Monday, May 11, 2020

**Census Count Begins To Shift Toward Targeted Efforts**

Ohioans continue to submit their 2020 Census information at a good pace, but getting information from a few key populations will depend on efforts beyond online and mail-in forms.

Ohio is beating the national response average, the state's Census 2020 Complete Count Commission was told Monday in a meeting held via videoconference. Ohio has a 63.7% self-response rate so far, compared to 58.5% nationwide.

Development Services Agency Director Lydia Mihalik, who chairs the commission, described campaigns the state and local entities are undertaking to encourage people to respond to the census.

"Communities across Ohio are doing what they can to make sure they are counted for the future," she said.

Ohio is seventh in terms of response rate nationwide, trailing only Michigan among bordering states, she said.

Rose Simmons with the U.S. Census Bureau said Medina County had the highest rate in the state, at 76.2%, followed by Geauga County at 73.8%.

Ms. Simmons said the bureau has adjusted its operational timeline, with the count expected to continue through Oct. 31 and the apportionment count delivered to the president on April 30, 2021. That new schedule still requires congressional approval.

"Making this change will require approval by Congress," she said. "It has not yet been voted on, but we are moving on with our adjustments to our operational timeline."

The pandemic has caused significant changes to the bureau's work after it suspended field operations March 15, Ms. Simmons said. That has delayed non-response follow up, which is a key part of the count, especially when it comes to counting people in poorer and rural areas who don't necessarily have access to internet or their own address. The former initiative includes hand-delivery of forms to households without home delivery.

"We know that despite all of these efforts, the digital divide exists," she said. "So, what we have to come up with was to meet those people who don't have access in those communities that are a little more difficult to count."

Commission member Tracy Najera, executive director of the Children's Defense Fund-Ohio, asked about the status of efforts around Ohio State University and other campuses. Ms. Simmons said when college students were sent home, universities were given the opportunity to change the process for their counts, with the bureau encouraging online responses for students instead of in-person.

Ms. Najera said it's important that those students be counted.

"Ohio has one of the largest higher ed systems in the country, meaning that this could be a significant area of risk of undercount and we wouldn't know until it is almost over," she said.

Ms. Simmons said staff who are working on counting students can present to the commission on the status of those efforts.
Asked about layoffs among city and local government workers, such as in Cincinnati, who were focused on the census, Director Mihalik said community groups can help to pick up the slack.

"Clearly there's been a lot of disruption with the pandemic, and I think that we're just going to have to figure out how we best communicate to these communities," she said. "Cities and counties all across the state know how important the census is and my hope would be that we just figure out ways to overcome these obstacles."

She said the pandemic has demonstrated the need for an accurate count.

"We're all looking to Washington for financial relief, and as we're seeing even through that first round of CARES Act dollars that came to the state, we're getting hundreds of millions of not billions of dollars from the federal government…and all of that is being distributed based on our population. This is where I've been trying to bridge this conversation," she said. "You want to know why it's important to be counted? This is exactly why. Because all these resources that are coming from DC get distributed based on our population."

Recreation, Youth Sports Businesses Push For Reopening

Owners of recreational facilities told state lawmakers Monday their quick reopening would help combat stress and reduce comorbidities that make COVID-19 more dangerous.

That was the argument among a handful of witnesses itching to resume business alongside commercial retailers that are set to reopen Tuesday. They provided testimony before the House 2020 Economic Recovery Task Force Monday.

Those addressing the panel during its streamed remote meeting all made the same case: that their reopening would help meet the physical and psychological needs of Ohioans who are struggling given the toll the last two months have had both on their mental health and their wallets.

"The amount of stress most people are experiencing right now could be combatted if we allowed our fitness places to open up," said Samantha Stine, owner of Declaration CrossFit in Wooster.

Chair Rep. Paul Zeltwanger (R-Mason), who has pushed for a broader and quicker reopening, said he believes the voices of the witnesses are being heard but not with adequate degree of urgency.

"You're already ahead of the game," Chair Zeltwanger told witnesses in offering what he described as his personal opinion.

