy equal to the 565
rate of the existing levy on class one property, as most 566
recently determined by the county auditor under section 323.08 567
of the Revised Code, plus the rate of the additional portion of 568
the levy; 569

(c) For a levy that is the decrease of an existing levy, 570
the effective tax rate of the levy on class one property, as 571
most recently determined by the county auditor under section 572
323.08 of the Revised Code, and as proportionately reduced to 573
account for the decrease pursuant to rules adopted by the tax 574
commissioner. 575

(2) As used in division (Q) (1) of this section: 576

(a) "Effective tax rate" has the same meaning in section 577
323.08 of the Revised Code. 578

(b) "Class one property" means real property classified as 579
residential or agricultural under section 5713.041 of the 580
Revised Code. 581

(R) "Qualifying subdivision" means a taxing unit, created
by one or more member authorities, with a taxing authority or
any other governing authority the majority of the members of
which are not required to be elected local officials.

(S) "Elected local official" means a member of a board of
township trustees, a board of county commissioners, a
legislative authority of a municipal corporation, a board of
education of a city, local, or exempted village school district,
or an educational service center governing board, or any other
township, county, or municipal official serving in an elected
office.

(T) "Member authority" means the board of commissioners of
a county, the board of trustees of a township, the legislative
authority of a municipal corporation, the board of education of
a city, local, or exempted village school district, or the
educational service center governing board that either created
or joined a qualifying subdivision and remains a member thereof
or has territory therein.

(U) "Disaster declaration" means a declaration issued by
the president of the United States or the governor that an
emergency exists.

(V) "Disaster period" means the period that begins on a
date on which a disaster declaration is issued through the date
that is two years following the day that the disaster
declaration expires or is rescinded.

Sec. 5705.03. (A) The taxing authority of each
subdivision may levy taxes annually, subject to the limitations
of sections 5705.01 to 5705.47 of the Revised Code, on the real
and personal property within the subdivision for the purpose of

paying the current operating expenses of the subdivision and 611
acquiring or constructing permanent improvements. The taxing 612
authority of each subdivision and taxing unit shall, subject to 613
the limitations of such sections, levy such taxes annually as 614
are necessary to pay the interest and sinking fund on and retire 615
at maturity the bonds, notes, and certificates of indebtedness 616
of such subdivision and taxing unit, including levies in 617
anticipation of which the subdivision or taxing unit has 618
incurred indebtedness. 619

(B) (1) When a taxing authority determines that it is 620
necessary to levy a tax outside the ten-mill limitation for any 621
purpose authorized by the Revised Code, the taxing authority 622
shall certify to the county auditor a resolution or ordinance 623
requesting that the county auditor certify to the taxing 624
authority the amounts described in division ~~(B) (2)~~ (B) (2) (a) of 625
this section. The resolution or ordinance shall state all of the 626
following: 627

(a) The proposed rate of the tax, expressed in mills for 628
each one dollar of taxable value, or the dollar amount of 629
revenue to be generated by the proposed tax; 630

(b) The purpose of the tax; 631

(c) Whether the tax is an additional levy, a renewal of an 632
existing tax, a renewal of an existing tax with an increase or a 633
decrease, a reduction or decrease of an existing tax, or an 634
extension of an existing tax to additional territory; 635

(d) The section of the Revised Code authorizing submission 636
of the question of the tax; 637

(e) The term of years of the tax or if the tax is for a 638
continuing period of time; 639

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

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

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

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

(j) Each such county in which the subdivision has
territory.

The board of education of a city, local, or exempted
village school district may also designate, in a resolution
adopted under division (B)(1) of this section, an amount of the
district's carry-over balance from the proceeding fiscal year,
based on the most recent certification made by the district
under section 5705.36 of the Revised Code, as reserved for
expenditure on current or future permanent improvements within
the following three years.

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

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

~~(b)~~ (ii) The number of mills for each one dollar of taxable

value that is required to generate a specified amount of 668
revenue. 669

~~(e)~~ (iii) Either of the following: 670

~~(i)~~ (I) If the levy is to renew, renew and increase, renew 671
and decrease, reduce or decrease, or extend to additional 672
territory an existing levy that is subject to reduction under 673
section 319.301 of the Revised Code, the levy's effective rate, 674
expressed in dollars, rounded to the nearest dollar, for each 675
one hundred thousand dollars of the county auditor's market 676
value; 677

~~(ii)~~ (II) For all other levies, the levy's rate, described 678
in division ~~(B) (2) (b)~~ (B) (2) (a) (ii) or ~~(d)~~ (iv) of this section, 679
expressed in dollars, rounded to the nearest dollar, for each 680
one hundred thousand dollars of the county auditor's market 681
value. 682

~~(d)~~ (iv) The dollar amount of revenue, rounded to the 683
nearest dollar, that would be generated by a specified number of 684
mills for each one dollar of taxable value. 685

