Statehouse Update

April 17, 2020

Monday, April 13, 2020

DeWine Says Plans To Reopen Businesses A Work In Progress
Gov. Mike DeWine said Monday he'll continue relying on medical experts in determining when to reopen Ohio businesses shuttered in the face of the coronavirus pandemic.

But he said he remains open to suggestions from legislators, several of whom have urged the rescission of health orders that brought a halt to much of the state's business activity to curb the spread of COVID-19.

"We need to do this in a way that protects people," Gov. DeWine said. "We need to do this in a way that lessens the chance of a new spike coming up. We need to do this in a way that is a rational, thought-out approach as we move forward."

Some lawmakers are growing increasingly vocal in their desire to see Ohio return to normal operations amidst the coronavirus pandemic. Among them is Sen. Matt Huffman (R-Lima), who is thought to be next in line for the Senate president's post.

Lawmakers have generally praised Gov. DeWine for his quick action to head off a surge of COVID-19 cases that could otherwise overwhelm Ohio's healthcare system. But that has come at the expense of businesses, many of which have been forced to close, resulting in record unemployment claims.

"Since the outset of the coronavirus, less densely populated areas of the state have not been affected in the same way as the rest of the state," reads Sen. Huffman's letter.

"Many counties have had very few or no cases of COVID-19," he continued. "Also, of those who have been hospitalized, many had already suffered from other severe chronic health situations…. Please consider lifting the ban on a date specific and as soon as possible for businesses in west central Ohio."

Gov. DeWine said Lt. Gov. Jon Husted recently participated in a call with business leaders from western Ohio at the request of Sen. Huffman. As for the possibility of reopening certain regions of the state before others, Gov. DeWine said "more robust testing" would be needed before such an approach could be taken.

"Without that, the evidence would be strong and the experts would say that we have community spread everywhere in the state of Ohio," he said. "Western Ohio is certainly not exempt from that."

Rep. Todd Smith (R-Germantown) wrote a letter to the governor opining that the state's early models were "flawed" and overstated the virus' impact.

"Here in my district and across the state, our small business owners are being crushed under the current restrictions," Rep. Smith wrote. "They do not think it necessary to destroy their businesses and the state economy for the actual effect they are seeing due to this virus."

State officials have said the shutdown and other measures undertaken were required to ensure Ohio's healthcare system wasn't overwhelmed and that the numbers would be far worse had those steps not been taken. They've also reiterated state reporting shows only a fraction of those with the virus given testing limitations.

Gov. DeWine said it's not just his administration's health orders keeping businesses from operating. He said consumer confidence needs to return for business activity to resume.
"People still have to feel confident or they're not going to do anything," he said.

He will continue to rely on the advice of the teams of doctors and business owners he has convened in the days to come, he said. "Certainly, part of that is how do we get back, get us all back to work."

"We'll be talking about that in the days ahead," he continued. "We will kind of lay out what our plans are and what some of the conditions are for the plans on where we need to go."

Among the businesses currently shuttered are an array of medical providers blocked from providing nonessential procedures. That's an issue that came to the forefront during a House task force meeting that same day.

Rep. Nino Vitale (R-Urbana), in his own letter to the governor, expressed fears about the number of medical professionals poised to shut down work forever if not allowed to resume some facets of their practices. He's calling for an "immediate" repeal of the health order banning elective surgeries.

"We cannot be so focused on one pandemic that we create three to five other health care pandemics," Rep. Vitale wrote.

"I also have doctors telling me they have lost 85% of their practices and are either days or a week or so away from closing their doors permanently," he continued. "This would cause a huge number of our health care providers to be lost in Ohio forever."

That issue was broached Monday during the separate meeting of the House 2020 Economic Recovery Task Force.

Gov. DeWine in the end called the planning for Ohio's economic return a "work in progress."

"I think what we come up with will be an Ohio plan," he said. "I think people are going to think it's a rational plan. It's all of us coming together and figuring out what is unique about Ohio and how can we move Ohio forward."

**Controlling Board OKs More than $200M For Virus Response**

DeWine Administration officials credited the state's efforts to crack down on the novel coronavirus with the reduction of some funding requests approved Monday by the Controlling Board.

The board only had nine items on its agenda for the meeting, but many featured significantly large dollar figures. The largest included $173.9 million in federal dollars allocated across four departments.

Two components of that item had been reduced from the total in the initial request posted a week ago as expected demand for ventilators and makeshift hospitals has decreased.

An ask from the Department of Administrative Services was reduced from $109 million to $76.1 million. DAS Chief Financial Officer Jennifer Leymaster said that change was made after state officials determined fewer ventilators would likely be needed. The request was revised down from 5,000 ventilators to 2,000—at a total of $43.6 million, or $21,800 per ventilator, she said.

"We are really taking our lead for the proper quantity from those clinicians and emergency management folks," she told Rep. Jamie Callender (R-Concord), who asked if she was comfortable with the reduction.

It also includes $32.5 million for N95 masks, at a cost of $6.50 each, Ms. Leymaster told Sen. Jay Hottinger (R-Newark).

Ms. Leymaster said the ventilators are already in production and should arrive within a couple of weeks. The masks are already on their way to Ohio.

Rep. Jack Cera (D-Bellaire) asked if the delay in receiving the equipment— it could be a month before any additional ventilators could be ordered and delivered— has been factored into the reduction.

"I do understand that the folks in the (Emergency Operations Center) have taken into consideration all of the supply chain and acquisition considerations when setting that up," Ms. Leymaster said.
The other part of the primary request rolled back from the initial ask was the $8.8 million for the Adjutant General's Department, which originally sought $28.7 million. Monday's total includes $5.1 million for emergency buildout of hospital space.

"That's been reduced considerably from what was originally requested," said Jeffrey Newman, the department's state finance officer. "Right now, the plan is to request one of those facilities in Cincinnati. The rest are currently on hold depending on what happens."

That money is all federal funds being provided to the state, and no other money is being used for the hospital buildout, he said.

"Is the reduction, is that due to the fact that things are maybe better than what has been anticipated and that Ohio has been better at flattening the curve?" Sen. Hottinger asked.

Mr. Newman said he believed that was the case.

"The growth in new cases has been less than anticipated in part because of all of the measures that have been taken," he said.

