



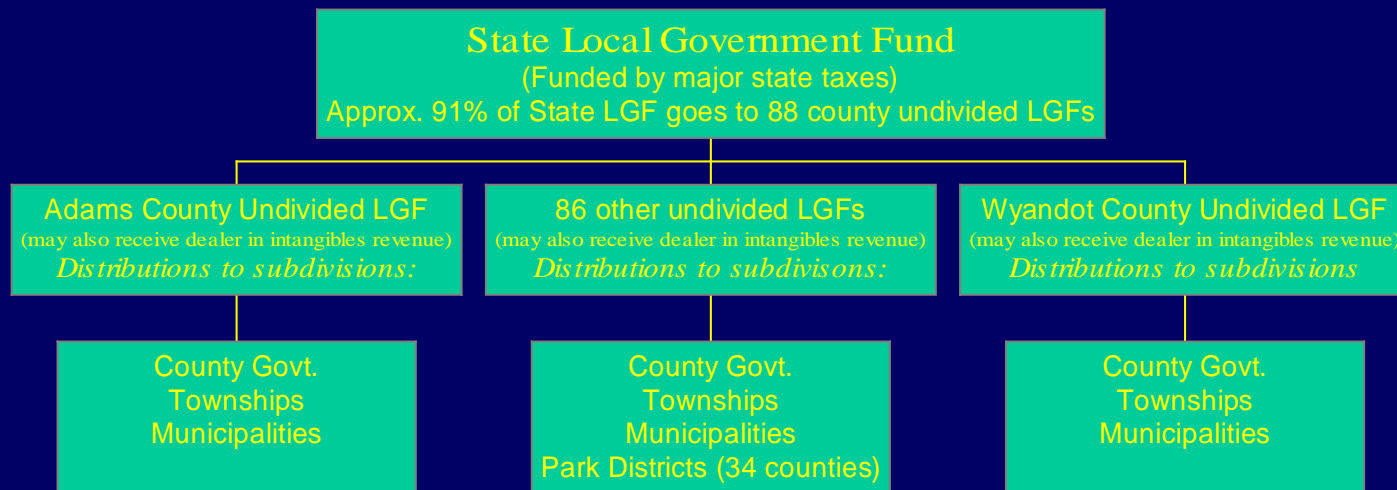
- A History of the Local Government Fund  
and the Local Government Revenue  
Assistance Fund -

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Distribution Task Force  
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# Presentation Organization

- Introductory discussion of general purpose “revenue sharing” and basic description of the LGF and LGRAF
- Origins of the LGF and changes made through the 1980’s
- Discussion of the LGRAF
- LGF and LGRAF developments since the early 1990’s
- Final comments and observations

# Structure of the LGF, Part One: Monthly distributions to 88 county undivided local government funds



# Structure of the LGF, Part Two: Monthly distributions to municipalities with an income tax



# Summary of LGF/LGRAF Estimation & Distribution Process

- By July 15, Tax Commissioner certifies to each county auditor the estimated amount to be distributed to the county undivided LGF and the county undivided LGRAF during the following calendar year
- In August, the county budget commission computes each subdivision's share of the county undivided LGF and LGRAF for the next calendar year; within 10 days, county auditor reports those amounts to the subdivisions
- Each month the Tax Commissioner distributes the prior month's LGF (and dealer in intangibles taxes) deposits and LGRAF deposits to each county undivided LGF and LGRAF, respectively, using each county's percentage share computed in the preceding July; a portion of the LGF is also distributed monthly to municipalities with an income tax; distributions are made by the 10<sup>th</sup> of each month
- County treasurer distributes the amount received in the undivided LGF and undivided LGRAF to the various subdivisions based on subdivision percentage shares authorized by the county budget commission

# General Purpose Revenue Sharing

- The LGF and LGRAF, along with the Library and Local Government Support Fund (LLGSF), comprise the state's "general purpose revenue sharing" programs for local governments
- Ohio has other revenue sharing programs – e.g., sharing of motor fuel tax and of estate tax revenues – but they do not constitute "general purpose" revenue sharing
- The LGF, LGRAF and LLGSF have two key characteristics not simultaneously present with other revenue sharing programs:
  - The money is not for specific purposes (for the general fund)
  - The money goes to local governments based on criteria other than the origin of the tax revenues

## General Purpose Revenue Sharing (con'd)

- The federal government had a general revenue sharing program which originated during the Nixon Administration
- A portion of federal revenues was shared with states and local governments
- Revenue sharing was a product of that administration's "New Federalism", providing revenues to states and local governments with few programmatic requirements (in contrast to the many categorical grant programs developed during the 1960's)
- Federal revenue sharing with local governments existed from 1972 to 1986 (although revenue sharing with states ended after 1981), terminated as a result of deficit reduction.