~~(e)~~ (v) For any levy or portion of a levy except a levy or 686
portion of a levy to pay debt charges, an estimate of the levy's 687
annual collections, rounded to the nearest dollar, which shall 688
be calculated assuming that the amount of the tax list of the 689
taxing authority remains throughout the life of the levy the 690
same as the amount of the tax list most recently certified by 691
the auditor under division (A) of section 319.28 of the Revised 692
Code. 693

~~(f)~~ (vi) If the purpose of the tax is for current expenses 694
or current operating expenses and the resolution is certified by 695
a city, local, or exempted village school district, the amount 696

by which the carry-over balance in the district's general 697
operating budget from the preceding fiscal year exceeds the 698
district's general fund expenditures made in the preceding 699
fiscal year, expressed both in dollars and as a percentage of 700
those expenditures. This amount and percentage shall be 701
determined on the basis of the most recent certification made by 702
the district to the county budget commission under section 703
5705.36 of the Revised Code. The auditor shall exclude any 704
amount designated under division (B)(1) of this section for 705
current or future permanent improvements in determining the 706
district's carry-over balance for the purpose of this 707
computation. 708

If a subdivision is located in more than one county, the 709
county auditor shall obtain from the county auditor of each 710
other county in which the subdivision is located the current tax 711
valuation for the portion of the subdivision in that county. The 712
county auditor shall issue the certification to the taxing 713
authority within ten days after receiving the taxing authority's 714
resolution or ordinance requesting it. 715

(b) If a school district proposes to levy a tax under 716
section 5705.194 of the Revised Code on the basis that some or 717
all of the territory of district is covered by a disaster 718
declaration during the disaster period, the district shall 719
certify to the director of education and workforce the 720
resolution the district adopted under division (B)(1) of this 721
section and a copy of the applicable disaster declaration with a 722
request that the director approve the proposed tax. The director 723
shall certify to the district its approval or disapproval within 724
fifteen days after receiving the resolution. The director shall 725
only approve the tax if the director finds that a disaster 726
period exists for all or part of the district's territory on the 727

date the district adopted the resolution under division (B) (1) 728
of this section and the district has been impacted by the 729
emergency described in the disaster declaration. 730

(3) Upon receiving the certification from the county 731
auditor under division ~~(B) (2)~~ (B) (2) (a) of this section and, if 732
required, the certification from the director of education and 733
workforce under division (B) (2) (b) of this section, unless the 734
percentage certified under division ~~(B) (2) (f)~~ (B) (2) (a) (vi) of 735
this section is one hundred per cent or more, except in the case 736
of a renewal levy, the taxing authority may adopt a resolution 737
or ordinance stating the rate of the tax levy, expressed in 738
mills for each one dollar of taxable value and the rate or 739
effective rate, as applicable, in dollars for each one hundred 740
thousand dollars of the county auditor's market value, as 741
estimated by the county auditor, and that the taxing authority 742
will proceed with the submission of the question of the tax to 743
electors. The taxing authority shall certify this resolution or 744
ordinance, a copy of the county auditor's and director of 745
education and workforce's certifications, a copy of any 746
applicable disaster declaration, and the resolution or ordinance 747
the taxing authority adopted under division (B) (1) of this 748
section to the proper county board of elections in the manner 749
and within the time prescribed by the section of the Revised 750
Code governing submission of the question. The county board of 751
elections shall not submit the question of the tax to electors 752
unless a copy of ~~the county auditor's certification~~ those 753
certifications and, if applicable, disaster declaration 754
accompanies the resolutions or ordinances the taxing authority 755
certifies to the board. Before requesting a taxing authority to 756
submit a tax levy, any agency or authority authorized to make 757
that request shall first request the certification from the 758

county auditor provided under this section. 759

(4) This division is supplemental to, and not in 760
derogation of, any similar requirement governing the 761
certification by the county auditor of the tax valuation of a 762
subdivision or necessary tax rates for the purposes of the 763
submission of the question of a tax in excess of the ten-mill 764
limitation, including section 133.18 of the Revised Code. 765

(C) All taxes levied on property shall be extended on the 766
tax list and duplicate by the county auditor of the county in 767
which the property is located, and shall be collected by the 768
county treasurer of such county in the same manner and under the 769
same laws and rules as are prescribed for the assessment and 770
collection of county taxes. The proceeds of any tax levied by or 771
for any subdivision when received by its fiscal officer shall be 772
deposited in its treasury to the credit of the appropriate fund. 773

Sec. 5705.194. (A) As used in this section: 774

(1) "Fiscal caution" means a state of fiscal caution 775
declared by the director of education and workforce under 776
section 3316.031 of the Revised Code. 777

(2) "Fiscal watch" means a state of fiscal watch declared 778
by the auditor of state under section 3316.03 of the Revised 779
Code. 780