The board also accepted a late addition to the agenda from the Department of Education to shift $25 million in federal dollars for the summer meals program at schools. Aaron Rausch, director of ODE's Office of Budget and School Funding, said the change is needed because of the school building closures and changes by the U.S. Department of Agriculture.

"Based on the rate at which providers are claiming reimbursement, we felt that it was necessary to request consideration for today's agenda so there isn't a delay in which we are providing reimbursement out to those providers so they can continue to serve students and ensure children across Ohio continue to have access to a nutritious meal," he said.

He told Rep. Callender that the funding, which does not include new money or state money, will last through the rest of the month or perhaps the rest of the fiscal year but that it is "difficult to project the actual need."

The money is an increase over the usual amount for the program, typically $12 million to $15 million, he said. "We expect the need and the demand for reimbursement to increase."

Schools have taken different steps to help support students during the crisis, Mr. Rausch told Rep. Cera.

"I know that one of the solutions that some schools have identified is that they are running their normal transportation routes," he said. "School buses are taking meals and delivering them to families."

The board approved a request from the Department of Rehabilitation and Correction for $95,000 for emergency medical treatment and medical services.

"This is for medical services for inmates, but I've been contacted by constituents who have family members who are guards at a couple of facilities down here who are concerned about availability of PPE for the guards," Rep. Cera said. "Is your department accessing any of this equipment that's coming in through DAS?"

Kyle Petty, legislative liaison for DRC, said the department is working with DAS and the Emergency Operations Center to obtain personal protective equipment and to get that equipment to institutions with confirmed cases – a dozen as of Monday. Shops in the prisons are also making cough masks at a rate of about 3,000 per day, and the department has a contract with

In his daily press briefing, Gov. Mike DeWine thanked the members for approving the funding.

"We thank the members of the General Assembly for approving that and we're glad we can start using those dollars for the things we need to do in Ohio to protect our first responders, medical personnel and the people of the state," he said.

The meeting occurred via video conference, with members appearing from different locations, such as Rep. Callender in his Columbus office, Sen. Bob Peterson (R-Sabina) from his farm, and Rep. Cera from the "outskirts of Toad Holler."
Agency representatives also called in and testified before the panel by video conference, mostly from their own homes.

**Dispute Resolution Panel Issues First Opinions**

Pet groomers and CBD dispensaries are a few of the businesses deemed unessential by a recently formed state panel.

The Dispute Resolution Commission was formed by the DeWine Administration in the shelter-in-place extension order issued April 2. The board issues final orders to address discrepancies in enforcement between political subdivisions based on complaints filed by businesses.

Members are Department of Commerce Directory Sheryl Maxfield, Development Services Agency Director Lydia Mihalik and Public Utilities Commission of Ohio Chair Sam Randazzo.

The panel has issued eight advisory opinions, including three prompted by complaints from separate car washes. The state has added a page dedicated to the commission to its coronavirus website, including copies of opinions, meeting minutes and the complaint form.

In the car wash cases, the commission ultimately determined health departments acted properly when determining those businesses can only operate if: workers have no customer interaction, workers do not wash or dry vehicles by hand, workers maintain social distancing guidelines, or the number of workers is limited to those necessary to operate the business.

The commission also determined pet groomers and businesses selling CBD products are not essential businesses, upholding that determination from various local health departments.

**Township Asks High Court To Take Up Executive Session Case**

A northeast Ohio township is asking the state's highest court to provide some clarity to the Open Meetings Act.

The Rootstown Township Board of Trustees argues in a memorandum in support of jurisdiction that state law does not require the minutes of a regular or special meeting to state with specificity the statutory purpose for which a public body enters executive session.

"When the record demonstrates that a public body has entered executive session, during the course of a regular meeting, by a motion which fully conforms to an authorized purpose, the absence of detailed minutes stating the entirety of the properly-fashioned motion alone cannot support a Sunshine Law violation," the township writes.

The case stems from a lawsuit filed in Portage County Common Pleas Court by Brian Ames, who alleges the board held illegal executive sessions between May 4, 2016, and Sept. 12, 2016, to discuss legal matters and economic development assistance.

His evidence was based solely on meeting minutes.

Both parties moved for summary judgement, which the court granted to the board.

Mr. Ames then appealed to the Eleventh District, which remanded the case to the trial court with instructions to issue "the injunction or injunctions."

"The public would not be able to determine from the minutes that the board conducted business in a lawful manner," the appeals court wrote in finding it violated the open meetings law on eight occasions in the period in question.

The township then appealed to the high court, where it is arguing that the lower court decision could have far-reaching implications for local governments.

"The lower court's decision directly conflicts with the language of the statute, and every public body will potentially be exposed to OMA violation claims, and the civil forfeiture claims which accompany them, based upon expanded rules for the content of meeting minutes not set forth in the code," it writes in its filing with the court. "Generally, it is not for the courts to add a requirement to a statute that does not exist in the statute."
The township also maintains that common law attorney-client privilege is excepted from the scope of the law.

"It is not for the General Assembly to fashion exceptions to the protection of confidences and information within the attorney-client privilege, since that subject concerns the practice of law which rests within the court's plenary rule making authority under the Ohio Constitution," it wrote. "Moreover, the General Assembly did not actually create a waiver in the OMA, and the lower court's interpretation places the code directly in conflict with the court's rules and the broad scope of the privilege."

**Tuesday, April 14, 2020**

**State To Share COVID-19 Case Information With First Responders**

Emergency responders will have access to details on individuals confirmed to have the novel coronavirus under a new health order announced by Gov. Mike DeWine on Tuesday.

The order from Health Director Dr. Amy Acton enables case information to be shared with dispatchers in a bid to better protect frontline workers such as EMS and firefighters, officials said. That information will remain confidential and enable workers to more easily prepare to interact with those confirmed to have the virus, she said.

"With the lack of (personal protective equipment) we have to do all we can to protect our first responders," Dr. Acton said.

The order was announced at the governor's latest Statehouse briefing in which he also said the state has submitted an application for a 1135 waiver from the federal government to ease restrictions on certain Medicaid requirements.

Those moves came as the state reported 7,153 confirmed COVID-19 cases with another 127 probable cases. Deaths reached 309 confirmed – with 15 additional probable deaths – with officials noting the state saw 50 deaths within the last 24 hours. The state also reported 2,156 hospitalizations and 654 ICU admissions.