## Origins of General Revenue Sharing in Ohio

- Ohio's general purpose revenue sharing program originated well before the federal program
- The Local Government Fund was created when the state sales tax was enacted in December 1934
- Revenue from the new 3% state sales tax was to be used for a county poor relief excise fund and for a state public school fund, with any remaining revenue to be used for the new "Local Government Fund"
- In the first year of the LGF (1935), \$10.7 million was sent to local governments, out of \$45.1 million in total state sales tax revenue

# Origins of General Revenue Sharing in Ohio (con'd)

- Basic structure of the original LGF has been maintained to this day: state revenue earmarked for LGF (replaced by an appropriation beginning in 1939); LGF monies distributed to 88 undivided LGFs; and funds subsequently distributed by county budget commission to eligible subdivisions
- Between 1935 and 1938 the portion of the state sales tax directed to the LGF varied, with the percentage during that period varying between 24% and 32%
- Beginning in 1939, the earmarking concept was replaced by annual appropriations (i.e., a flat \$12 million annual appropriation through 1944, with increases during the 1945-1947 period)

# Origins of General Revenue Sharing in Ohio (con'd)

- Originally, the State LGF was distributed to 88 county undivided LGFs based on each county's proportionate share of municipal valuation (real, tangible personal and utility property); the average valuation over the preceding five years was used
- Distribution effect: The higher a county's municipal valuation, the higher its LGF distribution
- Starting in 1945 (when the LGF was increased from \$12 to \$16 million), 75% of the LGF was distributed based on each county's share of municipal valuation and 25% was distributed based on each county's share of population
- The valuation-population distribution criteria, as well as the relative 75% -25% weights, exist to this day

# Origins of General Revenue Sharing in Ohio (con'd)

- Subdivisions receiving county undivided LGF monies: counties, municipal corporations, park districts, and townships
- From the beginning, state law has required monies from each county undivided LGF to be apportioned to the county's subdivisions based on the relative "need" of each subdivision
- According to the original statute, the county budget commission convenes to consider facts and information presented by the county auditor and then determine the amount needed by the subdivision for its current operating expenses (to the extent those expenses exceed revenues available from all other sources)

# Origins of General Revenue Sharing in Ohio (con'd)

- The concept of subdivision “need” developed over time into a contentious and complex exercise resulting in considerable litigation, new case law, and occasional statutory revisions
- This presentation shall not dwell extensively on how funds are apportioned to subdivisions, in part due to the state’s traditionally limited role in this process and also due to the need to focus primarily on the state’s funding for and allocation to the 88 county undivided funds
- However, a basic description of the subdivision apportionment process will be provided later in the presentation

## Post-War LGF Developments

- In 1947, the five-year measurement for municipal valuation was replaced by a single-year measurement (using the second year next preceding the year of distribution); this arrangement exists to this day
- Significant LGF changes occurred in the 1940's, at a time of post-WWII local government fiscal crises (revenue streams inadequate to meet rapidly rising costs)
- Major LGF funding increases during 1945-1947 period
- Department of Taxation issued a 1947 study of the Ohio state and local government revenue system
- In response to one study recommendation, the General Assembly converted three state-collected intangibles taxes from being a state revenue source to being a local government revenue source

## Post-War LGF Developments (con'd)

- The three converted intangibles taxes were: 2-mill tax paid by financial institutions on their deposits; 2-mill tax on the shares and capital of financial institutions; and 5-mill tax on the shares and capital of dealers in intangibles
- County undivided LGFs received monies from both these state-collected intangibles taxes and the state LGF
- The three intangibles taxes together generated \$15 million for local governments in 1948
- These revenues were distributed to the counties of origin (physical location of deposits, etc.)
- The LGF allocation was reduced to \$12.0 million in 1948 (from \$27.3 million in 1947); combined 1948 intangibles and LGF revenues nearly the same as 1947 LGF revenues

