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REP. ANDREW O. BRENNER

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Chairman Schaffer, Vice Chair Scherer, Ranking Member Rogers, and members of the Ways and Means committee, thank you for hearing sponsor testimony for House Bill 124. Before I get into what this bill does, I would like to give a little background on how this bill came about.

In 2015, the Delaware Area Career Center (DACC) went to the voters asking for funding that would give the career center more than \$7 million a year. This appropriation was to be used in conjunction with other funds to build a new campus and expand services. My friends and neighbors in Delaware County overwhelmingly supported this levy; passing it by almost ten thousand votes¹. This was a huge win for the DACC and its superintendent Mary Beth Freeman who you will hear from later. The issue, and the reason for this bill, arose when Superintendent Freeman and the DACC board went to collect the taxes appropriated by the levy and were denied.

The Delaware Area Career Center serves students not just in Delaware County, but also in the neighboring counties of Franklin, Union, Morrow, and Marion. Unbeknownst to those at the DACC, the Delaware County Board of Elections failed to notify the boards of elections in the neighboring counties that this levy needed to be on their ballots as well. 1,026 voters, therefore, were unable to vote on this levy and Tax Commissioner Joe Testa denied distribution of the funds because it would have been taxation without representation.

The Delaware County Board of Elections has taken full responsibility for their actions and is working with the Delaware Area Career Center to remedy the situation. As this issue has never happened in the state of Ohio, however, the solution has been elusive. The DACC asked the Ohio Supreme Court for a writ of mandamus which would compel Commissioner Testa to release the funding owed to the Delaware Area Career Center. The Supreme Court, in a 4-3 ruling, denied the

¹ Del. Co. BOE election results 2015 Summary Report Official Results Page 6. <http://delawareboe.org/wp-content/themes/dcboe/files/results/2015/general.summary.pdf>

writ of mandamus and ruled against the DACC². This brings us to our current state and to House Bill 124.

House Bill 124 authorizes the Delaware Area Career Center to submit the question of a renewal tax levy to the voters who did not have the chance to vote on the levy (those from Union, Marion, Morrow, and Franklin Counties) in 2015. Again, through no fault of their own, the DACC is unable to fund the programs and facilities that their students deserve because of an error by the board of elections. This bill moves the process for funding along by allowing the DACC board of education to adopt a resolution that enables the levy to be put on the ballot for either a special or general election for in the areas that did not have an opportunity to vote on the election in 2015.

I would like to take a moment to commend the Legislative Service Commission, specifically Peter Cooper, McKenzie Damon, and Emily Wendel, on their drafting and redrafting of this bill as well as for their guidance. In their analysis of this bill, LSC points out some constitutionality issues and I would like to take a moment to address those issues. They will be amended out. LSC, as always, does an excellent job explaining the issues within this bill therefore I won't restate what has already been so well stated. I will say that my office has received from LSC the amendment that will correct the constitutional problems within HB 124 and will be submitting it to Chairman Schaffer's office to be voted upon by this committee at the second hearing of this bill.

This bill is of an urgent matter as the old levy is due to expire at the end of the year. It is our intent to move this bill as quickly as we can to address a 100% shortfall of funds that will occur on January 1, 2018, if a levy is not passed and certified by the tax commissioner before the end of this year. This would be catastrophic to our local career center. Even more so the career center was in the process of consolidating and building a new facility at the consolidated site. Contracts were already awarded and the new building is well under way. Construction at the site will stop once it is under roof and until a levy is properly certified.

Chairman Schaffer, Vice Chair Scherer, Ranking Member Rogers, and members of the committee, thank you for allowing me and my co-sponsor, Rick Carfagna, to testify on House Bill 124. We are more than happy to take questions following testimony, thank you.

² The State Ex Rel. Delaware Joint Vocational School District Board of Education v. Testa, Tax Commr. <http://www.supremecourt.ohio.gov/rod/docs/pdf/0/2017/2017-Ohio-796.pdf>