Much of Gov. DeWine's remarks continued to focus on when and how the state might reopen businesses; a House task force earlier in the day continued hearing firsthand about the impact the shutdown has had on the economy. (See separate story)

Gov. DeWine reiterated he'll base the decision on medical advice rather than political pressure from some urging a partial or widescale reopening of the state.

"We have to be as deliberate and careful and thoughtful about getting out of this as we were when we had to make the decision to close things down, and this part of it frankly is much more difficult," he said.

Sen. Rob McColley (R-Napoleon) on Monday joined the list of lawmakers who have written to Gov. DeWine, asking in a letter "that you share plans in the near future that detail how and when nonessential businesses will be reopened and that those plans offer more local flexibility for those areas that are not affected as much as others." Other legislators made similar pleas earlier this week.

But Gov. DeWine said the state can't just "flip a switch" and that restoring consumers' confidence in their safety is also key to rejuvenating businesses across the state.

Dr. Acton added the availability of testing and PPE will remain key factors in when the state can begin to reopen.

"Those are all things that are still evolving and we're trying to acquire that will allow us to get to a place we're a lot more free," she said.

Officials elaborated on what the new normal may look like as Ohio emerges from the shutdown, with the governor telling businesses and other entities to begin planning now for their eventual return.

Predicting Ohio cases will remain steady for the near future, Dr. Acton said the new normal will feature "hypervigilance" and many of the same precautions currently taken, including social distancing and masks.

She continued her praise of Ohioans for their efforts so far but cautioned, "This is a war."
"We've won the first battle, but we can't stop there," she said. "This is a longer road and there are other battles to fight."

The governor promised more details "in the next few days" on potential executive agency budget cuts due to decreasing state revenues; he's called for cuts of 20% where possible.

Asked about Boston University's potential move to delay the start of fall semester to 2021, Gov. DeWine said he believes it's too soon to talk about a similar move for Ohio universities.

"I think it's much too early to make any decisions about fall," he said. "I don't think we know enough. I don't think we're going to know where we're going to be. I don't think we know how many tests we'll have."

But he said universities and other entities should be mulling how they will return to action once the state begins that phased process.

"What I think we do know is whether it's a business, whether it's a college, whether it's K-12, whenever they do open again it's going to be different," he said. "That's something you should be thinking about right now."

Joining Gov. DeWine's press conference was Columbus Mayor Andrew Ginther, who highlighted construction of a 1,000-bed alternative care center at the Greater Columbus Convention Center – one of several such facilities identified around the state for potential use to expand hospital capacity.

**House Panel Hears Extent Of Problems For Restaurants, Other Industries**

Whenever Ohio reopens businesses after the closures prompted by the novel coronavirus, it will be a long, difficult road to recovery for some industries, lawmakers were told Tuesday.

Representatives from the restaurant, hotel, salon and behavioral health industries updated members of the House 2020 Economic Recovery Task Force on what the pandemic has done to their businesses and what would be needed for them to recover.

The panel heard Monday from medical providers and is expected to meet again Wednesday.

John Barker, president and CEO of the Ohio Restaurant Association, said the industry represents about 10% of the state's workforce. Just over half of the state's restaurants have closed and about 3% have already announced they will not reopen.

The effects have not been the same across restaurant types, he said. Business at fine dining establishments has dropped 90% compared to this time last year, compared to a 75% decrease for casual restaurants, 45% for fast casual and 35% for quick service restaurants.

When they reopen, restaurants will face an expected 40% drop in revenue and significant upfront costs related to starting back up, Mr. Barker said. "Many of our operators are significantly concerned about their survival."

The organization is working with Congress on policies such as business interruption insurance with a federal backstop and support for capital to reopen.

The state's hotels are still open, but business has dropped significantly, said Joe Savarise, executive director of the Ohio Hotel and Lodging Association. Some business is coming from essential government workers, first responders, hospital workers and others who are staying in hotels during the crisis.

"That business is very limited and it's all happening at a discounted rate that only sustains operations to keep hotels open where that business is happening," he said.

When business restarts, it will take time for hotels to get up and running again, he said. That is in part because many hotels have closed and the buildings are not designed to be closed and reopened, and also because convention business and other major revenue sources are already drying up well through the rest of the year.
In Ohio, hotel occupancy averaged 21% for the week ending April 4, a figure that continues to drop, he said. Hotels would normally consider closing if their sustained occupancy is between 20-30%.

"We are in danger of suffering more than short-term damage," he said.

Tony Fiore, executive director of the Ohio Salon Association, offered suggestions for lawmakers to support salons and barbers as they return to work. He suggested passage of licensure legislation (HB 399, SB 245) and also discouraged policymakers from requiring board inspections before they can reopen.

"That's not even required for new salons to open," he said.

Neil Tilow, president and CEO of Talbert House in Southwest Ohio, also detailed how closures have affected behavioral health providers. They have moved toward a telehealth-based practice, but revenue is still down 20%, and his agency has enough cash for just 47 more days of operations.

A survey of other behavioral health providers across the state found his business was "one of the lucky ones," as others are seeing their operations down from 21-50%.

He suggested increased federal money in the Medicaid program be passed along to providers, and that telehealth policies continue after the crisis is over. He also recommended Medicaid managed care plans be required to reimburse behavioral health providers immediately when a claim is filed and reconcile the claims afterward.

"The state's already provided for the managed care companies," he said. "The managed care companies are holding it during this administrative process."

He told Rep. Thomas West (D-Canton) that it will take his agency a week to 10 days to open back up.

"We'll continue to deliver telehealth services in the meantime, and we'll continue to deliver telehealth services afterward if it's available," Mr. Tilow said.

Task force chairman Rep. Paul Zeltwanger (R-Mason) encouraged members to reach out to businesses in their districts and advise people to develop plans for how they can open back up.

"If you're not giving your patients and customers confidence to come back to your business, they're not going to come," he said.

The panel was also urged by its Democratic vice chair, Rep. Terrence Upchurch (D-Cleveland), to "rely on science and not conspiracy theories to guide our decisions."

"These are life and death decisions that we must make here, and I do not take them lightly," he said. "I remind you, let us not lose sight of why we are here."