## Post-War LGF Developments (con'd)

- Cutting the LGF, while simultaneously adding new origin-based intangibles taxes, undoubtedly had distributional impacts (increases and decreases) across the counties
- By the mid-1950's, the intangibles tax comprised a majority of the combined LGF and intangibles tax distributions
- There was growth in intangibles taxes while the appropriated LGF grew little in the 1950's and 1960's (no LGF growth between 1958 and 1969)
- The intangibles tax share peaked in 1969, when it comprised 68% of the total (\$51 million intangibles tax vs. \$24 million LGF)
- There were few other LGF changes during the 1950's and 1960's worth noting

# Apportionment of County Undivided LGF to Subdivisions

- With the enactment of SB 114 in 1969, most of the existing law pertaining to subdivision apportionment was put into place
- SB 114 dealt with a variety of problems related to how subdivision “needs” are computed
- In current RC 5747.51 and .52, a process is prescribed for how budget commissions are to use subdivision tax budget information to derive each subdivision’s relative “need”, subsequently translated into a percentage share of the county’s total undivided LGF
- This process is generally termed the “statutory” method of apportionment
- The most important long-term change in SB 114 was the enactment of an “alternative” method of apportionment

# Apportionment of County Undivided LGF to Subdivisions (con'd)

- The “statutory” method of subdivision apportionment resulted in considerable contention and litigation
- In contrast, the “alternative” approach allows a county to derive a specific distribution formula for that particular county, thus avoiding many of the problems associated with the “statutory” formula (such as tax budgets developed to exaggerate needs)
- 80 of the 88 counties have adopted an “alternative” formula
- In order to adopt or change an “alternative” formula, the county budget commission develops the new or changed formula and following parties must assent to that formula: board of county commissioners; the most populous city in the county; and a majority of the townships and municipalities located in the county

# Apportionment of County Undivided LGF to Subdivisions (con'd)

- Despite the wide discretion allowed in crafting an “alternative” apportionment formula, there are several substantive restrictions contained in the statute
- The county as a subdivision may receive no more than an established percentage of the total undivided fund, based on the percentage of the county’s population located within a municipal corporation: (1) Municipal population is less than 41% -- maximum county share is 60%; (2) 41%-80% municipal population -- 50% maximum county share; (3) 81% or larger municipal population – 30% maximum county share
- If a county’s population is under 100,000 no less than 10% of the undivided LGF is to be distributed to townships

## LGF Developments in the 1970's

- Major changes to the LGF took place in 1972, in the wake of the recently enacted state income tax
- In calendar year 1972, \$48 million of state income tax money was earmarked for the LGF, a 17% increase over 1971
- At the same time, 1/12<sup>th</sup> of the LGF was now dedicated to municipalities imposing an income tax, in recognition that the state's imposition of an income tax would make it more difficult for municipalities to obtain voter approval for rates exceeding 1%

## LGF Developments in the 1970's (con'd)

- In calendar year 1973, the fixed-dollar LGF allocations were replaced by a bona fide revenue sharing concept
- 3.5% of the state income tax, sales tax and corporate franchise tax were now dedicated to the LGF
- Local governments benefited from near-record growth in combined intangibles tax and LGF distributions during the 1970's
- However, much of this growth was mitigated by high inflation (particularly during the late 1970's)
- Minimum annual county undivided LGF distribution revised in 1973, becoming \$150,000; in 1975, 37 counties were at the \$150,000 minimum

## LGF Developments in the 1980's

- The severe economic recession of the early 1980's resulted in a state fiscal crisis
- Major tax and revenue changes occurred, and there were substantial revisions to the LGF and intangibles taxes
- HB 694 (FY 1982-83 budget bill) eliminated the tax on financial institution shares and capital beginning in CY 1982; such companies were made subject to corporate franchise tax
- The bill also phased out the 2-mill tax on financial institution deposits: 1.375 mills in CY 1982 and CY 1983, and no deposits tax thereafter
- Without a revenue replacement, these changes would dramatically reduce distributions to local governments