(3) "Fiscal emergency" means a state of fiscal emergency 781
declared by the auditor of state under section 3316.03 of the 782
Revised Code. 783

(B) The board of education of any city, local, exempted 784
village, cooperative education, or joint vocational school 785
~~district at any time before the effective date of this amendment~~ 786

that is in fiscal caution, fiscal watch, or fiscal emergency or 787
is impacted by an emergency that is the subject of a disaster 788
declaration may declare by resolution that the revenue that will 789
be raised by all tax levies which the district is authorized to 790
impose, when combined with state and federal revenues, will be 791
insufficient to provide for the ~~emergency~~ requirements of the 792
school district ~~or to avoid an operating deficit~~, and that it is 793
therefore necessary to levy an additional tax in excess of the 794
ten-mill limitation for the current expenses of the district. 795
~~The resolution shall be confined to a single purpose and shall~~ 796
~~specify that purpose. If the levy is proposed~~ A tax levied under 797
division (B) of this section may not be renewed. 798

(C) The board of education of any city, local, exempted 799
village, cooperative education, or joint vocational school 800
district that levies a tax under this section that was approved 801
by electors at an election held before January 1, 2026, may 802
adopt a resolution to renew all or a portion of the proceeds 803
derived from one or more ~~existing levies imposed pursuant to~~ 804
~~this section, it shall be called a renewal levy and shall be so~~ 805
~~designated on the ballot of those existing taxes.~~ If two or more 806
of those existing levies taxes are to be included in a single 807
renewal ~~levy tax~~ but are not scheduled to expire in the same 808
year, the resolution shall specify that the existing levies to 809
be renewed shall not be levied after the year preceding the year 810
in which the renewal levy is first imposed. Notwithstanding the 811
original purpose of any one or more existing levies that are to 812
be in any single renewal levy, the purpose of the renewal levy 813
~~may shall be either to avoid an operating deficit or to provide~~ 814
~~for the emergency requirements of the school district for the~~ 815
current expenses of the district. A tax levied under division 816
(C) of this section may not be renewed. 817

A tax levied under division (C) of this section is a 818
qualifying levy, as defined in section 319.302 of the Revised 819
Code, if it otherwise meets the requirements of a subsequent 820
renewal levy described in that definition. 821

~~The~~ (D) A resolution adopted under division (B) or (C) of 822
this section shall further specify the amount of money it is 823
necessary to raise for the ~~specified purpose~~ current expenses of 824
the district for each calendar year the millage is to be 825
imposed; if a ~~renewal levy~~ resolution adopted under division (C) 826
of this section, whether the levy is to renew all, or a portion 827
of, the proceeds derived from one or more existing levies; and 828
the number of years in which the millage is to be in effect, 829
which may include a levy upon the current year's tax list. The 830
number of years may be any number not exceeding ~~ten~~ five. 831

The question shall be submitted at a special election on a 832
date specified in the resolution. The date shall not be earlier 833
than eighty days after the adoption and certification of the 834
resolution to the county auditor and shall be consistent with 835
the requirements of section 3501.01 of the Revised Code. A 836
resolution ~~for a renewal levy~~ adopted under division (C) of this 837
section shall not be placed on the ballot unless the question is 838
submitted on a date on which a special election may be held 839
under division (D) of section 3501.01 of the Revised Code, 840
except for the first Tuesday after the first Monday in August, 841
during the last year the levy to be renewed may be extended on 842
the real and public utility property tax list and duplicate, or 843
at any election held in the ensuing year, except that if the 844
resolution proposes renewing two or more existing levies, the 845
question shall be submitted on the date of the general or 846
primary election held during the last year at least one of the 847
levies to be renewed may be extended on that list and duplicate, 848

or at any election held during the ensuing year. For purposes of 849
this section and ~~section~~ sections 5705.197 and 5705.199 of the 850
Revised Code, a levy shall be considered to be an "existing 851
levy" through the year following the last year it can be placed 852
on the real and public utility property tax list and duplicate. 853

The submission of questions to the electors under this 854
section is subject to the limitation on the number of election 855
dates established by section 5705.214 of the Revised Code. 856

The resolution shall go into immediate effect upon its 857
passage, and no publication of the resolution shall be necessary 858
other than that provided for in the notice of election. A copy 859
of the resolution shall immediately after its passing be 860
certified to the county auditor of the proper county. Section 861
5705.195 of the Revised Code shall govern the arrangements for 862
the submission of questions to the electors under this section 863
and other matters concerning the election. Publication of notice 864
of the election shall be made in one newspaper of general 865
circulation in the county once a week for two consecutive weeks, 866
or as provided in section 7.16 of the Revised Code, prior to the 867
election. If the board of elections operates and maintains a web 868
site, the board of elections shall post notice of the election 869
on its web site for thirty days prior to the election. If a 870
majority of the electors voting on the question submitted in an 871
election vote in favor of the levy, the board of education of 872
the school district may make the additional levy necessary to 873
raise the amount specified in the resolution for the purpose 874
stated in the resolution. The tax levy shall be included in the 875
next tax budget that is certified to the county budget 876
commission. 877

After the approval of the levy and prior to the time when 878

the first tax collection from the levy can be made, the board of
education may anticipate a fraction of the proceeds of the levy
and issue anticipation notes in an amount not exceeding the
total estimated proceeds of the levy to be collected during the
first year of the levy.