**Wednesday, April 15, 2020**

**Businesses Tell Lawmakers Of Dire Consequences, Others Urge Continued Caution**

A handful of small business owners urged House members Wednesday to find a way to allow economic activity to resume in the state in the coming weeks.

Other witnesses who participated in a virtual meeting of the House 2020 Economic Recovery Task Force questioned whether that would be productive without first restoring confidence among Ohioans that it is safe to leave their homes amid the coronavirus pandemic.

Dale Hipsley, who employs 60 workers at two Half Day Café locations outside Cincinnati, suggested Gov. Mike DeWine's ongoing stay-at-home order for nonessential workers to slow the spread of the virus could be leading to an "economic collapse," which he deemed "a far greater catastrophe."
"Our house is on fire, we're about to lose everything and the only thing that will extinguish the flames is revenue," he said. "Let's get to the work of reopening the economy now."

Jason Duff, CEO of Bellefontaine-based small business development firm Small Nation, also pleaded for the state to provide a path to reopen for small businesses, especially those in rural areas with low numbers of confirmed COVID-19 cases.

"Let's talk about small, independent retailers," he said. "I refuse to call them nonessential businesses. It's not only wrong, it's offensive. Flower shops, boutiques, jewelry stores and fitness and wellness studios are essential businesses to our local towns and communities, especially right now. They are prepared to reopen safely."

John Venturella, past chair of the Ohio Society of CPAs, questioned the wisdom of such a move by the state at this time.

"Businesses are not going to survive without clients or customers," he said. "The state of Ohio has to provide a clear and complete roadmap as to how the customers are going to be able to go and interact with the businesses. Because without that, I don't think people are going to leave their homes."

Mr. Hipsley said he places some of the blame for possible public reluctance to support businesses on Gov. DeWine and Health Director Dr. Amy Acton, who announced Wednesday that 7,628 coronavirus cases and 346 deaths have been confirmed in Ohio.

"I mean no disrespect, but Gov. DeWine and Dr. Acton have done a masterful job of scaring the dickens out of people," he said. "As we consider reopening, it's time for the tone and manner of our leaders to be a balance of encouragement tempered with prudence."

Gov. DeWine has repeatedly stressed he will rely on the advice of medical experts to guide his decisions on when and how to reopen the state.

Rep. Jena Powell (R-Laura) asked whether the state should phase-in the reopening of businesses or let all firms reopen at the same time.

"I would much prefer the latter because we're cash-starved," Mr. Hipsley said. "It's a desperate time right now."

Rep. Terrence Upchurch (D-Cleveland) questioned whether small businesses would face liability risks by reopening during a pandemic and potentially exposing customers to the virus.

"These are risks that, I think, with doing business now we're going to have to face, but I can tell you the risk of not opening things back up is far worse for our towns and for our communities," Mr. Duff said.

Mr. Hipsley and Mr. Duff also expressed frustration with aspects of the federal Paycheck Protection Program, which provides forgivable federal loans to small businesses with the intention of preventing layoffs.

"It has been a frustrating and confusing process," Mr. Duff said.

The panel also heard from officials with groups representing the state's banks and credit unions, who said they were attempting to help businesses navigate the program's guidelines.

Tom Fraser, a board member with the Ohio Bankers League, said some financial institutions are "allocating six-to-seven-times our normal lending staff" to work on the effort.

"Many banks have done more small business loans in a period of days than they do in an entire year," he said.

As of Monday, 38,000 PPP loans totaling $10.3 billion had been approved in the state – the sixth highest number of loans in the nation, Mr. Fraser said.

While Mr. Fraser noted PPP funding is still available, U.S. Sen. Rob Portman (R-Terrace Park) has warned that $350 billion program could reach its initial cap within a week.
Barry Shaner of the Ohio Credit Union League said the state's credit unions are seeing a lot of interest and questions related to the program.

"The bad news is that the funds are limited. The process is a bit clunky, it's a bit slow and there are some challenges with getting those done in a timely manner," he said.

Mr. Shaner said as financial institutions continue to assist small business and residents during the crisis, regulatory relief from the General Assembly would be appreciated.

"We're not advocating being reckless. We're not advocating anything that would hinder safety and soundness of those financial institutions," he said. "But things that we could look at that can loosen up some of the regulations that might allow us to do even more for the businesses and the citizens in our community, we would urge the committee to take a look at."

Michael Farley, vice president of government affairs and general counsel for the Ohio Insurance Institute, suggested lawmakers consider steps such as protecting property owners and businesses from "unintended liability for serving their community" during the pandemic.

"When the community steps up to assist their neighbor, they should not need to worry about the financial future," he said. "This protection should not only assist during the current emergency declaration but look to protect Ohioans in future disasters."

Mr. Farley also cautioned lawmakers against allowing retroactive changes to contracts, which he said "harms all parties to contracts."

The panel also heard from members of the Indiana/Kentucky/Ohio Regional Council of Carpenters, who said the group would be willing to share infection-control protocols used by carpenters who work on medical facilities and new COVID-19 preparedness training.

"This is something that gives guidelines and best practices as we go from Ohioans that are working from home or just staying home … to transition back into going to work, going to church, restaurants, recreational centers, whatever the case may be," said Michael Bohan, a member of United Brotherhood of Carpenters' infection control risk assessment team.

That offer drew the attention of House Speaker Larry Householder (R-Glenford).

"With their protocols utilized they have had an impressive low amount of infections among thousands of workers during that decade," he said in a statement. "This will be an excellent discussion on how Ohio may possibly put protocols in place to lead us back to work."

The task force's work to seek ideas for upcoming economic recovery plans will continue with a meeting Thursday at 12:30 p.m., Chair Rep. Paul Zeltwanger (R-Mason) said.

Speaker Householder also released a memo Wednesday that called on House members to encourage small businesses in their districts to share details of their efforts to deal with the pandemic with the task force.

Legislators or businesses can send an email to Ohio2020@ohiohouse.gov listing the name and location of the business, its number of employees, years in business, contact information and a brief description to participate.

"In the interest of time, we will review all submissions, with the goal of inviting a diverse range of businesses from different industries and regions of the state to testify virtually before the task force," Rep. Householder wrote. "Businesses may also submit written feedback to the task force."