## LGF Developments in the 1980's (con'd)

- The portion of the corporate franchise tax earmarked for the LGF was increased in order to make up for the reduced intangibles tax distributions
- In CY 1982, 3.5% of franchise tax was earmarked for State LGF and 7.75% of the franchise tax was distributed to counties based on their share of 1981 intangibles tax revenues
- Minimum LGF distribution increased to \$225,000
- State sales tax rate increased by 1% (to 5%), with a requirement that none of the increased sales tax revenue in FY 1982 and 1983 would go to the LGF; percentage contribution to LGF from the sales tax was reduced accordingly

## LGF Developments in the 1980's (con'd)

- Similarly, a temporary income tax increase was enacted in 1982 (SB 530, 114<sup>th</sup> GA) with a provision that none of the increased revenue was to go to the LGF; this provision was eliminated when the income tax increase was made permanent in 1983 (HB 100, 115<sup>th</sup> GA)
- Additional major changes were enacted during the FY 1984-1985 budget cycle
- HB 291 (FY 1984-85 budget bill) repealed the special contribution schedule for the franchise tax; instead, 14.5% of the franchise tax was dedicated to the LGF with no special allocations to counties based on historical intangibles tax distributions
- This new formula caused major distributional shifts among the counties

## LGF Developments in the 1980's (con'd)

- When it became apparent that an estimated 50 counties would lose money in 1984 compared to 1983 and 38 counties would gain money, another bill was passed (SB 293, eff. December 1, 1983) to resolve that situation
- The SB 293 changes to the distribution formula are essentially reflected in the statute as it exists today (see next two pages); only difference is that county undivided LGFs now receive 90% (less \$6 million) of the LGF, while prior law provided 11/12ths (less \$6 million)
- SB 293 increased the fund by changing the corporate franchise tax share from 14.5% to 15.4%
- Dealer in intangibles tax is the only part of the intangibles tax still remaining; 5 mills of the tax is distributed to county LGFs based on location of dealers' gross receipts

# Current LGF Distribution Formula to the 88 County Undivided LGF's

- Tax Commissioner computes amounts under two formulas
- Formula One: Each county receives its 1983 deposits tax at a 2-mill rate; 90% of remaining fund (less \$6 million) distributed using population (25%) and municipal valuation (75%), with minimum distribution of \$225,000
- Formula Two: 90% of the total LGF (less \$6 million) is distributed to each county based on population (25%) and municipal valuation (75%); \$225,000 min. distribution
- The higher allocation is identified and assigned to each county, and those amounts added to reach a statewide total
- Each county's percentage share of the statewide assigned amounts is computed; this figure constitutes the county's % share of the actual LGF deposits for the calendar year
- Each county guaranteed to receive its 1983 distribution

# Current LGF Distribution Formula to the 88 County Undivided LGF's (con'd)

(See example on page 26 of handout)

# Creation of LGRAF, and other changes of the late 1980's

- In response to a legislative study of the LGF in the late 1980's, legislation was enacted in 1987 (HB 171, FY 1988-89 budget bill) that added a new fund – the Local Government Revenue Assistance Fund - whose criteria for distribution had not yet been determined
- HB 171 also increased the percentage earmarked for the LGF, increasing from 3.5% to 4.5% in February 1988 and then increasing to 4.6% in July 1989
- Under HB 171, both the LGRAF and LGF would receive monies from two additional state revenue sources: the use tax and the public utility excise tax
- Funding for the LGRAF began in July 1989, originally comprised of 0.3% of the same major tax sources that fund the LGF; this share was scheduled to increase to 0.6% in FY 1991, 0.65% in FY 1992, and 0.70% in FY 1993

## Creation of LGRAF, and other changes of the late 1980's (con'd)

- HB 111 (the FY 1990-91 budget bill) stipulated that the LGRAF would be distributed based on each county's share of total state population, using annually updated population figures (Census Bureau estimates for most years, and actual decennial Census population figures every 10<sup>th</sup> year)
- The LGRAF was patterned off the LGF in terms of distribution procedure and timing, and revenue sharing structure
- Monies are distributed monthly from the State LGRAF to 88 county undivided LGRAFs
- Based on the subdivisions' proportionate shares authorized by the county budget commission, the undivided LGRAF is distributed to the subdivisions by the 20<sup>th</sup> of the month