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

Sec. 5705.195. Within ten days after a resolution adopted
under division (B) or (C) of section 5705.194 of the Revised
Code is certified to the county auditor as provided by that
section, the auditor shall calculate and certify to the taxing
authority the annual levy, expressed in dollars for each one
hundred thousand dollars of the county auditor's appraised value
as well as in mills for each one dollar of taxable value,
throughout the life of the levy which will be required to
produce the annual amount set forth in the resolution assuming
that the amount of the tax list of such subdivision remains
throughout the life of the levy the same as the amount of the
tax list most recently certified by the county auditor under
division (A) of section 319.28 of the Revised Code.

Upon receiving the certification from the county auditor,
if the taxing authority desires to proceed with the submission
of the question it shall, not less than ninety days before the
day of such election, certify its resolution, together with the
amount of the average tax levy, expressed in dollars for each
one hundred thousand dollars of the county auditor's appraised
value as well as in mills for each one dollar of taxable value,

as certified by the county auditor, and the number of years the 909
levy is to run to the board of elections of the county which 910
shall prepare the ballots and make other necessary arrangements 911
for the submission of the question to the voters of the 912
subdivision. 913

Sec. 5705.196. The election provided for in section 914
5705.194 of the Revised Code shall be held at the regular places 915
for voting in the district and shall be conducted, canvassed, 916
and certified in the same manner as regular elections in the 917
district for the election of county officers, provided that in 918
any such election in which only part of the electors of a 919
precinct are qualified to vote, the board of elections may 920
assign voters in such part to an adjoining precinct. Such an 921
assignment may be made to an adjoining precinct in another 922
county with the consent and approval of the board of elections 923
of such other county. Notice of the election shall be published 924
in one newspaper of general circulation in the district once a 925
week for two consecutive weeks or as provided in section 7.16 of 926
the Revised Code, prior to the election. If the board of 927
elections operates and maintains a web site, the board of 928
elections shall post notice of the election on its web site for 929
thirty days prior to the election. Such notice shall state the 930
annual proceeds of the proposed levy, the purpose for which such 931
proceeds are to be used, the number of years during which the 932
levy shall run, and the estimated average additional tax rate 933
expressed in dollars for each one hundred thousand dollars of 934
the county auditor's appraised value as well as in mills for 935
each one dollar of taxable value, outside the limitation imposed 936
by Ohio Constitution, Article XII, Section 2, as certified by 937
the county auditor. 938

Sec. 5705.197. (A) The form of the ballot to be used at 939

the election provided for in section 5705.195 of the Revised Code shall be as follows:

"Shall a fixed-sum levy be imposed by the (here insert name of school district) for the purpose of paying the current operating expenses of the district in the sum of \$ (here insert annual amount the levy is to produce) and a levy of taxes to be made outside of the ten-mill limitation estimated by the county auditor to average mills for each \$1 of taxable value, which amounts to \$ for each \$100,000 of the county auditor's appraised value, for a period of (here insert the number of years the millage is to be imposed) years?

| | | |
|--|-----------------------------|---|
| | <u>FOR THE TAX LEVY</u> | |
| | <u>AGAINST THE TAX LEVY</u> | " |

If the tax is to be placed on the current tax list, the form of the ballot shall be modified by adding, after "years," the phrase ", commencing in (first year the tax is to be levied), first due in calendar year (first calendar year in which the tax shall be due)."

If the levy submitted is a proposal to renew all or a portion of an existing levy adopted under division (C) of section 5705.194 of the Revised Code, the form of the ballot specified in this section must be changed by adding the following at the beginning of the form, after the first instance of the term "levy":

(A) "Renewing an existing levy" in the case of a proposal to renew an existing levy in the same amount;

(B) "Renewing \$ _____ and providing an increase of 966
\$ _____ " in the case of an increase; 967

(C) "Renewing part of an existing levy, being a reduction 968
of \$ _____ " in the case of a renewal of only part of an existing 969
levy. 970