Asked about outdoor and youth sports reopening, Gov. Mike DeWine said later in the day he has a group working on that and "we hope to have something out fairly shortly as far as guidance."

Mary Frank, testifying on behalf of Thomas Fiorini of CSC Hybrid Clubs Inc., said establishments like the Cincinnati Sports Club are "uniquely positioned to reopen more safely."

They can use electronic reservation technology to limit and track patrons, remove equipment to increase spacing, and implement enhanced cleaning protocols, she said. She urged policymakers to remain transparent, establish mandatory guidelines for health clubs, and to tailor requirements rather than issue broad edicts.

"We are an essential part of the health care continuum for more than two million Ohioans and are effective at reducing comorbidities," she said.

Steve Contardi, owner and operator of The Club at Harper's Point in Cincinnati, said tennis clubs have been overlooked among indoor recreation businesses and should reopen along with retail businesses. The sport is naturally safe given its non-contact nature, he said, and will be made safer as the club adopts best practices.

"Even in the best of times it's difficult and in this time it's extremely difficult and it's going to be very harder for us to sustain," he said of his company's finances. "The longer we're down, the harder it's going to be to get us back on track."

He told Rep. Adam Holmes (R-Zanesville) that Hamilton County Public Health had recently granted the business permission to open outdoor courts but that no business transactions are allowed to take place.
Floyd Stanfill, board chair of Skyview Ranch, a Millersburg summer camp, said he's hearing daily about camps in the state closing their doors for good. His summer camp has lost all revenue for April and May.

"Frankly, if the (reopening) decision is delayed even a couple more weeks you'll see the majority of camps closed for the summer," he said. "There's so much at stake at this very moment if the state waits…it will be too late for the summer camps of the state of Ohio."

He too emphasized the benefit outdoor and physical activity can have on one's health.

"Many will say, well, there's just too much risk," he said. "But I want you to think about the risk of not doing the recreation, not doing the camps. The risk is enormous. There is a mental, spiritual cost to leaving kids at home all summer long on their computers and phones and social media and watching movies all summer long."

Woody Calleri of Burning River Lacrosse seconded that argument, adding that youth sports providers are facing a fiscal challenge of another variety.

"If youth sports remain closed even until July that revenue and those jobs will disappear not until August but until next year," he said. "We're actually being told to hang on to survive until a year from now. No business can survive a year without revenue."

Tuesday, May 12, 2020

House Sponsors Set Sights On Improving Unemployment Compensation System

Two House Republicans are launching a new effort to overhaul the unemployment compensation system as it continues to stretch beyond its limits.

The sponsors told the House Ways & Means Committee they hope debate over their placeholder bill (HB 614) will focus more on the mechanics of the system rather than the thorny issue of solvency that has derailed prior negotiations over a system update.

"The issue of solvency, well that's got to be tackled, but not in this bill," Rep. Tracy Richardson (R-Marysville) told committee members.

The proposal from Rep. Mark Fraizer (R-Newark) and Rep. Richardson was introduced earlier this month and contains a single sentence stating it is the General Assembly's intent to "study and reform the application, processing, and administration infrastructure of Ohio's unemployment compensation system."

Sponsors said they want to work collaboratively with legislators, the Department of Job and Family Services, stakeholders and subject matter experts to determine how best to improve the process.

"In our approach with this bill, we have no predetermined recommendations or outcome, other than to improve the system," Rep. Richardson said.

The unemployment system has been thrown back into the spotlight thanks to the coronavirus pandemic, which has seen the fund drained quickly. A Senate proposal introduced on Tuesday (SJR 4) deals with bonds to pay for the looming deficit. In the past, the state has borrowed from the federal government to bail out the system.

The sponsors both emphasized that the system over the last seven weeks has seen over 1 million Ohioans file for unemployment – more than those who filed over the last three years combined – and legislators continue to be inundated with complaints from constituents who are hurting financially.

