Statehouse Update

March 6, 2020

Monday, March 2, 2020
Ballot Board Accepts Term Limits Plan, Divides Elections Proposal
The Ballot Board cleared a proposed amendment on term limits as a single issue Monday but divvied a separate amendment on elections into four separate pieces.

That means term limits proponents can begin gathering signatures in earnest to land their effort on the November ballot while backers of the election amendment now face a steeper climb and a possible appeal.

Ultimately, the panel voted 3-2 along party lines to divide the "Secure and Fair Elections Amendment," with members Rep. Paul Hicks-Hudson (D-Toledo) and Pavan Parikh voting "no." The board also voted 4-1 to maintain the "Lifetime General Assembly Term Limits Amendment" as a single issue, with Senate President Larry Obhof (R-Medina) providing the sole dissenting vote.

Petitioners must now gather 442,958 valid signatures from at least 44 of the 88 counties in order to land each of their proposals on the ballot. The number of signatures gathered in 44 of those counties must be at least 5% the total votes cast in that county in the last gubernatorial election.

The Ballot Board decision divides the elections amendment into four sections pertaining to: casting ballots; the manner in which one becomes a registered voter; the ability of citizens with disabilities to register and vote; and post-election audits.

Ohioans for Secure and Fair Elections in a statement expressed disappointment at the decision.

"Today the ballot board chose politics over people and demonstrated why it is necessary for us to go directly to the voters to approve of common sense updates to Ohio's laws to make voting more secure, fair and accessible," campaign manager Toni Webb added. "It's incredibly unfortunate and unsettling that politics may be getting in the way of modernizing Ohio's elections to ensure that each person's vote is sacred and counted."

Don McTigue, attorney for both ballot committees, said Ohioans for Secure and Fair Elections will now explore its options. The Ohio Supreme Court has exclusive jurisdiction to hear any challenge to the Ballot Board decision.

"That's definitely something that's very seriously being looked at because I think it's clear breaking this up is a clear violation of the standard," he said.

Mr. McTigue also suggested politics was at play in the decision, saying that breaking the proposal up into four issues is strategic.

"To do any petition costs several million dollars to get to the ballot," he said. "That's even before you run a campaign."

Secretary of State Frank LaRose, who leads the panel, denied that charge, noting he has been publicly supportive of several components of the proposal.

"On the merits of what was presented to us, to me it was clear that these are four separate matters," he said.

The election amendment would implement automatic voter registration and same day registration and require early voting locations to be open on the two weekends prior to Election Day.

Other provisions are aimed at ensuring military service members and overseas citizens receive ballots in a timely fashion, that those with disabilities have equal access to the ballot box, and that election results are audited.

In arguing for single issue status for the voting amendment, Mr. McTigue directed members back to a 2014 proposal that contained more issues than the proposal at hand but was still considered a single ballot measure.
"There's no reason today to differ with that precedent which was only six years ago," Mr. McTigue said. "Every single one of these (provisions) relates to registration and voting."

"You're not here to make a policy determination about how much should go before the voter," he added. "You're here only to determine whether or not the subject matter bears some reasonable relationship to any single purpose or object."

Anne Marie Sferra of Bricker and Eckler argued the opposite on behalf of the Ohio Republican Party, saying the measure constitutes as many as six separate subjects and that one need look no further than the title itself to reach that assessment.

"Security and fairness are two entirely separate subjects themselves," she argued. "Beyond the title, as you can see by looking at the full text of the proposed amendment the petitioners themselves have divided the proposed amendments into numbered sections and have also added language in unnumbered sections."

House-appointed members Rep. Hicks-Hudson, who also took issue with the meeting being first noticed on Friday afternoon, and Mr. Parikh expressed skepticism of Ms. Sferra's arguments. They pointed at language in the plan applying its provisions to "Every citizen of the United States who is, or is eligible to become, an elector in Ohio..." as justification for a single subject determination.

Ms. Sferra disagreed with that take and further argued that the Ballot Board should not be beholden to its 2014 ruling on the prior proposal.

Secretary LaRose said three provisions are already in state law and appear to be paired in the proposal with things that "may be laudable or maybe perhaps something people want to have more discussion about." He said he trusts Ohio voters to "consider each one separately on its merits and not roll them into some package."

**Term Limits:** The "Lifetime General Assembly Term Limits Amendment" would limit state lawmakers to 16 years in office effective Jan. 1, 2021. The plan would include appointments when calculating the total number of years one can hold office.