If the levy submitted is a proposal to renew all or a 971
portion of more than one existing levy, the form of the ballot 972
may be changed in any of the manners provided in division (A), 973
(B), or (C) of this section, or any combination of those 974
manners, as appropriate, so long as the form of the ballot 975
reflects the number of levies to be renewed, whether the amount 976
of any of the levies will be increased or decreased, the amount 977
of any such increase or decrease for each levy, and that none of 978
the existing levies to be renewed will be levied after the year 979
preceding the year in which the renewal levy is first imposed. 980
The form of the ballot shall be changed by adding the following 981
statement after "for a period of _____ years?" and before "For 982
the Tax Levy" and "Against the Tax Levy": 983

"If approved, any remaining tax years on any of the above 984
_____ (here insert the number of existing levies) existing 985
levies will not be collected after _____ (here insert the 986
current tax year or, if not the current tax year, the applicable 987
tax year)." 988

Sec. 5709.92. (A) As used in this section: 989

(1) "School district" means a city, local, or exempted 990
village school district. 991

(2) "Joint vocational school district" means a joint 992
vocational school district created under section 3311.16 of the 993
Revised Code, and includes a cooperative education school 994

| | |
|--|------|
| district created under section 3311.52 or 3311.521 of the | 995 |
| Revised Code and a county school financing district created | 996 |
| under section 3311.50 of the Revised Code. | 997 |
| | |
| (3) "Total resources" means the sum of the amounts | 998 |
| described in divisions (A) (3) (a) to (g) of this section less any | 999 |
| reduction required under division (C) (3) (a) of this section. | 1000 |
| | |
| (a) The state education aid for fiscal year 2015; | 1001 |
| | |
| (b) The sum of the payments received in fiscal year 2015 | 1002 |
| for current expense levy losses under division (C) (3) of section | 1003 |
| 5727.85 and division (C) (12) of section 5751.21 of the Revised | 1004 |
| Code, as they existed at that time, excluding the portion of | 1005 |
| such payments attributable to levies for joint vocational school | 1006 |
| district purposes; | 1007 |
| | |
| (c) The sum of fixed-sum levy loss payments received by | 1008 |
| the school district in fiscal year 2015 under division (F) (1) of | 1009 |
| section 5727.85 and division (E) (1) of section 5751.21 of the | 1010 |
| Revised Code, as they existed at that time, for fixed-sum levies | 1011 |
| charged and payable for a purpose other than paying debt | 1012 |
| charges; | 1013 |
| | |
| (d) The district's taxes charged and payable against all | 1014 |
| property on the tax list of real and public utility property for | 1015 |
| current expense purposes for tax year 2014, including taxes | 1016 |
| charged and payable from emergency levies charged and payable | 1017 |
| under section 5705.194 of the Revised Code, excluding taxes | 1018 |
| levied for joint vocational school district purposes or levied | 1019 |
| under section 5705.23 of the Revised Code; | 1020 |
| | |
| (e) The amount certified for fiscal year 2015 under | 1021 |
| division (A) (2) of section 3317.08 of the Revised Code; | 1022 |

| | |
|--|------|
| (f) Distributions received during calendar year 2014 from | 1023 |
| taxes levied under section 718.09 of the Revised Code; | 1024 |
| (g) Distributions received during fiscal year 2015 from | 1025 |
| the gross casino revenue county student fund. | 1026 |
| (4) (a) "State education aid" for a school district means | 1027 |
| the sum of state amounts computed for the district under | 1028 |
| sections 3317.022 and 3317.0212 of the Revised Code after any | 1029 |
| amounts are added or subtracted under Section 263.240 of Am. | 1030 |
| Sub. H.B. 59 of the 130th general assembly, entitled | 1031 |
| "TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL | 1032 |
| DISTRICTS." | 1033 |
| (b) "State education aid" for a joint vocational district | 1034 |
| means the amount computed for the district under section 3317.16 | 1035 |
| of the Revised Code after any amounts are added or subtracted | 1036 |
| under Section 263.250 of Am. Sub. H.B. 59 of the 130th general | 1037 |
| assembly, entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL | 1038 |
| DISTRICTS." | 1039 |
| (5) "Taxes charged and payable" means taxes charged and | 1040 |
| payable after the reduction required by section 319.301 of the | 1041 |
| Revised Code but before the reductions required by sections | 1042 |
| 319.302 and 323.152 of the Revised Code. | 1043 |
| (6) "Capacity quintile" means the capacity measure | 1044 |
| quintiles determined under division (B) of this section. | 1045 |
| (7) "Threshold per cent" means the following: | 1046 |
| (a) For a school district in the lowest capacity quintile, | 1047 |
| one per cent for fiscal year 2016 and two per cent for fiscal | 1048 |
| year 2017. | 1049 |
| (b) For a school district in the second lowest capacity | 1050 |

