

As Introduced

**129th General Assembly
Regular Session
2011-2012**

S. B. No. 364

Senator Seitz

Cosponsor: Senator Eklund

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A B I L L

To amend sections 5705.29, 5747.51, 5747.53, and 1
5751.20, to enact new section 5747.52, and to 2
repeal section 5747.52 of the Revised Code to 3
establish a new default formula for determining 4
the share allocated to each subdivision from a 5
county's Local Government Fund distribution. 6

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

Section 1. That sections 5705.29, 5747.51, 5747.53, and 7
5751.20 be amended and new section 5747.52 of the Revised Code be 8
enacted to read as follows: 9

Sec. 5705.29. This section does not apply to a subdivision or 10
taxing unit for which the county budget commission has waived the 11
requirement to adopt a tax budget pursuant to section 5705.281 of 12
the Revised Code. The tax budget shall present the following 13
information in such detail as is prescribed by the auditor of 14
state: 15

(A)(1) A statement of the necessary current operating 16
expenses for the ensuing fiscal year for each department and 17
division of the subdivision, classified as to personal services 18
and other expenses, and the fund from which such expenditures are 19

to be made. Except in the case of a school district, this estimate 20
may include a contingent expense not designated for any particular 21
purpose, and not to exceed three per cent of the total amount of 22
appropriations for current expenses. In the case of a school 23
district, this estimate may include a contingent expense not 24
designated for any particular purpose and not to exceed thirteen 25
per cent of the total amount of appropriations for current 26
expenses. 27

(2) A statement of the expenditures for the ensuing fiscal 28
year necessary for permanent improvements, exclusive of any 29
expense to be paid from bond issues, classified as to the 30
improvements contemplated by the subdivision and the fund from 31
which such expenditures are to be made; 32

(3) The amounts required for the payment of final judgments; 33

(4) A statement of expenditures for the ensuing fiscal year 34
necessary for any purpose for which a special levy is authorized, 35
and the fund from which such expenditures are to be made; 36

(5) Comparative statements, so far as possible, in parallel 37
columns of corresponding items of expenditures for the current 38
fiscal year and the two preceding fiscal years. 39

(B)(1) An estimate of receipts from other sources than the 40
general property tax during the ensuing fiscal year, which shall 41
include an estimate of unencumbered balances at the end of the 42
current fiscal year, and the funds to which such estimated 43
receipts are credited; 44

(2) The amount each fund requires from the general property 45
tax, which shall be the difference between the contemplated 46
expenditure from the fund and the estimated receipts, as provided 47
in this section. The section of the Revised Code under which the 48
tax is authorized shall be set forth. 49

(3) Comparative statements, so far as possible, in parallel 50

columns of taxes and other revenues for the current fiscal year 51
and the two preceding fiscal years. 52

(C)(1) The amount required for debt charges; 53

(2) The estimated receipts from sources other than the tax 54
levy for payment of such debt charges, including the proceeds of 55
refunding bonds to be issued to refund bonds maturing in the next 56
succeeding fiscal year; 57

(3) The net amount for which a tax levy shall be made, 58
classified as to bonds authorized and issued prior to January 1, 59
1922, and those authorized and issued subsequent to such date, and 60
as to what portion of the levy will be within and what in excess 61
of the ten-mill limitation. 62

(D) An estimate of amounts from taxes authorized to be levied 63
in excess of the ten-mill limitation on the tax rate, and the fund 64
to which such amounts will be credited, together with the sections 65
of the Revised Code under which each such tax is exempted from all 66
limitations on the tax rate. 67

(E)(1) A board of education may include in its budget for the 68
fiscal year in which a levy proposed under section 5705.194, 69
5705.199, 5705.21, 5705.213, or 5705.219, a property tax levy 70
proposed under section 5748.09, or the original levy under section 71
5705.212 of the Revised Code is first extended on the tax list and 72
duplicate an estimate of expenditures to be known as a voluntary 73
contingency reserve balance, which shall not be greater than 74
twenty-five per cent of the total amount of the levy estimated to 75
be available for appropriation in such year. 76

(2) A board of education may include in its budget for the 77
fiscal year following the year in which a levy proposed under 78
section 5705.194, 5705.199, 5705.21, 5705.213, or 5705.219, a 79
property tax levy proposed under section 5748.09, or the original 80
levy under section 5705.212 of the Revised Code is first extended 81

on the tax list and duplicate an estimate of expenditures to be 82
known as a voluntary contingency reserve balance, which shall not 83
be greater than twenty per cent of the amount of the levy 84
estimated to be available for appropriation in such year. 85

(3) Except as provided in division (E)(4) of this section, 86
the full amount of any reserve balance the board includes in its 87
budget shall be retained by the county auditor and county 88
treasurer out of the first semiannual settlement of taxes until 89
the beginning of the next succeeding fiscal year, and thereupon, 90
with the depository interest apportioned thereto, it shall be 91
turned over to the board of education, to be used for the purposes 92
of such fiscal year. 93

(4) A board of education, by a two-thirds vote of all members 94
of the board, may appropriate any amount withheld as a voluntary 95
contingency reserve balance during the fiscal year for any lawful 96
purpose, provided that prior to such appropriation the board of 97
education has authorized the expenditure of all amounts 98
appropriated for contingencies under section 5705.40 of the 99
Revised Code. Upon request by the board of education, the county 100
auditor shall draw a warrant on the district's account in the 101
county treasury payable to the district in the amount requested. 102

(F)(1) A board of education may include a spending reserve in 103
its budget for fiscal years ending on or before June 30, 2002. The 104
spending reserve shall consist of an estimate of expenditures not 105
to exceed the district's spending reserve balance. A district's 106
spending reserve balance is the amount by which the designated 107
percentage of the district's estimated personal property taxes to 108
be settled during the calendar year in which the fiscal year ends 109
exceeds the estimated amount of personal property taxes to be so 110
settled and received by the district during that fiscal year. 111
Moneys from a spending reserve shall be appropriated in accordance 112
with section 133.301 of the Revised Code. 113

(2) For the purposes of computing a school district's 114
spending reserve balance for a fiscal year, the designated 115
percentage shall be as follows: 116

Fiscal year ending in:	Designated percentage	
1998	50%	118
1999	40%	119
2000	30%	120
2001	20%	121
2002	10%	122

(G) Except as otherwise provided in this division, the county 123
budget commission shall not reduce the taxing authority of a 124
subdivision as a result of the creation of a reserve balance 125
account. ~~Except as otherwise provided in this division, the county~~ 126
~~budget commission shall not consider the amount in a reserve~~ 127
~~balance account of a township, county, or municipal corporation as~~ 128
~~an unencumbered balance or as revenue for the purposes of division~~ 129
~~(E)(3) or (4) of section 5747.51 of the Revised Code.~~ The county 130
budget commission may require documentation of the reasonableness 131
of the reserve balance held in any reserve balance account. ~~The~~ 132
~~commission shall consider any amount in a reserve balance account~~ 133
~~that it determines to be unreasonable as unencumbered and as~~ 134
~~revenue for the purposes of section 5747.51 of the Revised Code~~ 135
and may take ~~such~~ amounts determined to be unreasonable into 136
consideration when determining whether to reduce the taxing 137
authority of a subdivision. 138

Sec. 5747.51. ~~(A)~~ On or before the twenty-fifth day of July 139
of each year, the tax commissioner shall make and certify to the 140
county auditor of each county an estimate of the amount of the 141
local government fund to be allocated to the undivided local 142
government fund of each county for the ensuing calendar year. 143

