



STATEHOUSE REPORT

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Senators consider changes to indigent defense

Ohio's indigent legal defense system could see additional appropriations and overhauls as the Senate puts its stamp on the biennial budget, a subcommittee chairman said Thursday.

While the House added indigent defense funding to the Fiscal Years 2016-2017 spending bill ([HB 64](#)), the public defender's office raised concerns that the appropriation remains inadequate. Without additional changes, its director argued, the budget would simply fund "half of a broken system."

Senate Finance Corrections Subcommittee Chairman Sen. Joe Uecker (R-Loveland) acknowledged the concerns, saying that he and Sen. Bill Seitz (R-Cincinnati) are working on a possible amendment.

"Not every agency that we deal with in Ohio is mandated by the constitution like public defense is and one of my biggest interests in that is...requiring the state to stand up to its own partnership regarding reimbursement to the counties," Sen. Uecker said in an interview. "Otherwise it's becoming more and more of an unfunded mandate."

Ohio Public Defender Office Director Tim Young said in testimony before the panel that senators should build on the House's changes, which increased appropriations to a level that allows the state to reimburse counties for half of their costs for providing indigent defense services.

Arguing that "increased reimbursement is only one step the state needs to take to address the problems in Ohio's indigent defense system," Mr. Young asked the Senate to: codify the commitment to reimbursing at least half the counties' costs; allow his office to establish uniform hourly rates and per-case caps for appointed counsel; and evaluate local delivery systems.

CCAO's budget priorities are to increase indigent defense reimbursement funding to 50% and to retain the adult protective services unfunded mandate protections in current law. To further review these priorities and other county budget issues, please [click here](#). County Commissioners, County Executives, and County Council Members are urged to contact their Senator(s). You are CCAO's best advocates!

"The House has taken the first step, by increasing reimbursement to 50%," he said. "But if we don't also implement reforms to improve the system, all we are doing is funding half of a broken system."

Mr. Young added that the House-passed budget's \$12 million increase doesn't take into account new legislative changes ([HB663](#), 130th General Assembly), which are estimated to result in \$1.2 million per year in additional defense costs for felony cases.

"That would have to come out of that additional \$12 million, so realistically the increase is already down to \$10.8 million," he said.

Acknowledging concerns the House's proposed funding wouldn't equate to a 50% commitment to counties, Sen. Uecker said his amendment would likely retain the updated budget's appropriation, as well as increase funds and include the Public Defender Office's proposed overhauls.

"On one hand we're saying 'Oh we're going to give you more money, but we're going to make you spend more of it in a different way,'" he said. "That's not really appropriate."

Mr. Young told Sen. Seitz that neither the executive nor House's versions of the budget satisfies additional death penalty task force recommendations and that to address proposals relating to his office's funding would cost around \$8 million.

Sen. Seitz asked if another \$10.4 million on top of the House-added funding would be enough. The director said he doesn't believe that amount would be necessary if other changes were adopted.

"If you were to implement the piece that (the) Ohio Public Defender's office takes all the conflict work, there are far fewer appointed cases," he said. "So that \$1.2 million per year...would be significantly reduced, there would be far fewer appointed counsel cases requiring payment at that standardized level around the state."

Mr. Young told Sen. Charleta B. Tavares (D-Columbus) that the national standard for public defender caseloads averages around 150 felonies, 400 misdemeanors and 150 juvenile cases per year. While he said he couldn't provide an average for Ohio due to dramatic differences at the county level, some offices in the state have public defenders receiving almost 1,000 misdemeanor cases annually.

On average, public defenders are paid between 10-30% less when compared to their peers in the prosecutor's office, he said, adding that while there's a pay parity requirement in Ohio, it's hard to enforce.

Gaming revenue down

Most Ohio gaming establishments saw revenues dip in April compared to the prior month, state regulators reported Thursday.

Although Ohio casinos pulled in their second-highest monthly net revenue total for 2015 at \$69.5 million in April, the amount represented a drop from the \$72.8 million they recorded in March, according to Casino Control Commission data.

Ohio's seven racinos, meanwhile, saw total net revenue fall to \$70.5 million in April after hitting a record \$72.7 million the previous month, the Lottery Commission reported.

Hollywood Columbus, the lone casino to see its revenue increase last month, led April collections with \$18.6 million - up from the \$18.3 million it reported in March, OCCC found.