| | |
|--|------|
| quintile, one and one-fourth per cent for fiscal year 2016 and | 1051 |
| two and one-half per cent for fiscal year 2017. | 1052 |
| | |
| (c) For a school district in the third lowest capacity | 1053 |
| quintile, one and one-half per cent for fiscal year 2016 and | 1054 |
| three per cent for fiscal year 2017. | 1055 |
| | |
| (d) For a school district in the second highest capacity | 1056 |
| quintile, one and three-fourths per cent for fiscal year 2016 | 1057 |
| and three and one-half per cent for fiscal year 2017. | 1058 |
| | |
| (e) For a school district in the highest capacity | 1059 |
| quintile, two per cent for fiscal year 2016 and four per cent | 1060 |
| for fiscal year 2017. | 1061 |
| | |
| (f) For a joint vocational school district, two per cent | 1062 |
| for fiscal year 2016 and four per cent for fiscal year 2017. | 1063 |
| | |
| (8) "Current expense allocation" means the sum of the | 1064 |
| payments received by a school district or joint vocational | 1065 |
| school district in fiscal year 2015 for current expense levy | 1066 |
| losses under division (C) (3) of section 5727.85 and division (C) | 1067 |
| (12) of section 5751.21 of the Revised Code as they existed at | 1068 |
| that time, less any reduction required under division (C) (3) (b) | 1069 |
| of this section. | 1070 |
| | |
| (9) "Non-current expense allocation" means the sum of the | 1071 |
| payments received by a school district or joint vocational | 1072 |
| school district in fiscal year 2015 for levy losses under | 1073 |
| division (C) (3) (c) of section 5727.85 and division (C) (12) (c) of | 1074 |
| section 5751.21 of the Revised Code, as they existed at that | 1075 |
| time, and levy losses in fiscal year 2015 under division (H) of | 1076 |
| section 5727.84 of the Revised Code as that section existed at | 1077 |
| that time attributable to levies for and payments received for | 1078 |
| losses on levies intended to generate money for maintenance of | 1079 |

classroom facilities. 1080

(10) "Operating TPP fixed-sum levy losses" means the sum 1081
of payments received by a school district in fiscal year 2015 1082
for levy losses under division (E) of section 5751.21 of the 1083
Revised Code, excluding levy losses for debt purposes. 1084

(11) "Operating S.B. 3 fixed-sum levy losses" means the 1085
sum of payments received by the school district in fiscal year 1086
2015 for levy losses under division (H) of section 5727.84 of 1087
the Revised Code, excluding levy losses for debt purposes. 1088

(12) "TPP fixed-sum debt levy losses" means the sum of 1089
payments received by a school district in fiscal year 2015 for 1090
levy losses under division (E) of section 5751.21 of the Revised 1091
Code for debt purposes. 1092

(13) "S.B. 3 fixed-sum debt levy losses" means the sum of 1093
payments received by the school district in fiscal year 2015 for 1094
levy losses under division (H) of section 5727.84 of the Revised 1095
Code for debt purposes. 1096

(14) "Qualifying levies" means qualifying levies described 1097
in section 5751.20 of the Revised Code as that section was in 1098
effect before July 1, 2015. 1099

(15) "Total taxable value" has the same meaning as in 1100
section 3317.02 of the Revised Code. 1101

(B) The department of education and workforce shall rank 1102
all school districts in the order of districts' capacity 1103
measures determined under former section 3317.018 of the Revised 1104
Code from lowest to highest, and divide such ranking into 1105
quintiles, with the first quintile containing the twenty per 1106
cent of school districts having the lowest capacity measure and 1107

the fifth quintile containing the twenty per cent of school 1108
districts having the highest capacity measure. This calculation 1109
and ranking shall be performed once, in fiscal year 2016. 1110

(C) (1) In fiscal year 2016, payments shall be made to 1111
school districts and joint vocational school districts equal to 1112
the sum of the amounts described in divisions (C) (1) (a) or (b) 1113
and (C) (1) (c) of this section. In fiscal year 2017, payments 1114
shall be made to school districts and joint vocational school 1115
districts equal to the amount described in division (C) (1) (a) or 1116
(b) of this section. 1117

(a) If the ratio of the current expense allocation to 1118
total resources is equal to or less than the district's 1119
threshold percent, zero; 1120

(b) If the ratio of the current expense allocation to 1121
total resources is greater than the district's threshold per 1122
cent, the difference between the current expense allocation and 1123
the product of the threshold percentage and total resources; 1124

(c) For fiscal year 2016, the product of the non-current 1125
expense allocation multiplied by fifty per cent. 1126

(2) In fiscal year 2018 and subsequent fiscal years, 1127
payments shall be made to school districts and joint vocational 1128
school districts equal to the difference obtained by subtracting 1129
the amount described in division (C) (2) (b) of this section from 1130
the amount described in division (C) (2) (a) of this section, 1131
provided that such amount is greater than zero. 1132

(a) The sum of the payments received by the district under 1133
division (C) (1) (b) or (C) (2) of this section for the immediately 1134
preceding fiscal year; 1135

(b) One-sixteenth of one per cent of the average of the
total taxable value of the district for tax years 2014, 2015,
and 2016.