Firms seeking to participate will be asked to prepare "brief remarks," including information on how they are operating during the outbreak and what financial pressures the pandemic has put on them.
Rep. Zeltwanger said a task force website where businesses can leave comments also should launch soon, along with social media pages.

**DeWine Seeks Hospital Plan For Elective Surgeries; Unemployment Fund Headed For Fed Bailout**

In one of the first signs of Ohio "reopening" during the ongoing COVID-19 pandemic, Gov. Mike DeWine announced Wednesday that he has asked the state's hospitals to come up with a plan to resume elective surgeries.

Those procedures were put on hold via an order issued by Health Director Dr. Amy Acton to limit the number of people in hospitals and preserve personal protection gear.

But citing the state's "flattening of the curve," the governor said he has asked hospital officials to provide a plan in the next week to resume elective surgeries, which are a major revenue driver for the facilities.

The Ohio Hospital Association said in response that it would continue working with the administration on efforts to "combat and minimize the impact of COVID-19."

"This pandemic presented many challenges to our state demanding unique and difficult actions for hospitals and our communities. We are committed to charting a path for resuming the suspended health care services in Ohio that ensures the health and safety of Ohioans and caregivers," OHA stated.

The governor also said he has asked each industry in the state to develop their own plans on how to safely operate once a sense of normalcy returns.

"We know that as we go into the future, it is still going to be with us," he said of the coronavirus, which he has referred to as the "monster."

One day after the Correctional Institute Inspection Committee heeded his call to declare an overcrowding emergency in the state's prisons, the governor announced the state will continue to release inmates under that designation, in addition to the 141 targeted in his initial announcement.

That announcement came just after Gov. DeWine reported another two prisoners at the Pickaway Correctional Institution are believed to have died after contracting the coronavirus, bringing the total number of inmates in Ohio to succumb to COVID-19 to three.

"At this stage of this virus, we continue to worry about a lot of things, but we certainly worry about any place where there's congregate living," he said.

Those targeted for release will continue to be inmates with 90 days or less remaining on their sentences, according to Gov. DeWine.

The governor said reducing the prison population has been a topic of discussion among his team each day. However, he must weigh public safety and the crime for which someone is imprisoned when making those decisions, he added.

"We have to balance the safety of the public along with what is going on inside that prison," he said.

In the past three weeks, he said, the state's prison population has fallen by about 500 inmates, which will give Department of Rehabilitation and Correction officials more space to keep prisoners apart and stem the spread of the disease.

"We would expect those numbers to continue," the governor said of the decline.

In the front lines of the epidemic, Battelle will begin to sanitize N95 masks for police departments and EMS departments on Friday, the governor said. "This will contribute greatly to our efforts to protect Ohio's protectors."

While businesses continued to lay out gloomy scenarios regarding the impacts of the shutdowns, Gov. DeWine foreshadowed some relief for small business owners with liquor licenses in the form of pro-rated renewals.
"It's kind of back to basic justice," he said, adding that if you are paying for a permit that you cannot use, you should get something back.

Lt. Gov. Jon Husted detailed several coming improvements to the state's unemployment claim system, which has been deluged with jobless benefit requests in recent weeks as Ohio's economy has largely come to a standstill due to the coronavirus.

Among those improvements, he said, is a virtual call center to speed up wait times and an online tool for the self-employed and 1099 employees to engage in an early application process for when benefits become available to them on May 15.

"The bottom line is that this process will not stop improving until everybody is served," Lt. Gov. Husted said.

However, he said the system is likely to be insolvent by June, forcing the state to again borrow from the federal government to pay out benefits.

The fund's balance sat at $1.13 billion as of about a month ago.

Shoring up the system is ultimately up to the General Assembly, Mr. Husted added.

"There are a variety of ways you can go about doing this," he added. "No decision has been made on that."

The coronavirus death toll is at 346, plus another 15 probable deaths, the state reported Wednesday. There are 7,628 confirmed cases in the state, along with another 163 probable cases.

**Thursday, April 16, 2020**

**Governor Eyes Phased-In Reopening Of Businesses In May**

Gov. Mike DeWine said Thursday he hopes to start reopening some of Ohio's shuttered businesses on May 1.

The announcement came as the governor discussed the preliminary findings of a board of economic advisors tasked with looking at how the state can begin to move away from the ongoing stay-at-home order designed to hinder the spread of the novel coronavirus.

"We've got a lot more work to do between now and May 1 because we want to get this right," he said during his daily media briefing.

The phase-in will begin with businesses that have demonstrated that they can follow procedures such as monitoring the health of employees and providing safe environments, the governor said. "We will take the best advice that we can find as we do it."

Those practices could include regular checks of protective equipment, limiting visitors and screening them for health conditions, giving clear guidelines on hygiene, monitoring employees for illness, assisting employees with alternatives to public transit and enforcing six-foot distancing between workers, the governor said.

Details of the plan are still being developed, and the governor stressed that the state will not be reopening all businesses at the end of April.

"It's going to be gradual. It's going to be rolling out one thing after another as we can do it," he said. "It's not that we're reopening the state in that sense, but we want to do it in a way that engenders confidence in the people of Ohio, that when businesses open, the employees are safe and the customers are as safe as we can make them."

The Department of Health reported Thursday the state had 8,239 confirmed cases of COVID-19 and another 174 probable cases. A total of 2,331 Ohioans have been hospitalized, with 707 ICU admissions. Confirmed deaths totaled 373, with another 16 deaths in probable cases.

The rates of new cases and hospitalizations appear to have leveled off, Gov. DeWine said in addressing citizens. "You have, it would appear, flattened the curve," he said.
"We hope it doesn't stay flat too long," he added. "We hope it starts edging down."

Despite that, the governor stressed that now is still not the time for the state to let up on restrictions that have minimized the spread of COVID-19.

"It is essential, though, that as we start back, we do this the right way," he said. "We must get this right, because the stakes are very high. If we don't do it right, the consequences are horrendous. What we do not want to do is to start back, start getting back, get businesses up, get small businesses up, and then have a disaster, a huge spike of people who test positive, who are in the hospital."

Andrew Doehrel, president and CEO of the Ohio Chamber of Commerce, said in a statement the group was "highly encouraged" by the governor's announcement.

