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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Legislative Budget
Office

**H.B. 129
(with AMO548)
136th General Assembly**

Fiscal Note & Local Impact Statement

[Click here for H.B. 129's Bill Analysis](#)

Version: In House Ways and Means

Primary Sponsors: Reps. D. Thomas and Daniels

Local Impact Statement Procedure Required: Yes

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Highlights

- The bill modifies the school district 20-mill floor calculation, resulting in slower annual property tax revenue growth for an estimated 237 school districts in the bill's first three years, which LBO assumes to begin in calendar year (CY) 2027 for property taxes levied for tax year (TY) 2026.
- School district revenue losses statewide are estimated to be \$89 million for TY 2026, \$114 million for TY 2027, and \$127 million for TY 2028.
- GRF expenditures from item 200903, Property Tax Reimbursement – Education, are estimated to be lowered by \$9 million for TY 2026, \$12 million for TY 2027, and \$13 million for TY 2028.
- The bill prohibits school districts from shifting the purpose of their unvoted property tax millage in a way that would increase the district's tax revenue.
- The bill disallows school districts from submitting to voters a renewal of current emergency levies as well as new substitute levies. The prohibition applies to elections held on or after January 1, 2026.
- The bill has no effect on state aid to school districts through the school funding formula as presently designed.

Detailed Analysis

Emergency and substitute levies

The bill changes the purpose of a school district emergency levy from providing for the district's emergency requirements or avoiding an operating deficit to pay the district's current

expenses. These levies will be referred to as “fixed-sum levies” in ballot language, reflecting that they raise a set amount of money, similar to emergency levies. Emergency levies in effect prior to the effective date of the bill may not be renewed.

The bill disallows school districts from submitting new substitute levies to voters for approval. These levies replace one or more existing emergency levies with a single levy. In their first year, substitute levies yield a set amount equal to the total annual proceeds derived from the levies being substituted. In each subsequent year, the levies yield increasingly more revenue to the extent new construction is added to the tax list.

The provision has an indeterminate effect on school district revenues, but it limits the levy options school districts may use to raise property tax revenue to fund their operations. The prohibition applies to elections held on or after January 1, 2026.

Change in school district floor calculation

The bill changes the calculation of effective mills on outside (voter approved) fixed-rate levies of school districts and joint vocational school districts (JVSDs).¹ Under continuing law, effective tax rates on outside fixed-rate levies are set by calculating the percentage reductions required in order to levy the same amount of taxes for current expenses in the current year as in the prior year on carryover property.² However, these effective tax rates, when combined with inside general fund millage, cannot go below a floor: 20 mills for school districts and two mills for JVSDs.³ For districts that are at the floor, therefore, increases in taxable property value lead to commensurate increases in property tax revenue on carryover property from outside fixed-rate levies as the rates on those levies may not be reduced.

While current law only adds general inside millage to the millage of a school district’s fixed-rate levies when determining if a district is below the 20-mill floor, the bill includes millage from other sources in the calculation. In addition to general inside millage and the millage of a school district’s fixed-rate levies, the bill includes millage from emergency levies, substitute emergency levies, incremental growth levies, conversion levies, and the property tax portion of combined income tax and property tax levies in the 20-mill floor calculation. The bill’s effect on school districts that impose the aforementioned property tax levies is to increase the total millage that is evaluated for the 20-mill floor. School districts that are at the floor under current law, where an increase in taxable value spurs revenue growth on 20 mills of taxation, may no longer be at the floor under the bill if they utilize such levies. Consequently, their fixed-rate levy millage will be reduced, resulting in a loss of tax revenue that they would have otherwise

¹ Millage can be “inside” or “outside.” Inside mills are the first ten mills (1%), which taxing authorities are allowed to levy administratively without seeking voter approval. Outside mills, those in addition to the first ten mills, must be submitted for approval by voters.

² Carryover property is property taxed in the same class in both the current and prior tax years. The two classes of real property are Class 1 which includes residential and agricultural land and improvements, and Class 2 which includes all other real property. Separate effective tax rates are figured for each class.

³ An exception for school districts applies if the effective tax rate needed to reach the floor would be higher than the rate approved by voters. The effective rate cannot be raised above the voted rate. As of TY 2024, only ten school districts are under this exception.