(3) (a) "Total resources" used to compute payments under
division (C) (1) of this section shall be reduced to the extent
that payments distributed in fiscal year 2015 were attributable
to levies no longer charged and payable for tax year 2014.

(b) "Current expense allocation" used to compute payments
under division (C) (1) of this section shall be reduced to the
extent that the payments distributed in fiscal year 2015 were
attributable to levies no longer charged and payable for tax
year 2014.

(4) The department of education and workforce shall report
to each school district and joint vocational school district the
apportionment of the payments under division (C) (1) of this
section among the district's funds based on qualifying levies.

(D) (1) Payments in the following amounts shall be made to
school districts and joint vocational school districts in tax
years 2016 through 2021:

(a) In tax year 2016, the sum of the district's operating
TPP fixed-sum levy losses and operating S.B. 3 fixed-sum levy
losses.

(b) In tax year 2017, the sum of the district's operating
TPP fixed-sum levy losses and eighty per cent of operating S.B.
3 fixed-sum levy losses.

(c) In tax year 2018, the sum of eighty per cent of the
district's operating TPP fixed-sum levy losses and sixty per
cent of its operating S.B. 3 fixed-sum levy losses.

(d) In tax year 2019, the sum of sixty per cent of the district's operating TPP fixed-sum levy losses and forty per cent of its operating S.B. 3 fixed-sum levy losses.

(e) In tax year 2020, the sum of forty per cent of the district's operating TPP fixed-sum levy losses and twenty per cent of its operating S.B. 3 fixed-sum levy losses.

(f) In tax year 2021, twenty per cent of the district's operating TPP fixed-sum levy losses.

No payment shall be made under division (D) (1) of this section after tax year 2021.

(2) Amounts are payable under division (D) of this section for fixed-sum levy losses only to the extent of such losses for qualifying levies that remain in effect for the current tax year. For this purpose, a qualifying levy levied under section 5705.194 or 5705.213 of the Revised Code remains in effect for the current tax year only if a tax levied under either of those sections is charged and payable for the current tax year for an annual sum at least equal to the annual sum levied by the board of education for tax year 2004 under those sections less the amount of the payment under this division.

(E) (1) For fixed-sum levies for debt purposes, payments shall be made to school districts and joint vocational school districts equal to one hundred per cent of the district's fixed-sum levy loss determined under division (E) of section 5751.20 and division (H) of section 5727.84 of the Revised Code as in effect before July 1, 2015, and paid in tax year 2014. No payment shall be made for qualifying levies that are no longer charged and payable.

(2) Beginning in 2016, by the thirty-first day of January

of each year, the tax commissioner shall review the calculation 1193
of fixed-sum levy loss for debt purposes determined under 1194
division (E) of section 5751.20 and division (H) of section 1195
5727.84 of the Revised Code as in effect before July 1, 2015. If 1196
the commissioner determines that a fixed-sum levy that had been 1197
scheduled to be reimbursed in the current year is no longer 1198
charged and payable, a revised calculation for that year and all 1199
subsequent years shall be made. 1200

(F) (1) For taxes levied within the ten-mill limitation for 1201
debt purposes in tax year 1998 in the case of electric company 1202
tax value losses, and in tax year 1999 in the case of natural 1203
gas company tax value losses, payments shall be made to school 1204
districts and joint vocational school districts equal to one 1205
hundred per cent of the loss computed under division (D) of 1206
section 5727.85 of the Revised Code as in effect before July 1, 1207
2015, as if the tax were a fixed-rate levy, but those payments 1208
shall extend through fiscal year 2016. 1209

(2) For taxes levied within the ten-mill limitation for 1210
debt purposes in tax year 2005, payments shall be made to school 1211
districts and joint vocational school districts equal to one 1212
hundred per cent of the loss computed under division (D) of 1213
section 5751.21 of the Revised Code as in effect before July 1, 1214
2015, as if the tax were a fixed-rate levy, but those payments 1215
shall extend through fiscal year 2018. 1216

(G) If all the territory of a school district or joint 1217
vocational school district is merged with another district, or 1218
if a part of the territory of a school district or joint 1219
vocational school district is transferred to an existing or 1220
newly created district, the department of education and 1221
workforce, in consultation with the tax commissioner, shall 1222