~~(B) At each annual regular session of the county budget~~ 144

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

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

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

~~(D) From the combined total of expenditures calculated~~

pursuant to division (C) of this section, the commission shall	177
deduct the following expenditures, if included in these funds in	178
the tax budget:	179
(1) Expenditures for permanent improvements as defined in	180
division (E) of section 5705.01 of the Revised Code;	181
(2) In the case of counties and townships, transfers to the	182
road and bridge fund, and in the case of municipalities, transfers	183
to the street construction, maintenance, and repair fund and the	184
state highway improvement fund;	185
(3) Expenditures for the payment of debt charges;	186
(4) Expenditures for the payment of judgments.	187
(E) In addition to the deductions made pursuant to division	188
(D) of this section, revenues accruing to the general fund and any	189
special fund considered under division (C) of this section from	190
the following sources shall be deducted from the combined total of	191
expenditures calculated pursuant to division (C) of this section:	192
(1) Taxes levied within the ten mill limitation, as defined	193
in section 5705.02 of the Revised Code;	194
(2) The budget commission allocation of estimated county	195
public library fund revenues to be distributed pursuant to section	196
5747.48 of the Revised Code;	197
(3) Estimated unencumbered balances as shown on the tax	198
budget as of the thirty first day of December of the current year	199
in the general fund, but not any estimated balance in any special	200
fund considered in division (C) of this section;	201
(4) Revenue, including transfers, shown in the general fund	202
and any special funds other than special funds established for	203
road and bridge; street construction, maintenance, and repair;	204
state highway improvement; and gas, water, sewer, and electric	205
public utilities, from all other sources except those that a	206

~~subdivision receives from an additional tax or service charge 207
voted by its electorate or receives from special assessment or 208
revenue bond collection. For the purposes of this division, where 209
the charter of a municipal corporation prohibits the levy of an 210
income tax, an income tax levied by the legislative authority of 211
such municipal corporation pursuant to an amendment of the charter 212
of that municipal corporation to authorize such a levy represents 213
an additional tax voted by the electorate of that municipal 214
corporation. For the purposes of this division, any measure 215
adopted by a board of county commissioners pursuant to section 216
322.02, 324.02, 4504.02, or 5739.021 of the Revised Code, 217
including those measures upheld by the electorate in a referendum 218
conducted pursuant to section 322.021, 324.021, 4504.021, or 219
5739.022 of the Revised Code, shall not be considered an 220
additional tax voted by the electorate. 221~~

~~Subject to division (G) of section 5705.29 of the Revised 222
Code, money in a reserve balance account established by a county, 223
township, or municipal corporation under section 5705.13 of the 224
Revised Code shall not be considered an unencumbered balance or 225
revenue under division (E)(3) or (4) of this section. Money in a 226
reserve balance account established by a township under section 227
5705.132 of the Revised Code shall not be considered an 228
unencumbered balance or revenue under division (E)(3) or (4) of 229
this section. 230~~

~~If a county, township, or municipal corporation has created 231
and maintains a nonexpendable trust fund under section 5705.131 of 232
the Revised Code, the principal of the fund, and any additions to 233
the principal arising from sources other than the reinvestment of 234
investment earnings arising from such a fund, shall not be 235
considered an unencumbered balance or revenue under division 236
(E)(3) or (4) of this section. Only investment earnings arising 237
from investment of the principal or investment of such additions 238~~

~~to principal may be considered an unencumbered balance or revenue 239
under those divisions. 240~~

~~(F) The total expenditures calculated pursuant to division 241
(C) of this section, less the deductions authorized in divisions 242
(D) and (E) of this section, shall be known as the "relative need"
of the subdivision, for the purposes of this section. 243
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~~(G) The budget commission shall total the relative need of 245
all participating subdivisions in the county, and shall compute a 246
relative need factor by dividing the total estimate of the 247
undivided local government fund by the total relative need of all 248
participating subdivisions. 249~~

~~(H) The relative need of each subdivision shall be multiplied 250
by the relative need factor to determine the proportionate share 251
of the subdivision in the undivided local government fund of the 252
county; provided, that the maximum proportionate share of a county 253
shall not exceed the following maximum percentages of the total 254
estimate of the undivided local government fund governed by the 255
relationship of the percentage of the population of the county 256
that resides within municipal corporations within the county to 257
the total population of the county as reported in the reports on 258
population in Ohio by the department of development as of the 259
twentieth day of July of the year in which the tax budget is filed 260
with the budget commission. 261~~

Percentage of municipal	Percentage share of the county	262
population within the county:	shall not exceed:	

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Less than forty one per cent	Sixty per cent	264
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Forty one per cent or more but	Fifty per cent	265
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~~less than eighty one per cent~~

Eighty one per cent or more	Thirty per cent	266
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~~Where the proportionate share of the county exceeds the 267~~

~~limitations established in this division, the budget commission 268~~

~~shall adjust the proportionate shares determined pursuant to this 269
division so that the proportionate share of the county does not 270
exceed these limitations, and it shall increase the proportionate 271
shares of all other subdivisions on a pro rata basis. In counties 272
having a population of less than one hundred thousand, not less 273
than ten per cent shall be distributed to the townships therein. 274~~

~~(I) The proportionate share of each subdivision in the 275
undivided local government fund determined pursuant to division 276
(H) of this section for any calendar year shall not be less than 277
the product of the average of the percentages of the undivided 278
local government fund of the county as apportioned to that 279
subdivision for the calendar years 1968, 1969, and 1970, 280
multiplied by the total amount of the undivided local government 281
fund of the county apportioned pursuant to former section 5735.23 282
of the Revised Code for the calendar year 1970. For the purposes 283
of this division, the total apportioned amount for the calendar 284
year 1970 shall be the amount actually allocated to the county in 285
1970 from the state collected intangible tax as levied by section 286
5707.03 of the Revised Code and distributed pursuant to section 287
5725.24 of the Revised Code, plus the amount received by the 288
county in the calendar year 1970 pursuant to division (B)(1) of 289
former section 5739.21 of the Revised Code, and distributed 290
pursuant to former section 5739.22 of the Revised Code. If the 291
total amount of the undivided local government fund for any 292
calendar year is less than the amount of the undivided local 293
government fund apportioned pursuant to former section 5739.23 of 294
the Revised Code for the calendar year 1970, the minimum amount 295
guaranteed to each subdivision for that calendar year pursuant to 296
this division shall be reduced on a basis proportionate to the 297
amount by which the amount of the undivided local government fund 298
for that calendar year is less than the amount of the undivided 299
local government fund apportioned for the calendar year 1970. 300~~

~~(J) On~~ Upon the auditor's receipt of the estimate, the county budget commission shall determine the amount that shall be distributed from the undivided local government fund to each subdivision under section 5747.52 or 5747.53 of the Revised Code. The commission's determination is final and may not be appealed unless the commission failed to comply with the formula under section 5747.52 or 5747.53 of the Revised Code.

On the basis of ~~such apportionment~~ the budget commission's determination, the county auditor shall compute the percentage share of each such subdivision in the undivided local government fund and shall at the same time certify to the tax commissioner the percentage share of the county as a subdivision. ~~No payment shall be made from the undivided local government fund, except in accordance with such percentage shares.~~

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

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

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

If a municipal corporation maintains a municipal university, 333
such municipal university, when the board of trustees so requests 334
the legislative authority of the municipal corporation, shall 335
participate in the money apportioned to such municipal corporation 336
from the total local government fund, however created and 337
constituted, in such amount as requested by the board of trustees, 338
provided such sum does not exceed nine per cent of the total 339
amount paid to the municipal corporation. 340

If any public official fails to maintain the records required 341
by sections 5747.50 to 5747.55 of the Revised Code or by the rules 342
issued by the tax commissioner, the auditor of state, or the 343
treasurer of state pursuant to such sections, or fails to comply 344
with any law relating to the enforcement of such sections, the 345
local government fund money allocated to the county may be 346
withheld until such time as the public official has complied with 347
such sections or such law or the rules issued pursuant thereto. 348