"We know the COVID-19 crisis is not over, and that health and safety protocols are going to remain a fact of life for the foreseeable future," he said. "But businesses are ready to get back to work, and knowing that May 1 is the target date for this happening will allow them sufficient time to prepare to reopen safely and successfully. The Ohio Chamber applauds the leadership the governor has demonstrated in an effort to keep all Ohioans safe and healthy."

While many details of the phase-in are still in the works, Gov. DeWine did give some sense of what activities might be restored first. They include elective surgeries at hospitals, although a plan for that is still being developed.

Other priorities will include businesses that can put in place similar protections to those that are already open today, he said.

The reopening could happen in cooperation with other regional governors. Kentucky Gov. Andy Beshear has announced his state is working with Gov. DeWine and Indiana Gov. Eric Holcomb on a plan to coordinate the reopening of the regional economy. Illinois Gov. JB Pritzker announced a similar effort spanning Illinois, Michigan, Ohio, Wisconsin, Minnesota, Indiana and Kentucky.

Gov. DeWine didn't provide many details about those efforts but acknowledged close communication with the leaders of other nearby states.

"We are all in a lot of contact and it's good for the people of our respective states that we're sharing ideas," he said.

**House Task Force Seeks More Input For Recommendations**

A House panel charged with crafting recommendations to reopen Ohio businesses is casting a wider net to gather feedback from stakeholders.

As a result, Chair Rep. Paul Zeltwanger (R-Mason) said he is no longer planning to have a draft framework ready to debut Friday as he originally intended when the House 2020 Economic Recovery Task Force began meetings last week.

Rep. Zeltwanger in an interview attributed the delay to task force members being inundated with feedback in recent days from industries across the state that have been thrown into disarray amid the novel coronavirus outbreak.

"We are going to continue these task force hearings, sharing whatever stories we can," he said. "We can say what we want by next Friday or whenever, but we have to be flexible and adapt."

The task force convened Thursday for its sixth meeting, hearing from a bingo operator, a car dealer and the owner of a uniform rental service. It will meet again Friday to hear from representatives of the Ohio Chamber of Commerce, Seventh Son Brewery, UltraSound Special Events Inc., Patties and Pints, and Dreamcatcher Communications C103FM.

Thursday's meeting coincided with remarks from Gov. Mike DeWine who signaled he is eying May 1 as the date to reopen some businesses. Specifics of what that looks like, however, remain to be determined.

The meeting also marked the debut of a Twitter and Facebook account for the task force, which Speaker Larry Householder (R-Glenford) said he hopes will foster input from more businesses across the state.
"We want to hear the stories of small businesses who have been impacted by COVID-19," the speaker said. "We are seeking a diverse range of businesses from different industries to provide insight and from which we can come up with ideas on how to set a positive stage for Ohio when we reopen."

Rep. Zeltwanger said he anticipates the task force will "ramp up" its efforts even more next week as it explores how best to help the DeWine Administration mount a phased exit off the ongoing shutdown when the time comes.

"We continue to be inundated with requests," the chair said. "We're encouraged by what we're hearing from everybody out there."

Johnathan Smith, CEO of Lancaster Bingo, said charities are losing an estimated $2 million a week due to the pandemic. He outlined several examples among entities his company works with, including toy donation organizations, animal rescue foundations, churches and American Legion posts.

He said many of those entities use bingo revenue to help supplement maintenance and facility costs. He urged lawmakers to back pending legislation (HB 282) to permit the use of electronic instant bingo devices.

Doing so, he argued, "would provide a much-needed boost to fundraising when they're allowed to open back up."

David Waikem said his Waikem Auto Family dealerships have lost 70% of their business and laid off 124 workers last week.

He thanked Gov. Mike DeWine for listing automobile dealers as essential but said cash flow remains a concern and that inventories continue to build among auto dealers despite decreased demand.

"I just think we're at a point with good common sense and good guidelines...we can get this place back open," Mr. Waikem said.

He told lawmakers automobiles generate a lot of sales tax over their lifespans and that local governments are losing out.

"This certainly could be another 9/11 where it takes years to get out of it," he said.

Bob Hager, owner of Miller's Textile Services, told the panel he laid off 88 workers since the pandemic began and that business has dropped 60% and is continuing to slip each week.

Like other witnesses, he thanked Gov. DeWine for his leadership in seeking to mitigate the virus' spread, but said the time to reopen business is at hand.

"I think essential businesses in Ohio are all of them," he said.

Mr. Hager suggested lawmakers set specific timelines for a phased reopening so that business owners have a better idea of where the process stands.

He also expressed concern about congressional moves to bolster unemployment benefits, which he said he worries could lead some workers to consider the current situation a "summer vacation."

Rep. Jack Cera (D-Bellaire) pushed back on that, saying the average time an Ohioan spends collecting those benefits is 14 weeks in normal circumstances.

"I understand this is a different situation," Rep. Cera said. "But I don't know anybody who has been laid off in this crisis who wants to be on unemployment. This false narrative people want to sit at home and collect pay needs to be called out."

Rep. Terrence Upchurch (D-Cleveland) questioned whether the businesses would be able to cooperate with reopening recommendations from the state – such as continued social distancing or limited occupancy – that could be "a bit extensive."

Businesses are incentivized to comply. Mr. Hager said. "We want to be in business."
Lawmakers Question Case Reporting, Orders; Lawsuit Challenges Business Closures

In the latest pushback of the DeWine Administration's handling of the coronavirus pandemic, Sen. Steve Huffman (R-Tipp City) has questioned the state's system for reporting cases.

Rep. Nino Vitale (R-Urbana) took the criticisms a step further, telling the governor in a statement that all "stay-at-home" related orders should be rescinded.

The Department of Health last week started reporting suspected cases as a result of Centers for Disease Control and Prevention guidelines.

In a letter to ODH, the lawmaker said the adjustments ordered by the agency is too reliant on the judgement of local officials.

"It is my understanding that, through the direction of the Director of the Ohio Department of Health, Dr. Amy Acton, local health departments will now count and report patients who tested positive for COVID-19 as well as people suspected of having COVID-19, but who have not been tested. This is a totally different way of reporting and one which will be extremely confusing and unreliable. Ohioans deserve facts, not a guess from local health departments," Sen. Huffman wrote.