| | |
|---|------|
| adjust the payments made under this section as follows: | 1223 |
| | |
| (1) For a merger of two or more districts, fixed-sum levy | 1224 |
| losses, total resources, current expense allocation, and non- | 1225 |
| current expense allocation of the successor district shall be | 1226 |
| the sum of such items for each of the districts involved in the | 1227 |
| merger. | 1228 |
| | |
| (2) If property is transferred from one district to a | 1229 |
| previously existing district, the amount of the total resources, | 1230 |
| current expense allocation, and non-current expense allocation | 1231 |
| that shall be transferred to the recipient district shall be an | 1232 |
| amount equal to the total resources, current expense allocation, | 1233 |
| and non-current expense allocation of the transferor district | 1234 |
| times a fraction, the numerator of which is the number of pupils | 1235 |
| being transferred to the recipient district, measured, in the | 1236 |
| case of a school district, by formula ADM as defined in section | 1237 |
| 3317.02 of the Revised Code or, in the case of a joint vocational | 1238 |
| school district, by formula ADM as defined for a joint | 1239 |
| vocational school district in that section, and the denominator | 1240 |
| of which is the formula ADM of the transferor district. | 1241 |
| | |
| (3) After December 31, 2010, if property is transferred | 1242 |
| from one or more districts to a district that is newly created | 1243 |
| out of the transferred property, the newly created district | 1244 |
| shall be deemed not to have any total resources, current expense | 1245 |
| allocation, total allocation, or non-current expense allocation. | 1246 |
| | |
| (4) If the recipient district under division (G) (2) of | 1247 |
| this section or the newly created district under division (G) (3) | 1248 |
| of this section is assuming debt from one or more of the | 1249 |
| districts from which the property was transferred and any of the | 1250 |
| districts losing the property had fixed-sum levy losses, the | 1251 |
| department of education and workforce, in consultation with the | 1252 |

tax commissioner, shall make an equitable division of the 1253
reimbursements for those losses. 1254

(H) The payments required by divisions (C), (D), (E), (F), 1255
and (I) of this section shall be distributed periodically to 1256
each school and joint vocational school district by the 1257
department of education and workforce unless otherwise provided 1258
for. Except as provided in division (D) of this section, if a 1259
levy that is a qualifying levy is not charged and payable in any 1260
year after 2014, payments to the school district or joint 1261
vocational school district shall be reduced to the extent that 1262
the payments distributed in fiscal year 2015 were attributable 1263
to the levy loss of that levy. 1264

(I) For fiscal years 2022 through 2026, if the total 1265
amount to be received under divisions (C) and (E) of this 1266
section by any school district that has a nuclear power plant 1267
located within its territory is less than the amount the 1268
district received under this section in fiscal year 2017, the 1269
district shall receive a supplemental payment equal to the 1270
difference between the amount to be received under those 1271
divisions for the fiscal year and the amount received under this 1272
section in fiscal year 2017." 1273

In line 191, delete "section" and insert "sections"; after "319.301" 1274
insert ", 323.32, 5705.01, 5705.03, 5705.194, and 5709.92" 1275

In line 192, delete "is" and insert "are" 1276

In line 194, delete "years beginning on or after the" 1277

In line 195, delete "effective date of this section" and insert 1278
"year 2026 and every tax year thereafter" 1279

The motion was _____ agreed to.

SYNOPSIS

1280

Levies included in millage floors

1281

R.C. 319.301(E) (1) ; Section 3

1282

Modifies the date by which existing emergency and
substitute levies (new emergency and substitute levies are
prohibited) are added to the millage floors. Under the
substitute bill, they are added to the millage floors to tax
years beginning after the bill's effective date. The amendment
instead adds them in the first tax year, beginning in tax year
2026, that a county in which the district has territory
undergoes a reappraisal or triennial update.

1283

1284

1285

1286

1287

1288

1289

1290

Expressly applies the bill's provisions adding growth,
conversion, and fixed-sum property taxes levied with a school
district income tax to the 20-mill floor beginning in tax year
2026.

1291

1292

1293

1294

Fixed-sum property tax levies

1295

**R.C. 323.32, 5705.01, 5705.03, 5705.194, 5705.195,
5705.196, 5705.197, and 5705.92**

1296

1297

Allows school districts to levy property taxes that will
generate a fixed sum of money in the following two
circumstances:

1298

1299

1300

--A district that levies an emergency levy that was
approved by voters before 2026 may be renewed as a fixed-sum
levy;

1301

1302

1303

--A district may levy a fixed-sum levy if it is in fiscal

1304

emergency, watch, or caution or if the U.S. President or the 1305
Governor has declared an emergency in all or part of the 1306
district's territory, the district is impacted by the emergency, 1307
as determined by the Director of Education and Workforce, and 1308
the tax is proposed during the emergency declaration or within 1309
two years after it ends. 1310

In either circumstance, the levy must be labeled as a 1311
fixed-sum levy (not an emergency levy), must be for current 1312
operating expenses, may not be renewed, and may only be levied 1313
for up to five years. 1314

Clarifies that the renewal of an emergency levy that was 1315
first approved by voters before September 29, 2013, is still 1316
subject to the property tax rollbacks for nonbusiness property 1317
(10%) and owner-occupied residences (2.5%) after its renewal as 1318
a fixed-sum levy under the amendment. 1319