Sec. 5747.52. (A) For purposes of this section: 349

(1) "Total county allocation" means the estimate certified by 350
the tax commissioner under section 5747.51 of the Revised Code. 351

(2) "Total base allocation" means the sum of the base 352
allocations of the county, metropolitan park district, and each 353
subdivision. 354

(3) "Base allocation" means, in the case of a county, thirty 355
per cent of total county allocation. In the case of a metropolitan 356
park district if one exists in the county, "base allocation" means 357
five and one-half per cent of total county allocation. For all 358
other subdivisions, "base allocation" means the average of a 359
subdivision's current year allocation, first preceding year 360
distribution, and second preceding year distribution. 361

(4) "Current year allocation" means the amount allocated to a 362

<u>subdivision for the current year.</u>	363
<u>(5) "First preceding year distribution" means the amount</u>	364
<u>actually distributed to a subdivision pursuant to this section or</u>	365
<u>section 5747.53 of the Revised Code in the year immediately</u>	366
<u>preceding the current year.</u>	367
<u>(6) "Second preceding year distribution" means the amount</u>	368
<u>actually distributed to a subdivision pursuant to this section or</u>	369
<u>section 5747.53 of the Revised Code in the second year immediately</u>	370
<u>preceding the current year.</u>	371
<u>(7) "Adjusted base allocation" means the product of total</u>	372
<u>county allocation multiplied by the quotient of the subdivision's</u>	373
<u>base allocation divided by total base allocation.</u>	374
<u>(8) "Total excess allocation" means the difference of total</u>	375
<u>county allocation minus total base allocation, but not less than</u>	376
<u>zero.</u>	377
<u>(9) "Excess allocation" of a subdivision means the product of</u>	378
<u>total excess allocation multiplied by the subdivision's excess</u>	379
<u>allocation percentage.</u>	380
<u>(10) "Excess allocation percentage" means the average of a</u>	381
<u>subdivision's property wealth ratio, income ratio, and population</u>	382
<u>ratio.</u>	383
<u>(11) "Property wealth ratio" means the quotient of a</u>	384
<u>subdivision's property wealth factor divided by the sum of the</u>	385
<u>property wealth factors of all subdivisions.</u>	386
<u>(12) "Property wealth factor" means the quotient of a</u>	387
<u>subdivision's population divided by its taxable value per capita.</u>	388
<u>(13) "Income ratio" means the quotient of a subdivision's</u>	389
<u>income factor divided by the sum of the income factors of all</u>	390
<u>subdivisions.</u>	391
<u>(14) "Income factor" means the quotient of a subdivision's</u>	392

population divided by its per capita income. 393

(15) "Population ratio" means the quotient of a subdivision's population factor divided by the sum of the population factors of all subdivisions. 394
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(16) "Population density" means the quotient of a subdivision's population divided by the subdivision's geographical size, measured in square miles, as determined by the county engineer. 397
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(17) "Population factor" means the product of a subdivision's population multiplied by its population density. 401
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(18) "Population" means the population of a subdivision as determined by a regional or county planning commission or, if no such commission exists, by the county budget commission. 403
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(19) "Taxable value" means the taxable value of all taxable property in the subdivision as indicated on the tax list of real and public utility property for the preceding tax year. 406
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(20) "Taxable value per capita" means the quotient of a subdivision's population divided by its taxable value. 409
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(21) "Per capita income" of a subdivision means the per capita income as published by or derived from information prepared by the United States bureau of the census. 411
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(B) If the total county allocation is equal to or greater than the total base allocation, the amount that shall be distributed to a subdivision from the undivided local government fund equals the sum of the subdivision's base allocation plus its excess allocation. If the total county allocation is less than the total base allocation, the amount that shall be distributed to a subdivision from the undivided local government fund equals the subdivision's adjusted base allocation. 414
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(C) If the actual amount distributed to the undivided local 422

government fund in a year exceeds the total county allocation for 423
that year, the excess shall be distributed to subdivisions as 424
provided in divisions (C)(1) and (2) of this section. 425

(1) Of the first seven hundred fifty thousand dollars of 426
excess, a subdivision shall receive the product of the excess 427
multiplied by the quotient of the subdivision's allocation under 428
division (B) of this section divided by the total county 429
allocation. 430

(2) Any amount in excess of seven hundred fifty thousand 431
dollars shall be distributed as follows: 432

(a) To the county, thirty per cent; 433

(b) To a metropolitan park district if one exists in the 434
county, five and one-half per cent; 435

(c) The remainder shall be distributed to all other 436
subdivisions in amounts to be determined in the same manner as the 437
subdivisions' excess allocation is determined, except that "total 438
excess allocation" equals the total amount to be distributed under 439
division (C)(2)(c) of this section. 440

(D)(1) As used in this division: 441

(a) "Total distribution" means the total amount to be 442
distributed to a county or qualifying city for a calendar year 443
under divisions (B) and (C) of this section. 444

(b) "2012 allocation" means the total amount distributed to a 445
county or qualifying city under section 5747.52 or 5747.53 of the 446
Revised Code in calendar year 2012. 447

(c) "Qualifying city" means a city described in Section 448
6(C)(3)(a) of Article XV, Ohio Constitution. 449

(2) The amounts to be distributed to a county or qualifying 450
city under divisions (B) and (C) of this section shall be subject 451
to adjustment as provided in this division. For any calendar year, 452

if a qualifying city's total distribution would exceed the 453
qualifying city's 2012 allocation, and if the total distribution 454
of the county in which the qualifying city is located would not 455
equal or exceed the county's 2012 allocation, the qualifying 456
city's total distribution for that calendar year shall be reduced 457
by an amount equal to fifty per cent of the difference between the 458
qualifying city's total distribution and its 2012 allocation, and 459
the county's total distribution for that calendar year shall be 460
increased by an identical amount. 461

Sec. 5747.53. (A) ~~As used in this section:~~ 462

~~(1) "City, located wholly or partially in the county, with~~ 463
~~the greatest population" means the city, located wholly or~~ 464
~~partially in the county, with the greatest population residing in~~ 465
~~the county; however, if the county budget commission on or before~~ 466
~~January 1, 1998, adopted an alternative method of apportionment~~ 467
~~that was approved by the legislative authority of the city,~~ 468
~~located partially in the county, with the greatest population but~~ 469
~~not the greatest population residing in the county, "city, located~~ 470
~~wholly or partially in the county, with the greatest population"~~ 471
~~means the city, located wholly or partially in the county, with~~ 472
~~the greatest population whether residing in the county or not, if~~ 473
~~this alternative meaning is adopted by action of the board of~~ 474
~~county commissioners and a majority of the boards of township~~ 475
~~trustees and legislative authorities of municipal corporations~~ 476
~~located wholly or partially in the county.~~ 477

~~(2) "Participating political subdivision" means a municipal~~ 478
~~corporation or township that satisfies all of the following:~~ 479

~~(a) It is located wholly or partially in the county.~~ 480

~~(b) It is not the city, located wholly or partially in the~~ 481
~~county, with the greatest population.~~ 482

~~(c) Undivided local government fund moneys are apportioned to it under the county's alternative method or formula of apportionment in the current calendar year.~~

~~(B) In lieu of the method of apportionment of the undivided local government fund of the county provided by section ~~5747.51~~ 5747.52 of the Revised Code, upon the approval of seventy-five per cent or more of the subdivisions located wholly or partially in the county acting by motion adopted after July 1, 2012, the county budget commission may provide for the apportionment of the fund under an alternative method or on a formula basis as authorized by this section.~~