"I would encourage the Ohio Department of Health to reconsider this order given to the local health departments to start reporting suspected cases and return to reporting positive cases that are objective and much more reliable. To greatly exaggerate the actual number of patients with COVID-19 by reporting suspected cases is not productive or truthful regarding the number of cases in Ohio."

Echoing the skepticism of conservatives that have protested at the Ohio Statehouse and in other states, Rep. Vitale said the governor should "rescind all orders that you and (Health Director Dr. Amy Acton) have put on the Ohio economy."

"We have not been living in quarantine. Quarantine is when someone is sick, and we isolate them," the lawmaker said. "However, 99% of Ohio is not sick and we are generally healthy. This means we are living under house arrest."

Lawsuit Filed: The 1851 Center for Constitutional Law asked a federal court to block state officials from continuing to enforce closures of "non-essential" businesses.

The suit filed in the U.S. District Court for the Southern District declares that owners of such companies were denied an opportunity for a hearing to demonstrate the necessity of their operations, and how they are able to operate safely.

The case was filed on behalf of Tanya Rutner Hartman, the owner of a Columbus bridal shop that has been closed as a result of the state's stay-at-home order.

It argues that while the state has some latitude when dealing with a public health emergency, it does not allow "trampling of basic constitutional rights."

"The requirement of an immediate hearing where the state must prove its case is more than a technicality: because the state cannot justify its arbitrary closures, many Ohio businesses will be free to immediately re-open, even if simply on a limited basis," said Maurice Thompson, executive director of the 1851 center. "Basic rights like this are overlooked when health administrators are empowered to serve unchecked as the legislative, executive, and judicial branches of government all at once."

Friday, April 17, 2020
Senators Review CARES Act, Develop Other Virus Response Efforts, Obhof Says

Lawmakers have plenty of work ahead, whether it be a potential budget correction bill or legislation to facilitate federal stimulus spending, according to Senate President Larry Obhof.

But exactly when the chamber will next convene, the Medina Republican said in an interview, is up in the air given the evolving coronavirus pandemic and the state's continued efforts to slow its spread while planning for an eventual phased reopening of shuttered businesses.
"I think we're all focused on the same thing," Sen. Obhof said. "We all want Ohioans safe. We all want people to be able to pay their bills and be able to continue going to work, continue taking care of their families. It's a difficult challenge trying to figure out what the best way is to accomplish both of those goals at the same time."

Sen. Obhof said he has retained a potential April 29 session date in case it is needed. If it isn't, he anticipates the chamber will meet again in May to tackle lingering issues.

Much of the Senate's traditional spring workload has been jettisoned as the state grapples with the ongoing COVID-19 outbreak, but Sen. Obhof said senators have continued working on potential legislation to address the challenge.

The focus currently is on parsing through the federal CARES Act, he said, in order to determine which if any federal funds might need to be allocated through the Controlling Board or by the legislature through via a "mini-budget bill."

"We'll have an answer to that sometime over the next week or two," Sen. Obhof said.

Capital reappropriations for ongoing projects, typically passed by April 1, also remain up in the air. The chambers had language to reappropriate funds ready to go during their March 25 sessions, but ultimately held back in order to get a better gauge of where state finances might stand as the pandemic continued.

That financial picture has continued to darken since a March 22 health order forced the closures of nonessential businesses. Gov. Mike DeWine Thursday announced his team is working on a plan to begin the reopening process for some businesses May 1, but unemployment compensation claims have hit record levels and state revenue for March was down $159.4 million or 10.5%.

"My expectation is the hit that we took financially in this last month's numbers was probably substantially smaller than what we'll see in this month's," Sen. Obhof said. "I don't know the revenues for March really captured fully some of the challenges we'll be facing for the rest of this fiscal year or next fiscal year."

Between now and the end of the fiscal year, Sen. Obhof said, policymakers will need to reach a decision on how to proceed with budgetary issues. He said he wants to prioritize future spending to support employment efforts.

"I think we'll have to make substantial cuts to a lot of things moving forward, but even if we are going to spend money, how do we prioritize that to the things that are most essential to the people of Ohio and/or things that specifically in the short term and the long term will keep people employed or make more people employed?" he said.

Gov. DeWine has already taken initial steps toward cutting costs; administrative agency heads on April 7 submitted plans for cuts of up to 20% where possible and the governor has promised more specifics on that plan in the days ahead.

Sen. Obhof, who praised Gov. DeWine's handling of the crisis, said he anticipates legislative action may be needed to help facilitate those cuts or bring about additional savings.

"I would not be surprised if we had to come in over the next few months, maybe early summer, to pass a budget correction bill," Sen. Obhof said. "I'm not saying we'll necessarily do that, but I don't think anybody should be surprised to see that process start to occur."

Sen. Obhof welcomed the governor's May 1 announcement and said he and other senators have continued working with the administration on strategies to reopen the state. Although the House has pursued a more formalized approach through the House 2020 Economic Recovery Task Force, Sen. Obhof said his chamber has been participating in more behind the scenes talks.

An ongoing discussion topic, he said, is the Budget Stabilization Fund; the governor is expected to dip into the $2.7 billion reserve to help the state weather the crisis. House Speaker Larry Householder (R-Glenford) has already called for the fund to be utilized.
Sen. Obhof noted the emergency legislation (HB 197) passed by lawmakers in March included language enabling the director of Budget and Management to transfer cash from the rainy day fund to the General Revenue Fund with the approval of at least two Controlling Board members from each chamber.

"That's definitely something that's been talked about and it's hard to imagine a day it's raining harder than it is today," he said.

The rainy day fund is only a "fraction" of the budget, however, leading Sen. Obhof to predict "structural" changes may need to be made to the state budgeting process given the sheer scope of the challenge facing the state.

"It's not just a matter of saying, 'Oh, we've got high unemployment now and we've hit some tough times. Let's take the money over here and spend it,'" he said. "That's not going to get us very far. I think the size of the problem we're dealing with right now is something frankly we haven't seen in our lifetimes."

He said he and other members have also had "positive" conversations with the governor's team on how to best support local governments who are hurting given decreasing tax revenues. Mayors of some of Ohio's largest cities warned this week of forthcoming cuts to police and fire should they not receive financial assistance.

