



Ohio Legislative Service Commission

Bill Analysis

Carol Napp

H.B. 498

130th General Assembly
(As Introduced)

Rep. Young

BILL SUMMARY

- Permits two or more city, local, or exempted village school districts that are located in contiguous counties, at least one of which has a population of less than 100,000, to merge if (1) upon the filing of a sufficient petition with the board of elections to form a commission to study the proposed merger, the districts' voters approve the commission's formation and (2) the commission finds that a merger is desirable, and its conditions for the merger are approved by the districts' voters.
- Specifies that, upon the filing of a sufficient petition to propose the merger of two or more districts that are located in contiguous counties, no other petition may be filed proposing the merger of any of those districts in the manner described above unless certain conditions occur.

CONTENT AND OPERATION

Merger of school districts

The bill permits two or more city, local, or exempted village school districts that are located in contiguous counties, at least one of which has a population of less than 100,000 as determined by the most recent federal decennial census, to merge in the manner described below.¹ (The process for merging these districts is the same as the process in current law for merging two or more districts that are primarily located within the same county which has a population of less than 100,000.²)

¹ R.C. 3311.25(A)(2).

² R.C. 3311.25(A)(1).

In order for the districts to merge, a petition proposing the formation of a commission to study the proposed merger first must be filed with the board of elections of the county with the largest population of all of the counties in which the territory of the districts is located. The petition must contain the signatures of voters of each district proposed to be merged, equal in number to 10% of the number of the district's voters who voted for the office of Governor at the most recent general election.³ If the board determines that the petition is sufficient, the board must submit the question of forming a merger commission for the approval or rejection of the voters of each district proposed to be merged at the next general election occurring at least 90 days after the date the petition is filed.⁴ The ballot must include, for each of the districts proposed to be merged, the names of the five voters identified in the petition who will serve as commissioners on that district's behalf.⁵ The board must also certify the sufficiency of the petition to the board or boards of elections of the other county or counties in which the territory of the districts is located so that the question may be submitted to the voters of each district located in the county or counties.⁶

If a majority of the voters in at least two of the districts approve the question of forming a merger commission, the commission must be established with the five voters from each of those districts who were identified in the petition as commissioners. The commission must study the proposed merger of those districts and, if it determines a merger is desirable, develop the conditions of the proposed merger. It must then report its findings to the board of elections of each of the counties in which the territory of those districts is located. The commission ceases to exist on the 90th day prior to the next general election following its creation.⁷

If the commission determines that a merger is desirable and proposes conditions for that merger, the boards of elections of each of the counties in which the territory of the districts proposed for merger is located must submit the conditions of the proposed merger for the approval or rejection of the voters of each of those districts. If the conditions are approved, the merger becomes effective on the date specified in the conditions of the merger.⁸

³ R.C. 3311.25(B).

⁴ R.C. 3311.25(C) and (D).

⁵ R.C. 3311.25(C)(1).

⁶ R.C. 3311.25(C)(2).

⁷ R.C. 3311.25(E).

⁸ R.C. 3311.25(F).

Prohibition on filing additional petitions for merger

The bill prohibits the filing of a petition proposing the merger, in the manner described above, of any district that has already been proposed to be merged, in the manner described above, under another petition determined to be sufficient by the board of elections, unless one of the following occurs:

(1) The petition that has been determined to be sufficient is rejected by the district's voters;

(2) The petition that has been determined to be sufficient is approved by the district's voters, but the merger study commission determines that a merger is not desirable;

(3) The petition that has been determined to be sufficient is approved by the district's voters, but the conditions of merger agreed upon by the merger commission are disapproved by the district's voters.⁹

This prohibition applies both to the merger of districts that satisfy the bill's criteria (two or more districts that are located in contiguous counties, at least one of which has a population of less than 100,000) and to the merger of districts that satisfy the criteria in existing law (two or more districts that are primarily located within the same county which has a population of less than 100,000).

The prohibition does not apply, however, to the filing of a petition proposing the merger of a district using any process for merger prescribed in other Revised Code provisions.

HISTORY

ACTION	DATE
Introduced	03-19-14

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⁹ R.C. 3311.25(B).