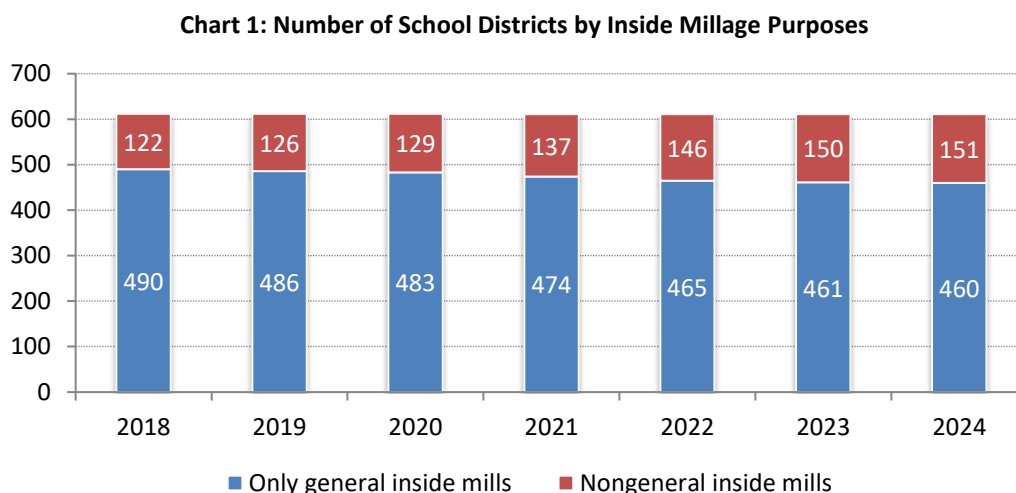
received. The bill slows the growth of school district property tax receipts; it does not cause negative tax revenue growth for any school district.

The bill provides for similar calculations for JVSDs, adjusting the percentage reduction if necessary, so that taxes charged and payable for current expenses would be at the two-mill floor. Although JVSDs are permitted to have either emergency or substitute levies, tax rate abstracts published by the Department of Taxation do not show either type of levy used by JVSDs in TY 2024. Based on this, the bill appears to have no effect on JVSDs.

Inside millage shifting

The bill prohibits school districts from shifting the purpose of their unvoted property tax millage in a way that would increase the district's tax revenue. For example, under current law a district could reallocate its inside millage currently used for current expenses to instead be used for permanent improvements, which would exclude the millage from the 20-mill floor calculation. Such an exclusion may result in districts imposing higher effective tax rates on their fixed-rate, expense levies when inside millage is reallocated to purposes that do not count in the floor calculation, allowing the district to increase its tax receipts as property values grow.

Chart 1 displays the number of school districts from 2018 to 2024 partitioned into those that did and those that did not use inside millage for nongeneral purposes. The number of districts shifting their inside millage towards other purposes, such as improvement levies, has steadily increased over time, as between one and nine additional districts shifted their inside millage in each of the past seven years. It is therefore likely that additional districts would choose to shift inside millage to nongeneral purposes in the future absent the bill. The loss in tax collections for districts that currently do not engage in such shifting but would otherwise do so in the future but for the bill depends on the amount of mills that would have been shifted and the value of the districts' real and personal property.



Source: Ohio Department of Taxation's [Property Tax Rates](#)

Local school district revenue effects from 20-mill floor

The slower annual property tax growth resulting from the bill will curtail school district revenues by approximately \$89 million in TY 2026 and amounts are expected to increase over time as fewer school districts will be able to collect additional revenues from the increase in taxable property values. Since real property taxes are paid in arrears, the revenue effects listed above will be realized by school districts in CY 2027, CY 2028, and CY 2029, respectively. The table below displays the projected number of school districts that will have decreased revenues along with the amount of the total revenue loss in the first three years of the bill.

The amount of loss experienced by each school district depends on how close to the 20-mill floor the district is, the district's emergency, substitute, incremental growth, and conversion tax rates; the property tax rate portion of the district's combined income tax and property tax levies; and the change in the district's real property values over time. School districts without any of these levies will not incur losses from the bill. Revenues of districts that are well above the 20-mill floor under current law will also be unaffected by the bill. Some districts whose gross millage is less than 20 mills (i.e., the ten aforementioned school districts) will also be unaffected by the bill if consideration of the additional levies does not put the district over the floor.

Levy-level data is publicly available from the Department of Taxation. However, none of the levies for the latest available tax year (TY 2024) are labeled as conversion⁴ or combined income tax and property tax levies. LBO therefore presumes that none of these levies are currently in effect in any school district. These estimates additionally assume no change in levied millage rates across years.