~~Except as otherwise provided in division (C) of this section, the alternative method of apportionment shall have first been approved by all of the following governmental units: the board of county commissioners; the legislative authority of the city, located wholly or partially in the county, with the greatest population; and a majority of the boards of township trustees and legislative authorities of municipal corporations, located wholly or partially in the county, excluding the legislative authority of the city, located wholly or partially in the county, with the greatest population. In granting or denying approval for an alternative method of apportionment, the board of county commissioners, boards of township trustees, and legislative authorities of municipal corporations shall act by motion. A motion to approve shall be passed upon a majority vote of the members of a board of county commissioners, board of township trustees, or legislative authority of a municipal corporation, shall take effect immediately, and need not be published.~~

~~(B)(1) Except as provided in division (B)(2) of this section, if, for any calendar year, the amount that would be apportioned to a county or to the largest municipal corporation in a county under the apportionment method provided in section 5747.52 of the~~

Revised Code would exceed the amount that would be apportioned to 515
that county or municipal corporation under an alternative 516
apportionment method adopted under this section, the undivided 517
local government fund of the county shall be apportioned among the 518
subdivisions eligible to participate in the fund for that calendar 519
year under the apportionment method provided in section 5747.52 of 520
the Revised Code. 521

(2) A county or municipal corporation, acting by motion 522
adopted after July 1, 2012, may waive the application of division 523
(B)(1) of this section with respect to the county or municipal 524
corporation. If both the county and the largest municipal 525
corporation in the county approve such waivers, the county budget 526
commission may provide for the apportionment of the county 527
undivided local government fund under an alternative method 528
adopted under this section for any calendar year regardless of the 529
amount that would be apportioned to the county and municipal 530
corporation in that calendar year under the alternative method. 531

(C) Any alternative method of apportionment adopted and 532
approved under this ~~division~~ section may be revised, amended, or 533
repealed in the same manner as it may be adopted and approved. If 534
an alternative method of apportionment adopted and approved under 535
this ~~division~~ section is repealed, the undivided local government 536
fund of the county shall be apportioned among the subdivisions 537
eligible to participate in the fund, commencing in the ensuing 538
calendar year, under the apportionment provided in section 5747.52 539
of the Revised Code, ~~unless the repeal occurs by operation of~~ 540
~~division (C) of this section or a new method for apportionment of~~ 541
~~the fund is provided in the action of repeal.~~ 542

~~(C) This division applies only in counties in which the city,~~ 543
~~located wholly or partially in the county, with the greatest~~ 544
~~population has a population of twenty thousand or less and a~~ 545
~~population that is less than fifteen per cent of the total~~ 546

~~population of the county. In such a county, the legislative 547
authorities or boards of township trustees of two or more 548
participating political subdivisions, which together have a 549
population residing in the county that is a majority of the total 550
population of the county, each may adopt a resolution to exclude 551
the approval otherwise required of the legislative authority of 552
the city, located wholly or partially in the county, with the 553
greatest population. All of the resolutions to exclude that 554
approval shall be adopted not later than the first Monday of 555
August of the year preceding the calendar year in which 556
distributions are to be made under an alternative method of 557
apportionment. 558~~

~~A motion granting or denying approval of an alternative 559
method of apportionment under this division shall be adopted by a 560
majority vote of the members of the board of county commissioners 561
and by a majority vote of a majority of the boards of township 562
trustees and legislative authorities of the municipal corporations 563
located wholly or partially in the county, other than the city, 564
located wholly or partially in the county, with the greatest 565
population, shall take effect immediately, and need not be 566
published. The alternative method of apportionment under this 567
division shall be adopted and approved annually, not later than 568
the first Monday of August of the year preceding the calendar year 569
in which distributions are to be made under it. A motion granting 570
approval of an alternative method of apportionment under this 571
division repeals any existing alternative method of apportionment, 572
effective with distributions to be made from the fund in the 573
ensuing calendar year. An alternative method of apportionment 574
under this division shall not be revised or amended after the 575
first Monday of August of the year preceding the calendar year in 576
which distributions are to be made under it. 577~~

(D) In determining an alternative method of apportionment 578

authorized by this section, the county budget commission may 579
include in the method any factor considered to be appropriate and 580
reliable, in the sole discretion of the county budget commission. 581

~~(E) The limitations set forth in section 5747.51 of the 582
Revised Code, stating the maximum amount that the county may 583
receive from the undivided local government fund and the minimum 584
amount the townships in counties having a population of less than 585
one hundred thousand may receive from the fund, are applicable to 586
any alternative method of apportionment authorized under this 587
section. 588~~

~~(F)~~ On the basis of any alternative method of apportionment 589
adopted and approved as authorized by this section, as certified 590
by the auditor to the county treasurer, the county treasurer shall 591
make distribution of the money in the undivided local government 592
fund to each subdivision eligible to participate in the fund, and 593
the auditor, when the amount of those shares is in the custody of 594
the treasurer in the amounts so computed to be due the respective 595
subdivisions, shall at the same time certify to the tax 596
commissioner the percentage share of the county as a subdivision. 597
All money received into the treasury of a subdivision from the 598
undivided local government fund in a county treasury shall be paid 599
into the general fund and used for the current operating expenses 600
of the subdivision. If a municipal corporation maintains a 601
municipal university, the university, when the board of trustees 602
so requests the legislative authority of the municipal 603
corporation, shall participate in the money apportioned to the 604
municipal corporation from the total local government fund, 605
however created and constituted, in the amount requested by the 606
board of trustees, provided that amount does not exceed nine per 607
cent of the total amount paid to the municipal corporation. 608

~~(G)~~(F) The actions of the county budget commission taken 609
pursuant to this section are final and may not be appealed to the 610

board of tax appeals, except on the issues of abuse of discretion 611
and failure to comply with the formula. 612

Sec. 5751.20. (A) As used in sections 5751.20 to 5751.22 of 613
the Revised Code: 614

(1) "School district," "joint vocational school district," 615
"local taxing unit," "recognized valuation," "fixed-rate levy," 616
and "fixed-sum levy" have the same meanings as used in section 617
5727.84 of the Revised Code. 618

(2) "State education aid" for a school district means the 619
following: 620

(a) For fiscal years prior to fiscal year 2010, the sum of 621
state aid amounts computed for the district under the following 622
provisions, as they existed for the applicable fiscal year: 623
division (A) of section 3317.022 of the Revised Code, including 624
the amounts calculated under sections 3317.029 and 3317.0217 of 625
the Revised Code; divisions (C)(1), (C)(4), (D), (E), and (F) of 626
section 3317.022; divisions (B), (C), and (D) of section 3317.023; 627
divisions (L) and (N) of section 3317.024; section 3317.0216; and 628
any unit payments for gifted student services paid under sections 629
3317.05, 3317.052, and 3317.053 of the Revised Code; except that, 630
for fiscal years 2008 and 2009, the amount computed for the 631
district under Section 269.20.80 of H.B. 119 of the 127th general 632
assembly and as that section subsequently may be amended shall be 633
substituted for the amount computed under division (D) of section 634
3317.022 of the Revised Code, and the amount computed under 635
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 636
that section subsequently may be amended shall be included. 637

(b) For fiscal years 2010 and 2011, the sum of the amounts 638
computed under former sections 3306.052, 3306.12, 3306.13, 639
3306.19, 3306.191, and 3306.192 of the Revised Code; 640

(c) For fiscal years 2012 and 2013, the amount paid in accordance with ~~the section~~ Section 267.30.50 of H.B. 153 of the 129th general assembly entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL SCHOOL DISTRICTS." 641
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(3) "State education aid" for a joint vocational school district means the following: 645
646

(a) For fiscal years prior to fiscal year 2010, the sum of the state aid computed for the district under division (N) of section 3317.024 and section 3317.16 of the Revised Code, except that, for fiscal years 2008 and 2009, the amount computed under Section 269.30.80 of H.B. 119 of the 127th general assembly and as that section subsequently may be amended shall be included. 647
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(b) For fiscal years 2010 and 2011, the amount paid in accordance with ~~the section~~ Section 265.30.50 of H.B. 1 of the 128th general assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 653
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(c) For fiscal years 2012 and 2013, the amount paid in accordance with ~~the section~~ Section 267.30.60 of H.B. 153 of the 129th general assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 657
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(4) "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5751.21 of the Revised Code. 661
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(5) "Machinery and equipment property tax value loss" means the amount determined under division (C)(1) of this section. 664
665