## Developments during the 1990s and beyond

- Ohio experienced a recession in 1990-91 that required a variety of fiscal measures to balance the budget
- As a state revenue saving device, HB 298 (the FY 1992-93 budget bill) and HB 904 (budget balancing bill) temporarily suspended the LGF and LGRAAF funding percentages from January 1992 through July 1993, constituting a “freeze” on distributions
- Under the “freeze”, additional revenues that normally would have been deposited into the local funds are instead deposited into the state GRF (revenue growth in the contributing tax sources must occur in order for the GRF to realize this benefit)

## Developments during the 1990s and beyond (con'd)

- For CY 1992, the total amount distributed from the LGF and LGRAF equaled the amounts distributed during 1991; during the January-July 1993 period, the total amount distributed equaled the January-July 1992 distributions
- Although the “freeze” was lifted beginning in FY 1994, the respective LGF and LGRAF funding percentages were reduced to 4.2% (from 4.6%) and 0.6% (from 0.65%)
- Since revenues were swiftly recovering, the reduced funding percentages resulted in moderate growth for the two funds while preventing a windfall and providing long-term savings for the state

# Developments during the 1990s and beyond (con'd)

- SB 3, the electric deregulation bill, enacted a kilowatt hour tax on electric utilities to begin in June 2001
- Electric utilities were also made subject to the corporate franchise tax but no longer made subject to the utility excise tax
- A portion of revenues from the kilowatt hour tax was earmarked for the LGF (2.464%) and the LGRAF (0.378%)
- The LGF and LGRAF contribution levels were the equivalent of 4.2% and 0.6%, respectively, of the kilowatt hour tax collections remaining after the amounts are credited to the local government and school district property tax replacement funds

## Developments during the 1990s and beyond (con'd)

- HB 94 (FY 2002-03 budget) enacted a “freeze” in which each county undivided LGF (as well as each municipality receiving a direct LGF distribution) and each county undivided LGRAF would receive the same amount that it received in FY 2001 (July 2000-June 2001)
- Revenue performance was so poor for most of the FY 2002-03 biennium that the freeze essentially did not save the state GRF any revenue (in fact, a semi-annual reconciliation adjustment prevented a revenue loss); the only appreciable savings in the biennium came from a \$30 million reduction in 2003 enacted by HB 40
- The freeze was extended into FY 2004-05 by HB 95

# Developments during the 1990s and beyond (con'd)

- During FY 2004 and 2005, each recipient received the same amount it received in FY 2003
- The state saved \$127 million during FY 2004 and \$241 million in FY 2005 as a result of the freeze on all three funds (savings attributable to LGF and LGRAF were \$100 million in FY 2004 and \$162 million in FY 2005)
- Note that the dealer in intangibles tax distributions were not affected by the freeze
- The current biennial budget (HB 66) originally contained LGF and LGRAF cuts but ultimately extended the freeze for another two fiscal years
- According to ODT estimates, the state will save \$228 million in FY 2006 and \$252 million in FY 2007 (LGF and LGRAF savings= \$145 million in FY 2006 and \$161 million in FY 2007)

## Final Comments and Observations

- See page 36 for a history of the LGF-intangibles tax allocations and the LGRAF allocations
- Throughout much of its history (1948-1972), the LGF was appropriated and not based on a percentage of tax revenues
- During the years when the LGF was an appropriated item, there was a complementary and modestly growing revenue source for CULGFs – the intangibles tax (now repealed except for the dealer in intangibles portion)
- Since the 1980's, the LGF and intangibles tax have ranged between 3% and 4% of the GRF
- There has been significant real (inflation-adjusted) growth in the LGF over the years, as shown on page 37

## Final Comments and Observations (con'd)

- If/when the freeze is discontinued, attention will need to be paid to the distribution formula to prevent wide distributional swings (positive and negative) on recipients
- Since 2001, the formula has not been in effect, thereby insulating counties from the effects of valuation changes
- The intangibles tax was repealed over 20 years ago but is still a part of the LGF formula
- As a county's urban property wealth rises relative to other counties, its share of the LGF increases
- On a per capita basis, the LGF distributions to 88 county undivided LGFs ranges between \$18 and \$84; thus, the top county's distribution is nearly five times as high as the lowest county
- Because it is so complicated, the LGF formula is generally not understood and thus is not transparent