Still, Rep. Richardson said the bill is "not an attempt to look for a scapegoat to blame for the cumbersome, delayed and frustrating experience our constituents are encountering in the unemployment application process."

Rep. Frazier called the legislation "an opportunity to learn what went wrong and where we can make improvements to the actual system."
"While we understand the system is being utilized at an extreme rate and some individuals have been paid, we are also hearing stories from individuals who were laid off due to the coronavirus – applied for unemployment benefit right away and are returning to work while never receiving one check," Rep. Frazier said. "We need to understand how and why it can take weeks to receive benefits."

Rep. Jim Hoops (R-Napoleon) said he appreciates they aren't seeking a scapegoat. He said the DeWine Administration is taking an antiquated system and trying to do their best with it.

Chair Rep. Derek Merrin (R-Monclova) was less accommodating, praising rank and file workers but urging "the people that run that system at the top" to be held accountable.

"You certainly have your work cut out for you," Rep. Merrin told the sponsors. "Hopefully with your bill you can set the foundation for this to never happen again."

Rep. John Rogers (D-Mentor-on-the-Lake) noted the frustration administration officials have expressed in their near-daily briefings on the state’s coronavirus response given that the system was not designed to handle historic unemployment levels in such a short period. He also suggested Department of Job and Family Services Director Kimberly Hall be invited to testify before the committee.

"I won't go so far as say the system is failing," Rep. Rogers said. "But the system needs fixed."

Rep. Gary Scherer (R-Circleville) welcomed sponsors' approach to leave the solvency question on the backburner for now.

"That is a huge, huge elephant and I'm glad you're not trying to tackle it with this," he said. "That other (question) we need to work on but it's not going to be quick."

Lawmakers in recent sessions have worked to fashion a plan to return the system to solid financial group but those efforts have stalled after interest groups backed by employers and workers arrived at loggerheads.

Senators are also mounting their own effort to mull potential changes to the system – a priority item Senate President Larry Obhof (R-Medina) said he expects to be unveiled "relatively soon."

**House Panel Explores Tax Amnesty To Bolster State Revenues**

Lawmakers are working to finalize a fast-tracked proposal to create a tax amnesty program they believe could help generate revenue as the state faces a significant budget shortfall.

The legislation (HB 609) would provide a five-month amnesty from Aug. 1 to Dec. 31 during which delinquent taxpayers can pay up without penalty or accrued interest. Taxes and fees due after the measure's effective date would not qualify.

Introduced by Rep. Thomas West (D-Canton) earlier this month, the bill had been marked for a possible substitute and vote during its first hearing Tuesday before the House Ways & Means Committee.

But the panel ultimately held off, with members determining amendments weren't quite ready and opting to wait for a fiscal analysis from the Legislative Service Commission before moving forward.

"I think a lot of people think it is a worthwhile endeavor and we're taking a strong look at it," Chair Rep. Derek Merrin (R-Monclova) said in an interview. "We may move quickly but we want to make sure we get the policy right."

Rep. West said in an interview the forthcoming substitute version will in part divert the funding to the Budget Stabilization Fund with dollars that would have otherwise gone to local governments taken off the top.

"This way it would make them whole," he said of local governments.
The sponsor told the panel the measure is especially needed given the COVID-19 pandemic's impact on state coffers. The DeWine Administration has engineered a $775 million General Revenue Fund reduction plan after state revenues took a dive following an economic shutdown to slow the virus' spread.

"I truly believe that this legislation is a 'win-win' and a commonsense solution to the financial issues our state, our businesses and our people are facing as we continue to fight the COVID-19 pandemic together," Rep. West said.

"The goals of this legislation are twofold: to generate some extra revenue for the state at a time when it is facing its worst budget shortfall since the great recession; and to provide economic relief for individual Ohioans, many of whom have had to file for unemployment during this time, and for businesses that have lost revenue since the onset of this crisis," Rep. West added.

Rep. Bill Roemer (R-Richfield) questioned the financial impact, given the broad number of taxes to which the program would apply. Income, state sales and use, commercial activity, and financial institutions are four of the 18 taxes included in the program.