Horseshoe Cleveland continued to see a decline in its monthly revenue as it pulled in \$18.2 million last month. The casino reported \$19.7 million in March net revenue and \$20 million in February, according to commission data.

Hollywood Toledo and Horseshoe Cincinnati trailed with \$16.6 million and \$15.9 million apiece in April net revenue - down from the respective \$17.2 million and \$17.5 million they saw the previous month, OCCC reported.

Racinos: Despite leading April collections, Northfield Park's Hard Rock Racino saw revenues decline to \$17.2 million last month. The facility pulled in \$18.5 million in March after collecting just \$14.7 million in February, according to OLC data.

Columbus-based Scioto Downs Racino and Racetrack trailed with \$12.4 million in April net revenue, a decrease from the \$13.1 million the facility recorded for the previous month, the commission reported.

Miami Valley Gaming reported a slight dip in net revenue as it collected \$10.6 million last month - down from the \$10.9 million it collected the previous month, according to OLC data.

Net revenue also fell at Cleveland's Thistledown Racino, which pulled in \$9.7 million in April compared to the \$9.9 million it saw in March, the commission found.

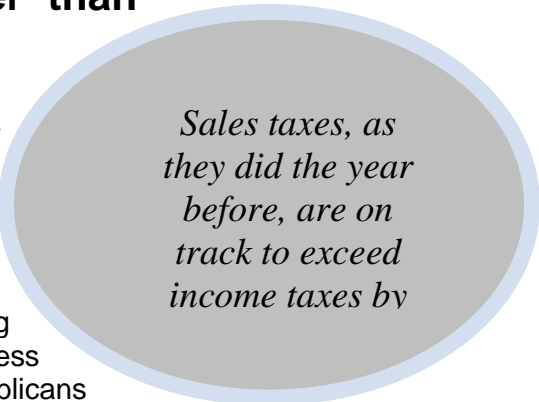
Hollywood Gaming Dayton Raceway and Hollywood Mahoning Valley Race Course reported respective net revenues of \$7.2 million and \$7.7 million last month, which reflected declines over the amounts they collected in March, according to OLC data.

Cincinnati's Belterra Park Gaming and Entertainment Center rounded out racino collections last month, despite seeing its net revenue increase to \$5.5 million - the highest amount since the facility's opening month, OLC reported.

April tax receipts were about 14% better than projected

Ohio's income tax intake surged past estimates last month by a whopping 23%, setting the stage for the Fiscal Year 2015 ending balance to well exceed \$1 billion, according to preliminary April data released Wednesday by the Office of Budget and Management.

The state revenue charts show overall tax receipts beating projections for the month by \$276 million, or 13.6%. They come less than a week after OBM Director Tim Keen blasted House Republicans for using rosier FY 2016-2017 projections - instead of Governor John Kasich's



Sales taxes, as they did the year before, are on track to exceed income taxes by

"tax reforms" - to pay for a reduced Personal Income Tax cut in their version of the budget bill (HB 64)

Nevertheless, Mr. Keen said in an interview that his notes of caution regarding the uncertainties of the economy over the next two years still ring true. "I was speaking about Fiscal Years '16 and '17," he said. "We had a stronger than expected income tax filing season. The income tax filing season is a retrospective indicator - its people paying income tax based on last year's activity."

"I am concerned about tax collections going forward and my concern, my word of caution...is still valid. If we look inside the income tax components at withholding, which is the best indicator of the current economy, it's essentially right at our estimates. We're like 0.4% over."

Mr. Keen said OBM has not conducted a thorough analysis of the month's performance, but overall there were more payments and refunds than anticipated in April.

The OBM director chalked up the difference to the historical volatility of the tax filing season. "I am pleased that it broke in our favor because I have lived the opposite," he said. "This is much more desirable."

The \$1.222 billion in PIT collections was nearly \$228 million higher than expected, according to OBM data. Sales tax intake, driven mostly by an uptick in non-auto sales taxes, came in at \$910.7 million, which was \$32 million, or 3.7%, above estimates.

Tax intake during the month was above expectations in every category except auto sales taxes and commercial and petroleum activity taxes, which were only slightly less than anticipated.

April's strong performance boosted the fiscal year-to-date overage to \$454 million, or 2.6%, and is expected to further cushion the projected FY 2015 year-end balance of about \$970 million. The Kasich administration already had plans for that money, including: a \$374 million transfer to the Budget Stabilization Fund; \$200 million toward PIT cuts in FY 2016; \$176 million for the customary year-end cash-flow set aside; and \$227 million for a variety of other purposes including unemployment compensation interest payments to the federal government.