(6) "Inventory property tax value loss" means the amount determined under division (C)(2) of this section. 666
667

(7) "Furniture and fixtures property tax value loss" means the amount determined under division (C)(3) of this section. 668
669

(8) "Machinery and equipment fixed-rate levy loss" means the 670

amount determined under division (D)(1) of this section.	671
(9) "Inventory fixed-rate levy loss" means the amount determined under division (D)(2) of this section.	672 673
(10) "Furniture and fixtures fixed-rate levy loss" means the amount determined under division (D)(3) of this section.	674 675
(11) "Total fixed-rate levy loss" means the sum of the machinery and equipment fixed-rate levy loss, the inventory fixed-rate levy loss, the furniture and fixtures fixed-rate levy loss, and the telephone company fixed-rate levy loss.	676 677 678 679
(12) "Fixed-sum levy loss" means the amount determined under division (E) of this section.	680 681
(13) "Machinery and equipment" means personal property subject to the assessment rate specified in division (F) of section 5711.22 of the Revised Code.	682 683 684
(14) "Inventory" means personal property subject to the assessment rate specified in division (E) of section 5711.22 of the Revised Code.	685 686 687
(15) "Furniture and fixtures" means personal property subject to the assessment rate specified in division (G) of section 5711.22 of the Revised Code.	688 689 690
(16) "Qualifying levies" are levies in effect for tax year 2004 or applicable to tax year 2005 or approved at an election conducted before September 1, 2005. For the purpose of determining the rate of a qualifying levy authorized by section 5705.212 or 5705.213 of the Revised Code, the rate shall be the rate that would be in effect for tax year 2010.	691 692 693 694 695 696
(17) "Telephone property" means tangible personal property of a telephone, telegraph, or interexchange telecommunications company subject to an assessment rate specified in section 5727.111 of the Revised Code in tax year 2004.	697 698 699 700

(18) "Telephone property tax value loss" means the amount 701
determined under division (C)(4) of this section. 702

(19) "Telephone property fixed-rate levy loss" means the 703
amount determined under division (D)(4) of this section. 704

(20) "Taxes charged and payable" means taxes charged and 705
payable after the reduction required by section 319.301 of the 706
Revised Code but before the reductions required by sections 707
319.302 and 323.152 of the Revised Code. 708

(21) "Median estate tax collections" means, in the case of a 709
municipal corporation to which revenue from the taxes levied in 710
Chapter 5731. of the Revised Code was distributed in each of 711
calendar years 2006, 2007, 2008, and 2009, the median of those 712
distributions. In the case of a municipal corporation to which no 713
distributions were made in one or more of those years, "median 714
estate tax collections" means zero. 715

(22) "Total resources," in the case of a school district, 716
means the sum of the amounts in divisions (A)(22)(a) to (h) of 717
this section less any reduction required under division (A)(32) of 718
this section. 719

(a) The state education aid for fiscal year 2010; 720

(b) The sum of the payments received by the school district 721
in fiscal year 2010 for current expense levy losses pursuant to 722
division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of 723
section 5751.21 of the Revised Code, excluding the portion of such 724
payments attributable to levies for joint vocational school 725
district purposes; 726

(c) The sum of fixed-sum levy loss payments received by the 727
school district in fiscal year 2010 pursuant to division (E)(1) of 728
section 5727.85 and division (E)(1) of section 5751.21 of the 729
Revised Code for fixed-sum levies imposed for a purpose other than 730
paying debt charges; 731

(d) Fifty per cent of the school district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2008, including taxes charged and payable from emergency levies imposed under section 5709.194 of the Revised Code and excluding taxes levied for joint vocational school district purposes;

(e) Fifty per cent of the school district's taxes charged and payable against all property on the tax list of real and public utility property for current expenses for tax year 2009, including taxes charged and payable from emergency levies and excluding taxes levied for joint vocational school district purposes;

(f) The school district's taxes charged and payable against all property on the general tax list of personal property for current expenses for tax year 2009, including taxes charged and payable from emergency levies;

(g) The amount certified for fiscal year 2010 under division (A)(2) of section 3317.08 of the Revised Code;

(h) Distributions received during calendar year 2009 from taxes levied under section 718.09 of the Revised Code.

(23) "Total resources," in the case of a joint vocational school district, means the sum of amounts in divisions (A)(23)(a) to (g) of this section less any reduction required under division (A)(32) of this section.

(a) The state education aid for fiscal year 2010;

(b) The sum of the payments received by the joint vocational school district in fiscal year 2010 for current expense levy losses pursuant to division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of section 5751.21 of the Revised Code;

(c) Fifty per cent of the joint vocational school district's taxes charged and payable against all property on the tax list of

real and public utility property for current expense purposes for 762
tax year 2008; 763

(d) Fifty per cent of the joint vocational school district's 764
taxes charged and payable against all property on the tax list of 765
real and public utility property for current expenses for tax year 766
2009; 767

(e) Fifty per cent of a city, local, or exempted village 768
school district's taxes charged and payable against all property 769
on the tax list of real and public utility property for current 770
expenses of the joint vocational school district for tax year 771
2008; 772

(f) Fifty per cent of a city, local, or exempted village 773
school district's taxes charged and payable against all property 774
on the tax list of real and public utility property for current 775
expenses of the joint vocational school district for tax year 776
2009; 777

(g) The joint vocational school district's taxes charged and 778
payable against all property on the general tax list of personal 779
property for current expenses for tax year 2009. 780

(24) "Total resources," in the case of county mental health 781
and disability related functions, means the sum of the amounts in 782
divisions (A)(24)(a) and (b) of this section less any reduction 783
required under division (A)(32) of this section. 784

(a) The sum of the payments received by the county for mental 785
health and developmental disability related functions in calendar 786
year 2010 under division (A)(1) of section 5727.86 and ~~division~~ 787
divisions (A)(1) and (2) of section 5751.22 of the Revised Code as 788
they existed at that time; 789

(b) With respect to taxes levied by the county for mental 790
health and developmental disability related purposes, the taxes 791
charged and payable for such purposes against all property on the 792

tax list of real and public utility property for tax year 2009.	793
(25) "Total resources," in the case of county senior services related functions, means the sum of the amounts in divisions (A)(25)(a) and (b) of this section less any reduction required under division (A)(32) of this section.	794 795 796 797
(a) The sum of the payments received by the county for senior services related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;	798 799 800 801
(b) With respect to taxes levied by the county for senior services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009.	802 803 804 805
(26) "Total resources," in the case of county children's services related functions, means the sum of the amounts in divisions (A)(26)(a) and (b) of this section less any reduction required under division (A)(32) of this section.	806 807 808 809
(a) The sum of the payments received by the county for children's services related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;	810 811 812 813
(b) With respect to taxes levied by the county for children's services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009.	814 815 816 817
(27) "Total resources," in the case of county public health related functions, means the sum of the amounts in divisions (A)(27)(a) and (b) of this section less any reduction required under division (A)(32) of this section.	818 819 820 821
(a) The sum of the payments received by the county for public	822

health related functions in calendar year 2010 under division 823
(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 824
5751.22 of the Revised Code as they existed at that time; 825

(b) With respect to taxes levied by the county for public 826
health related purposes, the taxes charged and payable for such 827
purposes against all property on the tax list of real and public 828
utility property for tax year 2009. 829

(28) "Total resources," in the case of all county functions 830
not included in divisions (A)(24) to (27) of this section, means 831
the sum of the amounts in divisions (A)(28)(a) to (d) of this 832
section less any reduction required under division (A)(32) of this 833
section. 834