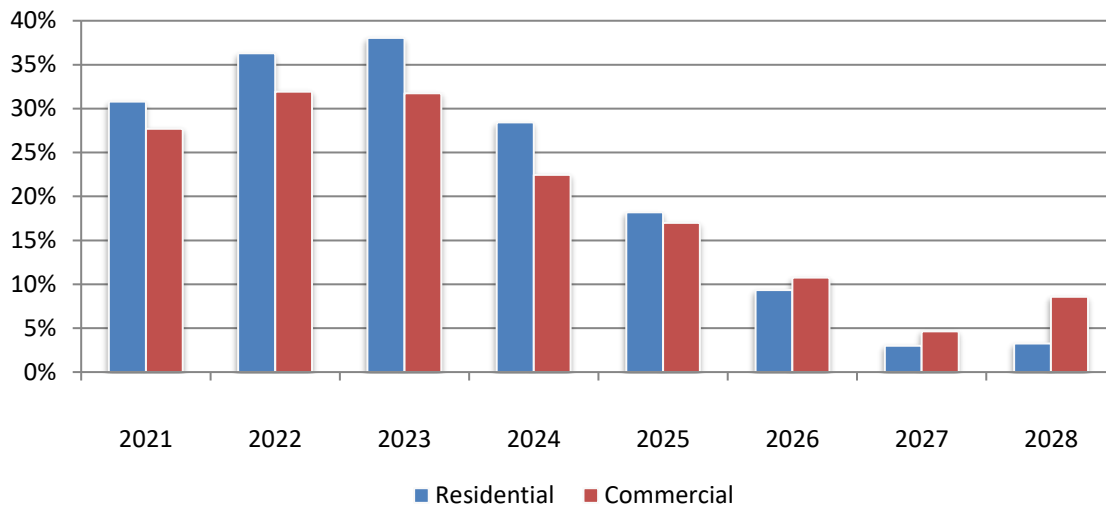
| Tax Savings, Revenue Losses, and Affected School Districts | | | | |
|--|---------------------------|-----------------------------|--------------------------------------|---|
| Tax Year | Affected School Districts | Taxpayer Savings (millions) | GRF Reimbursement Savings (millions) | Total School District Revenue Loss (millions) |
| 2026 | 107 | \$80 | \$9 | \$89 |
| 2027 | 188 | \$102 | \$12 | \$114 |
| 2028 | 237 | \$114 | \$13 | \$127 |

The projected residential and commercial real property values used in calculating the figures in the above table were obtained from an Ohio-specific forecast by Moody's Analytics. The estimated change in assessed values is illustrated in the following chart for Ohio's residential and commercial real property along with the forecasted growth rates through TY 2028. The growth rates reflect the three-year change in property values resulting from an applicable

⁴ A conversion levy repeals the effective millage in excess of 20 mills and re-levies it as a single fixed-sum levy for current expenses. After 2014, school districts may not levy new conversion levies, but previously adopted conversion levies may be renewed.

county's reappraisal or triennial update. The rates at which real property values are projected to increase in the future are far below what the state has experienced in recent years. As such, school districts at the 20-mill floor are expected to receive smaller revenue gains from property value increases in upcoming reappraisals and updates. LBO also expects it to be less likely for districts currently above the floor to have their millage reduced to the point where they would reach the floor in the near future.

Chart 2: Percent Change in Real Property Values during Reappraisal or Update, TY 2021-TY 2028, per Moody's Analytics



GRF spending reductions

Property taxes are largely paid by property owners, but a small portion is reimbursed by the state for property tax rollbacks and the homestead exemption. Slower growth in school district revenues implies lesser rollbacks on qualifying levies, including the 10% nonbusiness tax reduction and the 2.5% tax reduction for owner-occupied homes. Also, lower school district effective tax rates imply smaller homestead exemption reductions, the amounts of which are based on local tax rates as well as the amounts of taxable value exempted. The associated losses to local taxing authorities for these policies are fully reimbursed by the state GRF. The estimated school district revenue losses from the bill result in an estimated \$9 million, \$12 million, and \$13 million reduction in GRF reimbursement payments for the state in TY 2026, TY 2027, and TY 2028, respectively.

The bill would reduce expenditures from appropriation item 200903, Property Tax Reimbursement – Education. Given the relationship between the tax year and fiscal year, the bill reduces estimated GRF expenditures by \$4.5 million in FY 2027, \$10.5 million in FY 2028, and \$12.5 million in FY 2029.

Impact to the school funding formula

While the bill affects property tax revenues to school districts, it has no effect on the state's current formula for funding public schools. This is because the amount of state aid that a traditional school district receives depends not on the district's local tax revenues, but on measures of the district's capacity to raise those revenues. These measures include the taxable

value of the property in the district as well as measures of its residents' incomes. However, the current school funding formula is effective only through FY 2025. The formula or formulas for FY 2026 and beyond will be calculated in ways yet to be determined.

Synopsis of Fiscal Effect Changes

The amended bill eliminates the bill's inclusion of school district income tax receipts from the 20-mill floor calculation, which reduces the number of affected school districts, as compared to the As Introduced (previous) bill. The change lowers the aggregate property tax losses for school districts by enabling more school districts to remain on the 20-mill floor.