Mr. McTigue failed to sway Senate President Larry Obhof (R-Medina), who argued that the amendment is contradictory in that it both limits and expands term limits.

Although the proposal would limit lawmakers going forward to 16 years, he said it would at the same time grant current lawmakers 16 more years of service. That, he argued, constitutes at least two issues.

He said most Ohioans would likely agree with a 16-year cap, but that if asked whether they wanted to give sitting lawmakers another 16 years in office "I bet that polls in the single digits."

"I'm not sure why they're jammed together other than to convince voters to extend time by 16 years by making them think they're voting for a new limitation," Sen. Obhof said.

Mr. Parikh, however, argued the single subject standard should be liberally construed.

"The arguments President Obhof made are important arguments to have when discussing the subject matter but not the general object or purpose," Mr. Parikh said. "Today, we're simply here to decide whether they bear some reasonable relationship to a single object or purpose and I would argue the idea of term limits is one object."

The two measures are just a pair of the handful of ballot issues that could appear on ballots this November, with others including marijuana legalization, minimum wage increases, and tax increase restrictions.

**New First Responder PTSD Proposal Coming In House**

A pair of Republican House members are introducing an alternative to a proposal offering first responders workers’ compensation coverage for post-traumatic stress disorder.

While a bill (HB 308) that recently passed the House would offer first responders coverage through the Bureau of Workers’ Compensation for PTSD without a corresponding physical injury, the alternative measure proposed by Rep. George Lang (R-West Chester) and Rep. Niraj Antani (R-Miamisburg) would create a separate fund outside of the BWC.

The forthcoming measure creating the new fund would offer first responders more treatment options, the sponsors said. It would include $44 million in startup costs, to be paid out of the state's unclaimed funds.
"Our first responders make great sacrifices to keep us safe and we must ensure that they receive the PTSD coverage they deserve. This legislation will provide expanded treatment options and, importantly, the funding can only be used for first responders. I am proud to introduce this legislation with Representative Antani and will work diligently towards its passage," Rep. Lang said in a statement.

Carving the fund out of the workers' compensation system would address a concern that has been raised by business and other employer groups – that it sets a precedent for coverage of a psychological condition without a physical injury.

"Taking care of our first responders is a priority and they should have coverage for PTSD. This bill provides that in a responsible way that keeps the principle that workers' compensation was founded upon. We must pass this bill swiftly to provide the care our first responders need," Rep. Antani said.

Michael Weinman, director of governmental affairs for the Fraternal Order of Police of Ohio, said in an email that the group opposes creating a new system outside of BWC for coverage.

"PTSD is a workplace injury. Workplace injuries fall under the purview of BWC," he said. "To fight the stigma attached to PTSD, it needs to be under BWC and treated the same as a blown knee or torn rotator cuff. Under BWC, our members benefit from legal protections that will keep them from unfairly being fired, and we hope that BWC will work with us, and our first responder ally, to institute prevention programs for PTSD."

He said the House proposal limits treatment to two years, which would not be allowed if it were covered under the BWC.

"It is cruel and callous to cut someone off from treatment," he said. "We feel this proposal is an attempt to muddy the waters and give our opponents the ability to further drag out the issue for more than the nine years we've already been talking about PTSD treatment. While that happens, more first responders die from suicide, and others continue to suffer."

The PTSD coverage issue has been debated around the Statehouse for years, but a solution has never cleared both chambers.

Last year, the House included its proposal – coverage through the BWC system for first responders only – in the BWC budget bill (HB 80). That language and other changes earned the support of Democrats and led to the measure dividing the Republican caucus.

The Senate removed the PTSD language and other policy components from the workers' comp budget before sending it back to the House, prompting a standoff between the chambers on that measure and the operating budget (HB 166).

In July, the chambers agreed to pass a BWC budget free of the House's policy changes.

The House later advanced the separate bill expanding PTSD coverage, passing it in a 74-22 vote last month.

Senate Republicans have expressed a desire for an alternative fund outside of the workers' comp system. Sen. Bob Hackett (R-London) has explored creating a separate system and has raised similar concerns about carving a specific class for coverage.