(a) The sum of the payments received by the county for all 835
other purposes in calendar year 2010 under division (A)(1) of 836
section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of 837
the Revised Code as they existed at that time; 838

(b) The county's percentage share of county undivided local 839
government fund allocations as certified to the tax commissioner 840
for calendar year 2010 by the county auditor under division (J) of 841
section 5747.51 ~~of the Revised Code~~ or division (F) of section 842
5747.53 of the Revised Code, as those divisions existed at that 843
time, multiplied by the total amount actually distributed in 844
calendar year 2010 from the county undivided local government 845
fund; 846

(c) With respect to taxes levied by the county for all other 847
purposes, the taxes charged and payable for such purposes against 848
all property on the tax list of real and public utility property 849
for tax year 2009, excluding taxes charged and payable for the 850
purpose of paying debt charges; 851

(d) The sum of the amounts distributed to the county in 852
calendar year 2010 for the taxes levied pursuant to sections 853

5739.021 and 5741.021 of the Revised Code. 854

(29) "Total resources," in the case of a municipal 855
corporation, means the sum of the amounts in divisions (A)(29)(a) 856
to (g) of this section less any reduction required under division 857
(A)(32) of this section. 858

(a) The sum of the payments received by the municipal 859
corporation in calendar year 2010 under division (A)(1) of section 860
5727.86 and divisions (A)(1) and (2) of section 5751.22 of the 861
Revised Code as they existed at that time; 862

(b) The municipal corporation's percentage share of county 863
undivided local government fund allocations as certified to the 864
tax commissioner for calendar year 2010 by the county auditor 865
under division (J) of section 5747.51 ~~of the Revised Code~~ or 866
division (F) of section 5747.53 of the Revised Code, as those 867
divisions existed at that time, multiplied by the total amount 868
actually distributed in calendar year 2010 from the county 869
undivided local government fund; 870

(c) The sum of the amounts distributed to the municipal 871
corporation in calendar year 2010 pursuant to section 5747.50 of 872
the Revised Code; 873

(d) With respect to taxes levied by the municipal 874
corporation, the taxes charged and payable against all property on 875
the tax list of real and public utility property for current 876
expenses, defined in division (A)(33) of this section, for tax 877
year 2009; 878

(e) The amount of admissions tax collected by the municipal 879
corporation in calendar year 2008, or if such information has not 880
yet been reported to the tax commissioner, in the most recent year 881
before 2008 for which the municipal corporation has reported data 882
to the commissioner; 883

(f) The amount of income taxes collected by the municipal 884

corporation in calendar year 2008, or if such information has not 885
yet been reported to the tax commissioner, in the most recent year 886
before 2008 for which the municipal corporation has reported data 887
to the commissioner; 888

(g) The municipal corporation's median estate tax 889
collections. 890

(30) "Total resources," in the case of a township, means the 891
sum of the amounts in divisions (A)(30)(a) to (c) of this section 892
less any reduction required under division (A)(32) of this 893
section. 894

(a) The sum of the payments received by the township in 895
calendar year 2010 pursuant to division (A)(1) of section 5727.86 896
of the Revised Code and divisions (A)(1) and (2) of section 897
5751.22 of the Revised Code as they existed at that time, 898
excluding payments received for debt purposes; 899

(b) The township's percentage share of county undivided local 900
government fund allocations as certified to the tax commissioner 901
for calendar year 2010 by the county auditor under division (J) of 902
section 5747.51 ~~of the Revised Code~~ or division (F) of section 903
5747.53 of the Revised Code, as those divisions existed at that 904
time, multiplied by the total amount actually distributed in 905
calendar year 2010 from the county undivided local government 906
fund; 907

(c) With respect to taxes levied by the township, the taxes 908
charged and payable against all property on the tax list of real 909
and public utility property for tax year 2009 excluding taxes 910
charged and payable for the purpose of paying debt charges. 911

(31) "Total resources," in the case of a local taxing unit 912
that is not a county, municipal corporation, or township, means 913
the sum of the amounts in divisions (A)(31)(a) to (e) of this 914
section less any reduction required under division (A)(32) of this 915

section. 916

(a) The sum of the payments received by the local taxing unit 917
in calendar year 2010 pursuant to division (A)(1) of section 918
5727.86 of the Revised Code and divisions (A)(1) and (2) of 919
section 5751.22 of the Revised Code as they existed at that time; 920

(b) The local taxing unit's percentage share of county 921
undivided local government fund allocations as certified to the 922
tax commissioner for calendar year 2010 by the county auditor 923
under division (J) of section 5747.51 ~~of the Revised Code~~ or 924
division (F) of section 5747.53 of the Revised Code, as those 925
divisions existed at that time, multiplied by the total amount 926
actually distributed in calendar year 2010 from the county 927
undivided local government fund; 928

(c) With respect to taxes levied by the local taxing unit, 929
the taxes charged and payable against all property on the tax list 930
of real and public utility property for tax year 2009 excluding 931
taxes charged and payable for the purpose of paying debt charges; 932

(d) The amount received from the tax commissioner during 933
calendar year 2010 for sales or use taxes authorized under 934
sections 5739.023 and 5741.022 of the Revised Code; 935

(e) For institutions of higher education receiving tax 936
revenue from a local levy, as identified in section 3358.02 of the 937
Revised Code, the final state share of instruction allocation for 938
fiscal year 2010 as calculated by the board of regents and 939
reported to the state controlling board. 940

(32) If a fixed-rate levy that is a qualifying levy is not 941
imposed in any year after tax year 2010, "total resources" used to 942
compute payments to be made under division (C)(12) of section 943
5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the 944
Revised Code in the tax years following the last year the levy is 945
imposed shall be reduced by the amount of payments attributable to 946

the fixed-rate levy loss of that levy as would be computed under 947
division (C)(2) of section 5727.85, division (A)(1) of section 948
5727.85, divisions (C)(8) and (9) of section 5751.21, or division 949
(A)(1) of section 5751.22 of the Revised Code. 950

(33) "Municipal current expense property tax levies" means 951
all property tax levies of a municipality, except those with the 952
following levy names: airport resurfacing; bond or any levy name 953
including the word "bond"; capital improvement or any levy name 954
including the word "capital"; debt or any levy name including the 955
word "debt"; equipment or any levy name including the word 956
"equipment," unless the levy is for combined operating and 957
equipment; employee termination fund; fire pension or any levy 958
containing the word "pension," including police pensions; 959
fireman's fund or any practically similar name; sinking fund; road 960
improvements or any levy containing the word "road"; fire truck or 961
apparatus; flood or any levy containing the word "flood"; 962
conservancy district; county health; note retirement; sewage, or 963
any levy containing the words "sewage" or "sewer"; park 964
improvement; parkland acquisition; storm drain; street or any levy 965
name containing the word "street"; lighting, or any levy name 966
containing the word "lighting"; and water. 967

(34) "Current expense TPP allocation" means, in the case of a 968
school district or joint vocational school district, the sum of 969
the payments received by the school district in fiscal year 2011 970
pursuant to divisions (C)(10) and (11) of section 5751.21 of the 971
Revised Code to the extent paid for current expense levies. In the 972
case of a municipal corporation, "current expense TPP allocation" 973
means the sum of the payments received by the municipal 974
corporation in calendar year 2010 pursuant to divisions (A)(1) and 975
(2) of section 5751.22 of the Revised Code to the extent paid for 976
municipal current expense property tax levies as defined in 977
division (A)(33) of this section. If a fixed-rate levy that is a 978

qualifying levy is not imposed in any year after tax year 2010, 979
"current expense TPP allocation" used to compute payments to be 980
made under division (C)(12) of section 5751.21 or division 981
(A)(1)(b) or (c) of section 5751.22 of the Revised Code in the tax 982
years following the last year the levy is imposed shall be reduced 983
by the amount of payments attributable to the fixed-rate levy loss 984
of that levy as would be computed under divisions (C)(10) and (11) 985
of section 5751.21 or division (A)(1) of section 5751.22 of the 986
Revised Code. 987