Rep. West said a fiscal analysis is still being drawn up and Rep. Merrin said he's eager to see that projection before moving forward.

"I think that's really important information we'd all like to have – how much money is outstanding that is delinquent to the state," he said.

Rep. West said the program's Aug. 1 start date may also need revisited in order to give the Department of Taxation enough time to ramp up the program.

The sponsor further told Rep. Merrin the legislation is written in order to potentially draw in as many dollars as possible.

"It's covering all bases so, therefore, you're trying to broaden that pot so as much money as possible comes in," Rep. West said. "We are facing an $800 million deficit or shortfall."

**Wednesday, May 13, 2020**

**Democrats Voice Concerns Over House Mask Use, Distancing Protocol**

Lawmakers' disagreements over what constitutes safe conduct during the coronavirus pandemic continued to spur acrimony in the House Wednesday.

The disagreements surfaced after Speaker Larry Householder (R-Glenford) announced a new meeting protocol, which allowed all lawmakers to sit in the chamber or gallery, six feet apart from their colleagues. Chairs were provided outside the chamber for lawmakers who chose not to sit inside.

"I think here in the House we have done everything possible to try to make this as safe an environment as we can for our employees and our members," he told reporters after the session. "We have safe distancing that we're practicing. We've got staggered times for folks to come into the Riffe Center. We're checking members and staff's temperatures."

The new protocol drew stern words from the minority caucus.

House Minority Leader Emilia Sykes (D-Akron) wrote a letter to Rep. Householder to "express disappointment" with what she referred to as a "unilateral decision to loosen safety protocols during House session."

"We owe it to everyday Ohioans to take this virus seriously by listening to the science, adhering to best health practices and putting people first," she wrote. "Refusing to do so is irresponsible, dangerous and beneath our moral obligation as elected representatives."

Rep. Tavia Galonski (D-Akron) wrote in a Twitter post that she had filed a complaint with Franklin County Public Health over social-distancing concerns in and around the chamber.
The speaker said the new protocol gets all members as close to the floor as possible while maintaining safe distancing. He said he was not satisfied with a solution in which some lawmakers must watch the session remotely from different rooms in the Statehouse.

"That's really not fair to those members because they've been chosen to be outside of the session room and are really slaves to technology, which doesn't always go right," he said.

During the session, Rep. Michael Skindell (D-Lakewood) made a motion to bring a resolution requiring members to wear face coverings during sessions and committee meetings to the floor for immediate consideration. It failed in a party line vote.

Rep. Householder said the measure would go through the typical legislative process.

"You've got some members that didn't want to take action today," he said. "You have a lot of members probably, at least on our side of the aisle, that would have voted no, so it's headed to Rules committee and it can be dealt with in Rules committee."

Rep. Sykes wrote that the decision by many Republican members not to wear masks during the emergency goes against the recommendation of Gov. Mike DeWine.

"Returning most members to the House Chamber defies recommendations on mass gatherings, and with the majority of Republican members entering the Chamber without face coverings, disregards basic safe reopening guidelines from health officials and our own Republican governor," she wrote.

"Never in my legislative career have I seen such a disgraceful display of arrogance and selfishness," she added.

Rep. Householder said the recommendation is just that – a recommendation.

"It's not a federal or a state order, for that matter," he said. "We have some members that are very supportive of masks. We have some members that are not supportive at all of masks. So, we're just trying to make everybody happy and keep everybody safe."

Groups Push For Senate Pandemic Immunity Bill
A controversial measure to provide businesses immunity during the COVID-19 pandemic picked up a host of changes Wednesday.

The Senate Judiciary Committee accepted a substitute version of the bill (SB 308) offered by sponsoring Sen. Matt Huffman (R-Lima), who said changes are designed to address concerns raised by members of the panel.

"This doesn't solve all your problems," he said. "There are things that are going to be objectionable to some members of the committee."

Among the changes detailed by Sen. Huffman, were the addition of a variety of health care professions and a definition of "experimental treatments."