**Tuesday, March 3, 2020**

**Senate Committee Hearings - Ways & Means**

**SB 159 TAX CREDITS (Peterson, B.)** To allow income tax credits for beginning farmers who participate in a financial management program and for businesses that sell or rent agricultural land, livestock, facilities, or equipment to beginning farmers. CONTINUED (1st Hearing-Sponsor)

Sponsor Sen. Bob Peterson (R-Sabina) said the measure "would help the next generation of farmers get started in the agriculture industry while also providing an easier transition for established farmers looking to retire."

Under the measure, residents certified as beginning farmers by the Department of Agriculture could receive an income tax credit for participating in a financial management program approved by ODA equaling the cost of the program.

To qualify as a beginning farmer, a resident must have farmed for less than 10 years or intend to start farming and have a household net worth of less than $800,000, among other requirements.
"This tax credit would assist new farmers as they establish their business and would help to prepare them for future financial success," Sen. Peterson said.

The measure also would create an income tax credit for people or firms that sell or rent land, equipment or other "agricultural assets" to beginning farmers, he said.

The credit could equal:
- 5% of the sale price.
- 10% of gross rental income during the first three years of a rental contract.
- 15% of the cash equivalent of gross rental income during the first three years of a share-rent agreement.

"According to the 2017 Census of Agriculture, the average age of an Ohio farmer is 55.8 years old. As the farming population ages, this tax credit would bring together retiring farmers and new farmers," he said.

Sen. Vernon Sykes (D-Akron) asked why less than 10 years of experience qualifies someone as a beginning farmer under the measure.

Sen. Peterson said the bill is modeled after a "very successful program" in Minnesota that used that benchmark.

Sen. Bob Hackett (R-London) said he thinks the measure would "really help the family farm."

Sen. Nickie Antonio (D-Lakewood) questioned how the measure would aid farmers looking to retire.

The sponsor said "one of the real challenges" for veteran farmers is the tax burden associated with selling their property at retirement.

**SB 273 PROPERTY TAXES (Williams, S.)** To reduce property taxes on owner-occupied homes to the extent the taxes increase by more than 10% per year and to prohibit political subdivisions from placing a lien on property for unpaid water charges. CONTINUED (1st Hearing-Sponsor)

Sen. Williams said in sponsor testimony the legislation would "help protect long-term homeowners and vulnerable citizens from unfair tax increases and discriminatory lien collection practices."

The bill would put a cap on annual property tax increases at 10% for qualifying households and bar municipalities from putting liens on properties based on overdue water bills.

"As a state, it is clear that we understand the importance of development and growth; however, we cannot continue to do so at the expense of our residents, who have likely lived in these developing communities for many years," the sponsor said. "It's unfair to price people out of their homes because circumstances that they cannot control."

Sen. Antonio said the issues raised by the sponsor are "a real problem" in neighborhoods undergoing redevelopment. She asked if there is a minimum amount a resident must owe on water or sewer bills before a local government can pursue a lien.

There is "no limitation" currently under state law, Sen. Williams said.

Sen. Schaffer questioned whether Sen. Williams knew of cases in which liens have been sold to third parties that pursued foreclosure.

"Yes, there are cases based on my understanding," the sponsor said.

Sen. John Eklund (R-Chardon) said the sponsor's testimony reflects "truly a broken system" but questioned whether the bill would fix the underlying problem. He said municipalities could still sue residents with unpaid water and sewer bills even if the measure becomes law.

Lawmakers could consider a fix that would allow municipalities to pursue liens but prevent them from leading to foreclosures, Sen. Sykes said.

Chair Sen. Kristina Roegner (R-Hudson) said the proposal's cap on property tax increases "certainly has merit" but questioned how many Ohioans it would affect.
SB 286 TAX CREDIT (Schaffer, T.) To authorize an income tax credit for volunteer firefighters who purchase firefighting-related safety or protective items. CONTINUED (1st Hearing-Sponsor)

Sen. Tim Schaffer (R-Lancaster) said in sponsor testimony the measure is intended to address a shortage of firefighters in rural and suburban areas.

"In today's society, it is getting harder and harder to recruit men and women to serve as volunteer firefighters," he said. "The personal financial cost, training time, time performing their duties and the fact that many workers today accept jobs many miles from where they live have taken a toll on recruiting volunteer firefighters."

He said the legislation would allow volunteer firefighters to claim a personal, nonrefundable income tax credit up to $500 for money spent on equipment used for their official duties.

The state has just under 10,000 volunteer firefighters who could benefit from the legislation, Sen. Schaffer said. He said the maximum loss of revenue to the state would be about $5 million.

