

H.B. 483 – Mid-Biennium Review Testimony
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On behalf of the Ohio Association of County Boards of DD
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Chairman Smith, Ranking Member Driehaus, and Members of the House Finance Committee, thank you for the opportunity to testify today on HB 483. My name is Rebecca Princehorn, and I am an attorney who specializes in the area of tax levy law at Bricker & Eckler LLP. I am testifying today in support of an amendment to HB 483 that would standardize and streamline county board of developmental disabilities (DD) levy statutes.

OVERVIEW

Ohio's developmental disabilities service delivery system is one of the strongest safety nets for people with developmental disabilities in the country. The strength of the county board system can be attributed to the fact that, for the past half century, DD service programs have been locally operated and locally funded through voter-approved tax levies. Unlike most states, which operate massive centralized programs at the state level, Ohio's DD system is decentralized and regularly held accountable by local taxpayers. The changes that are being proposed today will help to ensure that this model remains successful for years to come so that people with developmental disabilities and their families can continue to rely upon county boards of DD for critical long-term services and supports.

AMENDMENT REQUEST

The Ohio Association of County Boards of DD is proposing amendments that would make three technical changes to DD levy statutes. These changes are designed to give county boards the flexibility they need to accurately describe the use of levy funds once they are no longer providing direct services, as well as generally streamlining the levy renewal process for long-term financial planning. This amendment to HB 483 is DD-specific and would not impact other levies. These changes include:

1. Removing Specific References to Programs and Facilities

Due to recent changes in state and federal regulations, county boards of DD will no longer be permitted to operate Medicaid-funded direct service programs. Despite no longer being the provider of services, county boards will still be responsible for funding and administering these services through third-party providers. Because many existing county board levies specifically cite the workshop or school name in the levy authorizing language, statutes should be changed to allow these references to be removed without having to request voters approve a new levy.

- a. The first provision in the amendment will allow county boards of DD to pursue a "renewal" or "replacement" levy without specifically citing the workshop or school by name in the proposed levy language.
- b. Examples include: Union County DD no longer operates the Harold Lewis Center and U-CO Industries, but its old levy language still references them. Allen County DD is stuck with the outdated term "mental retardation" in its levy language, which cannot be modified without changing statute or beginning the levy process from scratch.

2. **Combining Multiple Existing Levies Into a Single Streamlined Request**

Under current law, a county board of DD may combine two existing levies into one combined renewal or replacement levy. However, many counties have more than two levies, and state statute does not permit the combination of more than two levies into a single DD ballot issue without requiring the board to make a “new” levy request. As county boards transition away from providing direct services, it is likely that these boards will seek to streamline their levy requests into a single issue to allow for better long-term financial planning.

- a. The second provision in the amendment would allow a county board of DD to combine "two or more" levies into one renewal or replacement going forward. It would also reduce the number of levies the board would have to bring before voters in the future and permit the conforming of renewal and replacement levies to one statute (Sec. 5705.222), thereby reducing election costs.

3. **Standardizing Statutory Requirements for Levy Terms**

There are two separate sections of the Ohio Revised Code from which a county board of DD can pursue levies: (1) for "a term not exceeding 5 years," (Sec. 5705.19(L)), or (2) "a number of years not exceeding 10 years or for a continuing period" (Sec. 5705.222). For levies created under Sec.5705.19(L), a levy can only be renewed or replaced for a maximum five-year period. For levies created under Sec.5705.222, the timeframe is a maximum of ten-years or continuing.

- a. The third provision of the amendment would allow a County Board of DD to renew or replace their existing five-year levy (as authorized under Sec. 5705.19) into a levy of "a number of years not exceeding 10 years or for a continuing period." This change would mirror their existing levy authority in 5705.222 and reduce the number of levies the board would take back to voters in the future.
- b. *Examples include:* Portage County DD has three term-limited levies which means they have to run five levy campaigns in a ten year period, plus pay the costs of those five elections. Licking County DD can never ask voters to consider a levy term longer than five years without making a brand new request for funding. Without this change, both counties (and others) are stuck with permanent, maximum five-year election cycles.

ADDITIONAL CONSIDERATIONS

For purposes of this discussion, please note that the proposed amendment maintains voters intent of funding services for people with developmental disabilities. Furthermore, the proposed language is permissive, so county boards of DD—along with their county commissioners and budget commission—will remain responsible for determining the best course of action for their county. Last, but certainly not least, these changes are budget neutral – there is no cost to the state for the amendment to be adopted.

THANK YOU

Thank you for your consideration of this amendment. These changes will give county boards of DD the limited flexibility they need to continue funding Ohio’s DD system in the most efficient, streamlined, and practical manner.