The House-passed version of the budget left a good chunk of those proposed uses intact, Mr. Keen said.

While the House stymied the governor's continued push toward a more consumption-based tax system by stripping out his sales tax increases and base broadening proposals, OBM's data shows how that trend is already playing out thanks to the tax changes enacted two years ago.

Sales taxes, as they did the year before, are on track to exceed income taxes by more than \$1 billion, while the opposite was true in FY 2013.

The current fiscal year-to-date total for sales tax collections, at \$8.256 billion, is 9.2% higher than the year before, OBM reported. Income tax intake, at \$7.158 billion with two months left in FY 2015, is also above last year's totals but only by 5.8%.

Bills Introduced



- SB 158** **VOTER REGISTRATION** ([Yuko, K.](#)) To require that eligible persons in certain government and school databases be automatically registered to vote or have their registrations updated automatically unless those persons decline to do so and to create an online voter registration system. Am. 3501.05, 3503.09, 3503.10, 3503.12, 3503.13, 3503.14, 3503.15, 3503.16, 3503.19, 3503.21, 3503.28, 3503.30, 3503.33, 3505.18, 3505.181, 3505.183, 3509.03, 3509.05, 3511.02, 3511.09, 3599.11, and 3599.18 and to enact new section 3503.11 and section 3503.20, and to repeal sections 3503.11, 3503.29, and 3505.22
- HB 187** **ANIMAL TREATMENT** ([Ginter, T.](#)) To authorize a first responder, emergency medical technician-basic, emergency medical technician-intermediate, emergency medical technician-paramedic, or volunteer firefighter to stabilize an injured animal in an emergency.
- HB 189** **VOTER IDENTIFICATION** ([Brenner, A.](#)) To revise the law concerning the identification an elector must provide in order to cast absent voter's ballots, to vote in person at a polling place, or to cast a provisional ballot. Am. 3501.01, 3503.14, 3503.16, 3503.19, 3503.28, 3505.18, 3505.181, 3505.182, 3505.183, 3509.03, 3509.04, 3509.05, 3509.08, 3511.02, 3511.05, 3511.09, 4507.50, and 4507.52
- HB 190** **WIND SETBACKS** ([Burkley, T.](#), [Brown, T.](#)) To permit counties to adopt resolutions establishing an alternative setback for wind farms and to extend by five years the deadlines for obtaining the qualified energy project tax exemption. Am. 5727.75 and to enact sections 4906.21, 4906.211, 4906.212, 4906.213, 4906.214, and 4906.215
- HB 191** **CLIENT ASSESSMENTS** ([Pelanda, D.](#)) Regarding the assessment of a client who has been referred to a community mental health or addiction services provider for treatment related to probation for a criminal offense. Am. 5119.366
- HB 193** **ADDRESS CONFIDENTIALITY** ([Clyde, K.](#), [Fedor, T.](#)) To establish an address confidentiality program for individuals who reasonably believe that they are in danger of being threatened or physically harmed by another person, to exclude the residential and familial information of a federal law enforcement officer from the definition of a public record, to include federal law enforcement officers among the protected individuals who are authorized to request a public office other than the county auditor to redact the person's address from any record made available to the general public on the internet, and to include those officers among the protected individuals who may request the county auditor to replace the person's name with the person's initials on the general tax list and duplicate. Am. 149.43, 149.45, 319.28, 319.54, 2903.213, 2903.214, 3113.31, 3503.15, and 3509.03 and to enact sections 111.31, 111.32, 111.321, 111.33, 111.34, 111.35, 111.36, 111.37, 111.38, 111.39, 111.40, 2901.44, and 3503.151

Hearing Schedule



Tuesday, May 12

- House Agriculture & Rural Development (Committee Record)**, (Chr. [Hill, B.](#), 644-6014), Rm. 116, 10:00 am
- HCR 11** **LAKE ERIE** ([Hall, D.](#)) To commend Governor John Kasich on his efforts to improve the water quality of Lake Erie and to affirm the Governor's ability to form an interstate compact with other states in furtherance of this objective. **--2nd Hearing-All testimony-Possible vote**
- HB 131** **ANIMAL DISEASES** ([Pelanda, D.](#)) To include diseases of concern within the scope of the Animal Diseases Law, and to make changes to the laws governing weights and measures, livestock dealers, and auctioneers, the membership of the Farmland Preservation Advisory Board, and the

pesticide licensing renewal process. --3rd Hearing-All testimony-Possible amendment & vote