"The number of volunteer firefighters in the state of Ohio is dwindling, and this legislation will help prevent a crisis of inadequate fire protection," he said. "We need to ensure that these volunteers are compensated for the personal funds that they put into getting equipment for their services which protect our constituents on a day-to-day basis."

Wednesday, March 4, 2020
Senate Passes Telemedicine Abortion Ban, Property Tax Bill
The Senate on Wednesday advanced a bill to make it harder to obtain medication abortions over the objections of Democrats and two Republicans.

The measure (SB 260) passed 21-9, with Sen. Stephanie Kunze (R-Hilliard) and Sen. Nathan Manning (R-N. Ridgeville) voting with the seven Democrats present in opposition.

Also clearing the chamber were bills to expand property tax exemptions (SB 212) and a resolution on diabetic screening (SCR 7). The chamber also voted unanimously not concur with House amendments to a bill (SB 9) on insurance claim information.

The telemedicine abortion legislation prohibits a physician from providing abortion drugs, namely mifepristone, unless the doctor is physically present where and when the initial dose of the drug is consumed. It makes a knowing violation of that provision a fourth-degree felony upon first offense and a third-degree felony for subsequent offenses.

Other Business: The tax bill from Sen. Kirk Schuring (R-Canton) cleared the chamber 29-1, with only Sen. John Eklund (R-Chardon) opposed.

The bill allows a municipality or township to designate a Neighborhood Development Area in which developers and owners of newly constructed single-family homes could apply for full or partial property tax exemption until 10 years after the owner occupies the home.

Those who renovate a single-family home within an NDA could apply for an incremental value exemption for a five-year period if the owner occupies the home. Property exempted under an existing tax increment financing agreement or a Community Reinvestment Area cannot be included in an NDA.

Sen. Schuring said the plan "is intended to provide a tool to municipalities and townships to improve existing neighborhoods and also in some instances build new ones."

But Sen. Eklund, who called Sen. Schuring a "master" of economic legislation of this sort, said he can't support the bill without further parameters around the process or a requirement the additional taxes generated by the new development exceed the losses suffered as a result of the abatement.

"Generally speaking, he knocks it out of the park," Sen. Eklund said. "But this time I think he's either got a foul tip or a long foul ball. These are the kinds of things that can perhaps be further addressed over in the House."

The diabetes resolution cleared the chamber unanimously and states the chamber's support for the "Screen at 23" campaign. That effort highlights the fact Asian Americans are more at risk for Type 2 Diabetes at a lower body mass index of 23. Prior thought was that individuals of all backgrounds had little risk at an index below 25.
Thursday, March 5, 2020

DeWine, Yost Say Time To Move Forward With Opioid Settlement

State leaders see a Friday deadline for local governments to join a statewide opioid settlement agreement framework as a key step toward reaching a broader deal with drug makers.

The March 6 deadline was set by lawyers in the negotiations as a target for getting local governments to act on the proposed One Ohio opioid settlement agreement.

"The goal is to have a consensus, but I would simply say that we need to move on," Gov. Mike DeWine told reporters this week. "I think that the facts are out there. I think this is something that's really good for the local communities. It's good for everybody in Ohio. I think it's going to put us in a much better leveraged position as we negotiate."

Attorney General Dave Yost expressed support for flexibility in allowing entities to join after the deadline.

"Time is of the essence and March 6th was chosen as the date for Ohio's communities to make a decision on whether to join the Governor and me in moving forward as One Ohio," he said in a statement. "We won't shut the door on communities that need to take formal action after March 6th to join us, but the time to act is now."

Nevertheless, the state needs to act quickly, the AG said.

"Every day that passes is one more day that companies can settle with someone ahead of Ohio," he said. "Our risk goes up as we get closer to New York's trial date of March 20. Now is the time for Ohio to come together and do what's right for our citizens. One Ohio is the best choice for all Ohioans."

Under the proposed framework, 30% of settlement money would go to local governments up front and 15% would go to the state. The remaining 55% would go toward a trust controlled by local entities to support ongoing anti-addiction efforts.

Gov. DeWine said local governments have voiced concerns that potential opioid settlement funds might be used in the same way as money the state received in the Tobacco Master Settlement Agreement reached by cigarette manufacturers and 46 states in 1998.

"This is a real concern expressed by local governmental units," he said. "What they have said is, 'We don't want this money taken and used for other purposes.' I wholeheartedly agree. We need to be able to assure every Ohioan that this money is going to be spent to deal with addiction problems and not spent for something else."