The Senate president also said he views economic recovery as the best way to alleviate strain on the unemployment compensation system, which has been inundated with claims and is expected to become insolvent by June.

He added the current situation does put more pressure on lawmakers who have fought for years to "fix" the unemployment compensation system only to be stymied by the back-and-forth between business and labor interests. After their efforts to rework the program proved unsuccessful in prior sessions, lawmakers renewed their efforts last year.

Still, he said even if such a "fix" had been adopted, he believes the system would still be struggling in the middle of a pandemic no one could have anticipated.

"Anybody who thinks we're not going to be borrowing money from the federal government in the short term is kidding themselves," Sen. Obhof said. "My estimation is that even if we had made substantial changes to our unemployment compensation system a few years ago…it would not have prepared our system for the magnitude of the problems we're facing now."

As far as other pre-virus priority bills that had been on the chamber's 2020 docket, Sen. Obhof said he still hopes to tackle those once the near-term situation improves. That includes a wide-ranging measure (SB 3) to overhaul criminal sentencing, which he called a "work in progress."

"We are of the view if we thought something was a relatively good change in all for the state of Ohio in January it's still a good change now," Sen. Obhof said.

House Task Force Continues Work As Democrats Question Process
As a House panel tasked with looking at issues related to the reopening of Ohio's economy continued its work Friday, concerns from Democrats about its direction took center stage.

The House 2020 Economic Recovery Task Force heard from small companies and large business organizations on what needs to happen for the state to take steps toward resuming normal operations.

Chairman Rep. Paul Zeltwanger (R-Mason) took time during the meeting, held via video conference, to comment about concerns aired by minority party members.

The panel's top Democrat, Rep. Terrence Upchurch (D-Cleveland) slammed the task force's work and process in a statement Thursday night. He criticized the lack of diversity of the invited speakers.

"We were under the impression by the Majority that this task-force would be a bipartisan, collaborative effort to map out next steps for the General Assembly's response to the COVID-19 crisis in Ohio," he said in a statement. "However, it became
almost immediately apparent from the agenda and the chosen speakers that this task force was actually designed to gather one-sided testimony that only supported the idea of opening Ohio as soon as possible."

Democrats are also interested in facilitating economic recovery, but not at the expense of public health, he said. The lawmaker also questioned the level of diversity in the process. "Diversity is important in a process such as this – specifically diversity of thought, life experience, gender and race/ethnicity," he said. "Ensuring all voices are heard is our job as lawmakers."

House Minority Leader Emilia Sykes (D-Akron) echoed those sentiments in a statement.

"From the onset of this crisis, Democrats have been working collaboratively with local officials and listening to constituents and business leaders on short and long-term solutions to provide needed relief to those affected by coronavirus," she said. "We welcome dialogue with our colleagues across the aisle to help Ohioans struggling to get by who cannot afford to wait for us to act or play politics in this time of crisis."

Rep. Zeltwanger said he was disappointed in the Democrats' statements.

"We have no time for partisanship," he said at the beginning of Friday's meeting.

He said of 150 requests for guests received by staff, only three have come from the panel's Democrats.

"I want to move forward because we're here to listen and get input from Ohioans across all of our districts," he said.

The task force's Friday guests included Keith Lake, vice president of government affairs for the Ohio Chamber of Commerce, who also testified on behalf of the NFIB-Ohio, the Ohio Business Roundtable, the Ohio Council of Retail Merchants, the Ohio Farm Bureau and the Ohio Manufacturers' Association.

He detailed overall issues that will face businesses when the state begins to lift restrictions. The current orders have balanced the needs of businesses and public health.

"By allowing businesses that perform essential operations and those that are in the supply chain to continue to operate, we think the order for the time being has struck the right balance," he said. "Now, though, our members are ready to get back to business. They're ready to get back to business as soon as possible."

Cash flow is the biggest issue facing businesses as they prepare to get back open, he said. Some efforts, such as the Paycheck Protection Program and the Bureau of Workers' Compensation's rebates, will help.

"Reopening's going to require a well-planned approach," he said. "There's no playbook. There's no precedent for this. This is all a brave new world for all of us."

It's also important that consumers and workers feel safe about patronizing such businesses, he said.

"Until demand and economic activity resume sort of normally, consumer confidence is going to be an issue," he said.

Rep. Jon Cross (R-Kenton) asked if fears will keep employees from returning to work, questioning if it's right for the state to have regular press conferences that can stoke worries about the crisis.

"The businesses are worried they can't get their workers back," he said. "What do we need to do to get rid of the fear?"

Rep. Jack Cera (D-Bellaire) asked if the crisis might drive businesses to move back to the United States after seeing concerns with the supply chain after outsourcing.

Rob Brundrett, director of public policy services for the Ohio Manufacturers' Association, said it has been "eye-opening" for many manufacturers.

"It's been so eye-opening to them that they can't be as reliant as they once were for so many products in Asia," he said.
The panel also heard from small business owners, including Collin Castore, co-founder of Seventh Son Brewing Co. in Columbus, who said the crisis has taken a serious toll on the state's craft brewers.

He urged lawmakers to protect the companies' right to ship and deliver beer direct to consumers. The businesses also need to know that there is an end coming to the shutdown order.

"Half of Ohio breweries will probably close if this continues for three months in the present way," he said.

Tim Wolfe, owner of the restaurant Patties and Pints, said cash flow is a major hurdle for his business.

"Our cash flow is off over 80%," he said. "We're operating losing money and we're just trying to stay open to get to the May 1. I have a feeling that it's going to reopen the same way it closed just in reverse, so restaurants will probably be on the tail end of that."

Kevin Wieging, owner of Ultrasound Special Events Inc., said the crisis has taken a severe toll on the events industry and that he hopes events can start to begin again soon, particularly in rural counties that haven't been hit as hard by the virus.

"If we lose our summer events, we will lose our business," he said. "This is true for many."

Don Bowles, owner of Dreamcatcher Communications C103FM in Georgetown, said the crisis has dried up advertising revenue for his radio station. That spending was the first thing businesses in trouble cut and will likely be the last to return.

On top of that, without local newspapers in the area, audiences expect his station to cover breaking news and important developments.

"Our listeners expect us to be doing more than we've ever done before," he said.

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