(35) "TPP allocation" means the sum of payments received by a 988
local taxing unit in calendar year 2010 pursuant to divisions 989
(A)(1) and (2) of section 5751.22 of the Revised Code. If a 990
fixed-rate levy that is a qualifying levy is not imposed in any 991
year after tax year 2010, "TPP allocation" used to compute 992
payments to be made under division (A)(1)(b) or (c) of section 993
5751.22 of the Revised Code in the tax years following the last 994
year the levy is imposed shall be reduced by the amount of payment 995
attributable to the fixed-rate levy loss of that levy as would be 996
computed under division (A)(1) of that section. 997

(36) "Total TPP allocation" means, in the case of a school 998
district or joint vocational school district, the sum of the 999
amounts received in fiscal year 2011 pursuant to divisions (C)(10) 1000
and (11) and (D) of section 5751.21 of the Revised Code. In the 1001
case of a local taxing unit, "total TPP allocation" means the sum 1002
of payments received by the unit in calendar year 2010 pursuant to 1003
divisions (A)(1), (2), and (3) of section 5751.22 of the Revised 1004
Code. If a fixed-rate levy that is a qualifying levy is not 1005
imposed in any year after tax year 2010, "total TPP allocation" 1006
used to compute payments to be made under division (C)(12) of 1007
section 5751.21 or division (A)(1)(b) or (c) of section 5751.22 of 1008
the Revised Code in the tax years following the last year the levy 1009
is imposed shall be reduced by the amount of payments attributable 1010

to the fixed-rate levy loss of that levy as would be computed 1011
under divisions (C)(10) and (11) of section 5751.21 or division 1012
(A)(1) of section 5751.22 of the Revised Code. 1013

(37) "Non-current expense TPP allocation" means the 1014
difference of total TPP allocation minus the sum of current 1015
expense TPP allocation and the portion of total TPP allocation 1016
constituting reimbursement for debt levies, pursuant to division 1017
(D) of section 5751.21 of the Revised Code in the case of a school 1018
district or joint vocational school district and pursuant to 1019
division (A)(3) of section 5751.22 of the Revised Code in the case 1020
of a municipal corporation. 1021

(38) "Threshold per cent" means, in the case of a school 1022
district or joint vocational school district, two per cent for 1023
fiscal year 2012 and four per cent for fiscal years 2013 and 1024
thereafter. In the case of a local taxing unit, "threshold per 1025
cent" means two per cent for tax year 2011, four per cent for tax 1026
year 2012, and six per cent for tax years 2013 and thereafter. 1027

(B) The commercial activities tax receipts fund is hereby 1028
created in the state treasury and shall consist of money arising 1029
from the tax imposed under this chapter. Eighty-five 1030
one-hundredths of one per cent of the money credited to that fund 1031
shall be credited to the tax reform system implementation fund, 1032
which is hereby created in the state treasury, and shall be used 1033
to defray the costs incurred by the department of taxation in 1034
administering the tax imposed by this chapter and in implementing 1035
tax reform measures. The remainder in the commercial activities 1036
tax receipts fund shall be credited for each fiscal year in the 1037
following percentages to the general revenue fund, to the school 1038
district tangible property tax replacement fund, which is hereby 1039
created in the state treasury for the purpose of making the 1040
payments described in section 5751.21 of the Revised Code, and to 1041
the local government tangible property tax replacement fund, which 1042

is hereby created in the state treasury for the purpose of making 1043
the payments described in section 5751.22 of the Revised Code, in 1044
the following percentages: 1045

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2006	67.7%	22.6%	9.7%	1047
2007	0%	70.0%	30.0%	1048
2008	0%	70.0%	30.0%	1049
2009	0%	70.0%	30.0%	1050
2010	0%	70.0%	30.0%	1051
2011	0%	70.0%	30.0%	1052
2012	25.0%	52.5%	22.5%	1053
2013 and thereafter	50.0%	35.0%	15.0%	1054

(C) Not later than September 15, 2005, the tax commissioner 1055
shall determine for each school district, joint vocational school 1056
district, and local taxing unit its machinery and equipment, 1057
inventory property, furniture and fixtures property, and telephone 1058
property tax value losses, which are the applicable amounts 1059
described in divisions (C)(1), (2), (3), and (4) of this section, 1060
except as provided in division (C)(5) of this section: 1061

(1) Machinery and equipment property tax value loss is the 1062
taxable value of machinery and equipment property as reported by 1063
taxpayers for tax year 2004 multiplied by: 1064

(a) For tax year 2006, thirty-three and eight-tenths per 1065
cent; 1066

(b) For tax year 2007, sixty-one and three-tenths per cent; 1067

(c) For tax year 2008, eighty-three per cent; 1068

(d) For tax year 2009 and thereafter, one hundred per cent. 1069

(2) Inventory property tax value loss is the taxable value of 1070
inventory property as reported by taxpayers for tax year 2004 1071
multiplied by: 1072

(a) For tax year 2006, a fraction, the numerator of which is 1073
five and three-fourths and the denominator of which is 1074
twenty-three; 1075

(b) For tax year 2007, a fraction, the numerator of which is 1076
nine and one-half and the denominator of which is twenty-three; 1077

(c) For tax year 2008, a fraction, the numerator of which is 1078
thirteen and one-fourth and the denominator of which is 1079
twenty-three; 1080

(d) For tax year 2009 and thereafter a fraction, the 1081
numerator of which is seventeen and the denominator of which is 1082
twenty-three. 1083

(3) Furniture and fixtures property tax value loss is the 1084
taxable value of furniture and fixture property as reported by 1085
taxpayers for tax year 2004 multiplied by: 1086

(a) For tax year 2006, twenty-five per cent; 1087

(b) For tax year 2007, fifty per cent; 1088

(c) For tax year 2008, seventy-five per cent; 1089

(d) For tax year 2009 and thereafter, one hundred per cent. 1090

The taxable value of property reported by taxpayers used in 1091
divisions (C)(1), (2), and (3) of this section shall be such 1092
values as determined to be final by the tax commissioner as of 1093
August 31, 2005. Such determinations shall be final except for any 1094
correction of a clerical error that was made prior to August 31, 1095
2005, by the tax commissioner. 1096

(4) Telephone property tax value loss is the taxable value of 1097
telephone property as taxpayers would have reported that property 1098
for tax year 2004 if the assessment rate for all telephone 1099

property for that year were twenty-five per cent, multiplied by:	1100
(a) For tax year 2006, zero per cent;	1101
(b) For tax year 2007, zero per cent;	1102
(c) For tax year 2008, zero per cent;	1103
(d) For tax year 2009, sixty per cent;	1104
(e) For tax year 2010, eighty per cent;	1105
(f) For tax year 2011 and thereafter, one hundred per cent.	1106
(5) Division (C)(5) of this section applies to any school	1107
district, joint vocational school district, or local taxing unit	1108
in a county in which is located a facility currently or formerly	1109
devoted to the enrichment or commercialization of uranium or	1110
uranium products, and for which the total taxable value of	1111
property listed on the general tax list of personal property for	1112
any tax year from tax year 2001 to tax year 2004 was fifty per	1113
cent or less of the taxable value of such property listed on the	1114
general tax list of personal property for the next preceding tax	1115
year.	1116
In computing the fixed-rate levy losses under divisions	1117
(D)(1), (2), and (3) of this section for any school district,	1118
joint vocational school district, or local taxing unit to which	1119
division (C)(5) of this section applies, the taxable value of such	1120
property as listed on the general tax list of personal property	1121
for tax year 2000 shall be substituted for the taxable value of	1122
such property as reported by taxpayers for tax year 2004, in the	1123
taxing district containing the uranium facility, if the taxable	1124
value listed for tax year 2000 is greater than the taxable value	1125
reported by taxpayers for tax year 2004. For the purpose of making	1126
the computations under divisions (D)(1), (2), and (3) of this	1127
section, the tax year 2000 valuation is to be allocated to	1128
machinery and equipment, inventory, and furniture and fixtures	1129

property in the same proportions as the tax year 2004 values. For 1130
the purpose of the calculations in division (A) of section 5751.21 1131
of the Revised Code, the tax year 2004 taxable values shall be 1132
used. 1133

