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Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. O'Brien

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SUMMARY

- Requires that emergency and substitute tax levies be included in the calculation of a school district's 20-mill floor for property tax purposes.
- Prohibits a school district from shifting the purpose of its unvoted property tax millage in a way that would increase the district's tax revenue.

DETAILED ANALYSIS

The bill modifies two components of the property tax law. First, the bill changes the calculation of the 20-mill floor that guarantees school districts a certain level of property tax revenue. Second, the bill prohibits a school district from shifting the purpose of its unvoted millage in a way that would increase the district's property tax revenue.

Changes to school district 20-mill floor

Continuing property tax law applies a "tax reduction factor" to real property, with the goal of preventing property taxes from increasing at the same rate as property values. Basically, each year when property values increase, property tax collections are adjusted downward so that taxing districts receive the same amount of revenue they received in the previous year. These reductions are converted to an "effective tax rate."

The tax reduction factor, under the Ohio Constitution, cannot apply to unvoted, or "inside" millage, or certain other types of operating levies, like fixed-sum levies, i.e., levies intended to raise a fixed amount of revenue each year.¹ Examples of the most common voter-approved fixed-sum levies include two that may be levied by school districts – emergency and substitute levies. Emergency levies allow a school district to collect a fixed amount of money

¹ Ohio Constitution, Article XII, Section 2a; R.C. 319.301.

every year. Substitute levies collect a fixed sum in their first year, and then collect increasingly more in each later year based on the district's increased valuation due to new construction and improvements.

There are some exceptions to the tax reduction factor – one of which is the 20-mill floor, which guarantees that a school district's effective tax rate for operating expense levies cannot fall below 20 mills. Instead, the tax reduction factor can only reduce a school district's operating levy collections to 20 mills – once that "floor" is reached in a school district, the reduction factor cannot reduce effective rates any further. Consequently, any growth in property tax values will produce a corresponding increase in taxes from those 20 mills. If property values increase 35% in a school district that is "on" the 20-mill floor, homeowners will generally see a larger tax increase than in other districts that are not on the 20-mill floor. The tax increase will very likely be less than 35%, since the tax reduction factor will still apply to other local tax levies (e.g., county and township levies), but since school district levies typically make up a majority of a homeowner's property taxes, the 20-mill floor will have a significant impact.

Under continuing law, a similar 2-mill floor applies to joint vocational school districts (JVSDs).

The bill

Under current law, the calculation of a school district's 20-mill floor includes only inside millage used for operating expenses and voted, fixed-rate operating expense levies. Fixed-sum levies are not included in the calculation, even if the revenue from those levies is used for operating expenses.

The bill requires that emergency and substitute levies be included in the 20-mill floor calculation. These levies will continue to be excluded from the tax reduction factors, since that mechanism cannot reduce the amount of money raised from such levies. The effect of the change, for school districts that currently levy an emergency or substitute levy, is to increase the total millage that is compared to the 20-mill floor. If the district was previously on the floor, the new calculation may push the district above the floor, with the result that the district will not see full revenue growth from its voted levies that are affected by the tax reduction factor until the district falls back to the 20-mill floor.²

JVSDs are also authorized to levy an emergency or substitute levy, even though it appears that currently none of them do. Regardless, the bill also includes any emergency or substitute levies in the computation of a JVSD's 2-mill floor.

Under the bill, three other types of less common fixed-sum school district levies continue to be excluded from the computation of the 20-mill floor:

- A growth levy, which collects a fixed amount in its first year, and then an additional percentage or amount of revenue in each following year.

² R.C. 319.301.

- A property tax that collects a fixed amount each year, levied in combination with a school district income tax.
- A conversion levy, which may no longer be submitted to voters after 2014, though existing levies may be renewed. This levy allowed school districts above the 20-mill floor to repeal and re-levy their taxes in excess of the floor as a single fixed-sum levy, with the express purpose of dropping the district onto the 20-mill floor.

The bill's millage floor changes apply to tax years beginning on and after the bill's 90-day effective date.³

Inside millage changes

Under the Ohio Constitution, property taxes must generally be approved by voters, with certain exceptions. One of these exceptions is that taxing authorities may, collectively, levy unvoted property taxes that do not exceed 1% (10 mills) of a property's true value.⁴ Typically referred to as inside millage, these taxes may be levied for one or more of several purposes, including operating expenses, debt, and certain special purposes.⁵

The bill prohibits a school district from changing the purpose of its inside millage in any way that would increase its real property tax revenue. This effect could be achieved if a district specifies that its inside millage currently used for operating expenses (and, therefore, included in the district's 20-mill floor) will instead be used for permanent improvements (and, consequently, excluded from the floor). As a result, the district would experience revenue growth both from its other 20-mill floor levies *and* from the inside permanent improvement millage.⁶

Under current law, if a school district proposes any change in its inside millage usage that would increase taxes levied by the district, the district must hold the public hearing on the proposed change. The bill maintains this requirement for an inside millage change, other than a change in the levy's purpose, that would result in a property tax revenue increase. This meeting requirement would, for example, still apply to a situation in which the district is proposing to levy an increased rate of inside millage.

The bill's prohibition applies to inside millage authorized for tax years beginning on and after the bill's 90-day effective date.⁷

³ Section 3(A).

⁴ Ohio Constitution, Article XII, Section 2.

⁵ R.C. 5705.04, 5705.05, and 5705.06.

⁶ R.C. 5705.314.

⁷ Section 3(B).

HISTORY

Action	Date
Introduced	08-13-24