House Session, (Chr. [Rosenberger, C.](#), 466-3357), House Chamber, 11:00 am

House Ways & Means (Committee Record), (Chr. [McClain, J.](#), 644-6265), Rm. 121, 1:30 pm

[HB 23](#) **TAX LAWS** ([Amstutz, R.](#)) To use one-half of any income from oil and gas leases on state land to fund temporary income tax reductions, to modify the law governing the use of new Ohio use tax collections from remote sellers for income tax reductions, and to require the Director of Budget and Management to recommend whether or not income tax rates should be permanently reduced after the Director certifies a temporary rate reduction resulting from the accrual of money in the Income Tax Reduction Fund. --5th Hearing-All testimony-Possible amendment & vote

[HB 162](#) **SEVERANCE TAX** ([Cera, J.](#)) To change the basis, rates, and revenue distribution of the severance tax on oil and gas, to create a grant program to encourage compressed natural gas as a motor vehicle fuel, to authorize an income tax credit for landowners holding an oil or gas royalty interest, and to exclude some oil and gas sale receipts from the commercial activity tax base. --1st Hearing-Sponsor

House Transportation & Infrastructure (Committee Record), (Chr. [Boose, T.](#), 466-9628), Rm. 018, 2:30 pm

[HB 107](#) **SPEED LIMITS** ([Stinziano, M.](#), [Retherford, W.](#)) To permit a person or neighborhood association or organization to request the Director of Transportation to reduce the speed limit on the street or highway of the person's residence or a street or highway located within the area of representation of the association or organization if the street or highway has a speed limit of not more than 35 miles per hour, and to permit a person or neighborhood association or organization to request the Director or a local authority to erect a stop sign at an intersection where currently no stop sign is present. --2nd Hearing-Proponent

[HB 159](#) **LICENSE PLATES** ([Johnson, T.](#), [Patmon, B.](#)) To require that motor vehicles carry only one license plate to be displayed on the rear of the vehicle, and to amend the version of section 4503.21 of the Revised Code that is scheduled to take effect January 1, 2017, to continue the provisions of this act on and after that effective date. --1st Hearing-Sponsor

Wednesday, May 13

House Economic & Workforce Development (Committee Record), (Chr. [Baker, N.](#), 466-0961), Rm. 114, 9:00 am

[HB 182](#) **DEVELOPMENT ZONES** ([Schuring, K.](#)) To revise the law governing the creation and operation of joint economic development districts (JEDDs) and enterprise zones. --1st Hearing-Sponsor

Senate Ways & Means (Committee Record), (Chr. [Peterson, B.](#), 466-8156), South Hearing Rm., 9:00 am

- Informal budget hearing on tax issues

House Health & Aging (Committee Record), (Chr. [Gonzales, A.](#), 466-4847), Rm. 116, 9:30 am

[HB 95](#) **DENTAL SERVICES** ([DeVitis, T.](#)) To prohibit a health insurer from establishing a fee schedule for dental providers that are not covered by any contract or participating provider agreement between the health insurer and the dental provider. --4th Hearing-All testimony-Possible vote

[HB 89](#) **MEDICAID SCHOOL PROGRAM** ([DeVitis, T.](#)) Regarding the Medicaid School Program. --4th Hearing-All testimony-Possible substitute

Senate Session, (Chr. [Faber, K.](#), 466-4900), Senate Chamber, 1:30 pm

House Session, (Chr. [Rosenberger, C.](#), 466-3357), House Chamber, 1:30 pm

House State Government (Committee Record), (Chr. [Maag, R.](#), 644-6023), Rm. 121, 2:00 pm or after session

[HB 82](#) **PRIVATE PRISONS** ([Hambley, S.](#)) To permit a county, a group of counties, or a group of counties and municipalities to contract for the private operation and management of a correctional facility that houses felon inmates. --3rd Hearing-Opponent

Thursday, May 14

Senate Medicaid (Committee Record), (Chr. **Burke, D.**, 466-8049), Finance Hearing Rm., 9:00 am

- Invited budget testimony from Department of Mental Health & Addiction Services and Department of Developmental Disabilities
- Public testimony (Primary topic: Developmental Disabilities and Mental Health Services)