To facilitate the calculations required under division (C) of 1134
this section, the county auditor, upon request from the tax 1135
commissioner, shall provide by August 1, 2005, the values of 1136
machinery and equipment, inventory, and furniture and fixtures for 1137
all single-county personal property taxpayers for tax year 2004. 1138

(D) Not later than September 15, 2005, the tax commissioner 1139
shall determine for each tax year from 2006 through 2009 for each 1140
school district, joint vocational school district, and local 1141
taxing unit its machinery and equipment, inventory, and furniture 1142
and fixtures fixed-rate levy losses, and for each tax year from 1143
2006 through 2011 its telephone property fixed-rate levy loss. 1144
Except as provided in division (F) of this section, such losses 1145
are the applicable amounts described in divisions (D)(1), (2), 1146
(3), and (4) of this section: 1147

(1) The machinery and equipment fixed-rate levy loss is the 1148
machinery and equipment property tax value loss multiplied by the 1149
sum of the tax rates of fixed-rate qualifying levies. 1150

(2) The inventory fixed-rate loss is the inventory property 1151
tax value loss multiplied by the sum of the tax rates of 1152
fixed-rate qualifying levies. 1153

(3) The furniture and fixtures fixed-rate levy loss is the 1154
furniture and fixture property tax value loss multiplied by the 1155
sum of the tax rates of fixed-rate qualifying levies. 1156

(4) The telephone property fixed-rate levy loss is the 1157
telephone property tax value loss multiplied by the sum of the tax 1158
rates of fixed-rate qualifying levies. 1159

(E) Not later than September 15, 2005, the tax commissioner 1160

shall determine for each school district, joint vocational school 1161
district, and local taxing unit its fixed-sum levy loss. The 1162
fixed-sum levy loss is the amount obtained by subtracting the 1163
amount described in division (E)(2) of this section from the 1164
amount described in division (E)(1) of this section: 1165

(1) The sum of the machinery and equipment property tax value 1166
loss, the inventory property tax value loss, and the furniture and 1167
fixtures property tax value loss, and, for 2008 through 2010, the 1168
telephone property tax value loss of the district or unit 1169
multiplied by the sum of the fixed-sum tax rates of qualifying 1170
levies. For 2006 through 2010, this computation shall include all 1171
qualifying levies remaining in effect for the current tax year and 1172
any school district levies imposed under section 5705.194 or 1173
5705.213 of the Revised Code that are qualifying levies not 1174
remaining in effect for the current year. For 2011 through 2017 in 1175
the case of school district levies imposed under section 5705.194 1176
or 5705.213 of the Revised Code and for all years after 2010 in 1177
the case of other fixed-sum levies, this computation shall include 1178
only qualifying levies remaining in effect for the current year. 1179
For purposes of this computation, a qualifying school district 1180
levy imposed under section 5705.194 or 5705.213 of the Revised 1181
Code remains in effect in a year after 2010 only if, for that 1182
year, the board of education levies a school district levy imposed 1183
under section 5705.194, 5705.199, 5705.213, or 5705.219 of the 1184
Revised Code for an annual sum at least equal to the annual sum 1185
levied by the board in tax year 2004 less the amount of the 1186
payment certified under this division for 2006. 1187

(2) The total taxable value in tax year 2004 less the sum of 1188
the machinery and equipment, inventory, furniture and fixtures, 1189
and telephone property tax value losses in each school district, 1190
joint vocational school district, and local taxing unit multiplied 1191
by one-half of one mill per dollar. 1192

(3) For the calculations in divisions (E)(1) and (2) of this section, the tax value losses are those that would be calculated for tax year 2009 under divisions (C)(1), (2), and (3) of this section and for tax year 2011 under division (C)(4) of this section.

(4) To facilitate the calculation under divisions (D) and (E) of this section, not later than September 1, 2005, any school district, joint vocational school district, or local taxing unit that has a qualifying levy that was approved at an election conducted during 2005 before September 1, 2005, shall certify to the tax commissioner a copy of the county auditor's certificate of estimated property tax millage for such levy as required under division (B) of section 5705.03 of the Revised Code, which is the rate that shall be used in the calculations under such divisions.

If the amount determined under division (E) of this section for any school district, joint vocational school district, or local taxing unit is greater than zero, that amount shall equal the reimbursement to be paid pursuant to division (E) of section 5751.21 or division (A)(3) of section 5751.22 of the Revised Code, and the one-half of one mill that is subtracted under division (E)(2) of this section shall be apportioned among all contributing fixed-sum levies in the proportion that each levy bears to the sum of all fixed-sum levies within each school district, joint vocational school district, or local taxing unit.

(F) If a school district levies a tax under section 5705.219 of the Revised Code, the fixed-rate levy loss for qualifying levies, to the extent repealed under that section, shall equal the sum of the following amounts in lieu of the amounts computed for such levies under division (D) of this section:

(1) The sum of the rates of qualifying levies to the extent so repealed multiplied by the sum of the machinery and equipment, inventory, and furniture and fixtures tax value losses for 2009 as

determined under that division; 1225

(2) The sum of the rates of qualifying levies to the extent 1226
so repealed multiplied by the telephone property tax value loss 1227
for 2011 as determined under that division. 1228

The fixed-rate levy losses for qualifying levies to the 1229
extent not repealed under section 5705.219 of the Revised Code 1230
shall be as determined under division (D) of this section. The 1231
revised fixed-rate levy losses determined under this division and 1232
division (D) of this section first apply in the year following the 1233
first year the district levies the tax under section 5705.219 of 1234
the Revised Code. 1235

(G) Not later than October 1, 2005, the tax commissioner 1236
shall certify to the department of education for every school 1237
district and joint vocational school district the machinery and 1238
equipment, inventory, furniture and fixtures, and telephone 1239
property tax value losses determined under division (C) of this 1240
section, the machinery and equipment, inventory, furniture and 1241
fixtures, and telephone fixed-rate levy losses determined under 1242
division (D) of this section, and the fixed-sum levy losses 1243
calculated under division (E) of this section. The calculations 1244
under divisions (D) and (E) of this section shall separately 1245
display the levy loss for each levy eligible for reimbursement. 1246

(H) Not later than October 1, 2005, the tax commissioner 1247
shall certify the amount of the fixed-sum levy losses to the 1248
county auditor of each county in which a school district, joint 1249
vocational school district, or local taxing unit with a fixed-sum 1250
levy loss reimbursement has territory. 1251

(I) Not later than the twenty-eighth day of February each 1252
year beginning in 2011 and ending in 2014, the tax commissioner 1253
shall certify to the department of education for each school 1254
district first levying a tax under section 5705.219 of the Revised 1255

Code in the preceding year the revised fixed-rate levy losses 1256
determined under divisions (D) and (F) of this section. 1257

Section 2. That existing sections 5705.29, 5747.51, 5747.53, 1258
and 5751.20 and section 5747.52 of the Revised Code are hereby 1259
repealed. 1260

Section 3. The amendment, enactment, or repeal by this act of 1261
sections 5705.29, 5747.51, 5747.52, 5747.53, and 5751.20 of the 1262
Revised Code takes effect January 1, 2014. 1263