"We made this mistake in regard to tobacco where we monetized the settlement, which meant that the money was spent," he said. "We now don't have any of that money left."

Gov. DeWine said by proposing a trust fund for a majority of the settlement, "We have assured that this cannot be stolen."

Administration Creates Broadband-Focused Office

Getting more Ohioans connected to high-speed internet is the goal of a new office established by Gov. Mike DeWine.

The governor on Thursday announced the creation of BroadbandOhio, which will sit within the Development Services Agency.

"BroadbandOhio will implement our strategy for increasing high-speed internet access to underserved and unserved Ohioans across the state," Gov. DeWine said in a statement. "We know there are more than 300,000 households in Ohio without broadband access. We need to increase access and establishing the office is a first step."

Peter Voderberg, a longtime state employee who most recently worked in the governor's office as an assistant policy director, will serve as the office's chief of staff.

The office's debut fulfills a goal of the administration's Ohio Broadband Strategy. The document, which was released in December, details the state's plan for improving and expanding its broadband network.

The new office will be tasked with implementing the strategy's other goals, such as crafting a statewide policy for fiber or other internet providers to access state-controlled highway right of way.
The administration has explored the idea of leveraging access to state-controlled highways in exchange for improved internet infrastructure since last summer.

BoardandOhio also will serve as a liaison between state agencies on internet issues and a resource for local governments and businesses.

"Access to high-speed internet opens doors for people who have been left behind across Ohio, which is why our administration established the Ohio Broadband Strategy and why we are aggressively moving forward with its implementation," Lt. Gov. Jon Husted said. "You cannot have opportunities in the modern economy or access to the modern education system or healthcare system without having access to broadband internet."

Friday, March 6, 2020
Capital Budget Passage Now Eyed For Later In Spring; Reappropriations Set For Separate Bill

Lawmakers are expected to wait until after the end of March to consider a bill on state capital appropriations.

Deliberations over the capital budget have continued behind the scenes over the first few months of the year, but that measure has yet to be introduced.

Complicating the issue is that while there is no deadline for passing a capital appropriations bill, there is one for reappropriating capital funding from the previous biennium. That deadline, April 1, is the same as one lawmakers set for themselves to resolve an impasse over the state's EdChoice school voucher program.

House Speaker Larry Householder (R-Glenford) said through a spokeswoman Friday that a reappropriations bill is expected to be done by the end of March and that the appropriations measure will be done before lawmakers break for summer recess.

The reappropriations measure will likely be introduced shortly after the March 17 primary election, said Rep. Jamie Callender (R-Concord), who was appointed as temporary chair of the House Finance Committee this week while Rep. Scott Oelslager (R-Canton) recovers from back issues.

Senate leaders said this week they are ready to go on the capital bill.

"The Senate's internal deliberations on the capital budget are pretty far along," Senate President Larry Obhof (R-Medina) told reporters Wednesday. "We've got our version essentially done and we have for a couple of weeks. We look forward to working with our friends across the street and trying to get that up and running."

Sen. Matt Dolan (R-Chagrin Falls), who chairs the Senate Finance Committee, said in an interview Tuesday that his committee is "ready to engage" on the process whether it consists of one bill or two.

"I believe we have every intention of passing the reappropriations bill by March 31," he said. "Whether the capital bill is done or not, we're ready to go."

He said he was not concerned about facing down a reappropriations deadline and EdChoice at the same time.

"I can walk and chew gum at the same time," Sen. Dolan said.

Capital reappropriations and appropriations can be done in one bill or two, and both approaches have been used in recent memory.

In 2018, both issues were folded into one bill (HB529, 132nd General Assembly) that was introduced Feb. 26, passed the House March 7 and passed the Senate March 21.

In 2016, they were passed as separate bills. The reappropriations measure (SB260, 131st General Assembly) cleared the legislative process by Feb. 10, but the appropriations piece (SB310, 131st General Assembly) wasn't introduced until April 16, passing the second chamber May 4.

Legislative leaders have indicated the capital bill is expected to be a similar size to recent iterations. The measure from the previous GA totaled about $2.6 billion.

State agencies' requests for the measure have included money for prisons and mental health facilities.
Regional development groups and local entities, meanwhile, are vying for an expected $100 million or so in community project funding, which they hope to use for drug treatment centers, parks, sports venues and other projects.

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