The substitute version also prohibits class action lawsuits and limits the scope of the bill to not more than 180 days after the end of the emergency.

Sen. Huffman said the latest version also seeks to bring clarity to "serious physical harm," saying that staying at home for two weeks because of COVID-19 does not fit the bill.

Former Ohio Supreme Court Justice Evelyn Lundberg Stratton, testifying on behalf of the Ohio Council of Retail Merchants, said the measure "provides an anchor of certainty as retailers navigate between the difficult balance of facing financial ruin by remaining closed and the reality of lawsuits and claims of liability premised on vague or unknown 'standards of care' when/if they reopen."

"Changing science, shifting governmental orders, and the lack of equipment means that what is expected of retailers – and what is expected of the rest of us when we visit a retailer – is unknown," she continued. "Until these matters settle, and
standards of conduct emerge and solidify, clear and convincing evidence provides retailers and other service providers the most certainty."

Kevin Shimp, director of labor and legal affairs at the Ohio Chamber of Commerce, said economic uncertainty is the top concern of Ohio's business community.

"Mitigating an employer's risk will aid Ohio's economic comeback by removing an obstacle to re-opening and an incentive for businesses to remain closed," he said. "Likewise, rather than substantially limiting their business operations due to fear of litigation, businesses can focus on serving their customers like they did prior to the pandemic if they have the protections afforded to them in SB308."

Attorney Anne Marie Sferra, testifying on behalf of the Ohio Hospital Association, said several states in the Midwest have taken similar action to protect health care workers during the pandemic.

"The need to protect our health care providers for their essential work during this pandemic is necessary to ensure providers take all steps necessary to adequately respond to this health crisis. In the midst of a statewide pandemic, disaster, or emergency, Ohioans cannot afford to have their health care providers inhibited from necessary action due to fear of litigation or liability," she said. "We need our health care providers to provide necessary care without fear that their actions will result in liability."

Peter Van Runkle, executive director of the Ohio Health Care Association, said the fluidity of the situation makes the legislation necessary. He also testified extensively in the House on the same subject.

"Most importantly, it is impossible under the current state of the science to protect completely against COVID-19 or to guarantee that it will not spread, particularly in the congregate care settings that make up the bulk of OHCA's membership," he said. "This reality underscores most clearly that the ordinary principles of liability are not appropriate."

But Bob Wagoner, president of the Ohio Association for Justice, raised several concerns with the measure, including that it could violate the constitutional rights of Ohioans.

"Ohio's Constitution emphasizes that our right to trial by jury 'shall be inviolate,'" he said. "That means it is something so sacred it cannot be harmed or affected by anything. Protecting Seventh Amendment rights is paramount to protecting and restoring confidence in our institutions and businesses. We encourage the General Assembly to prioritize public safety and to safeguard the rights and safety of all Ohioans. When the state re-opens, it should do so with the certainty that all rights are intact, certainly one that is inviolate."

More than 20 other entities provided written testimony in support of the measure.

**Committee Starts Review Of Local Government Funding Bill**

A House panel got its first look Wednesday at a proposal that allocates hundreds of millions of federal coronavirus relief funds to local governments.

Sponsor Sen. Matt Dolan (R-Chagrin Falls) told the House Finance Committee the measure (SB 310) would distribute a total of $350 million in federal money from the Coronavirus Aid, Relief and Economic Security Act to local governments.

The bill moved quickly through the Senate last week, passing the chamber the same day it received its only hearing in committee.

While it won't move quite as quickly through the House, Chairman Rep. Scott Oelslager (R-Canton) said it is a priority.

The CARES Act distributed $775 million directly to the state's five largest counties and to the City of Columbus, Sen. Dolan said. The state is now distributing the remaining money to other local governments.

"We are not using the Local Government Fund. We are mimicking the Local Government Fund," Sen. Dolan said.

The money cannot commingle with other operating funds that local governments use, he said.
The six counties that are receiving their share of the money directly from the federal government will still be used as the conduit for other local governments within their borders but will not be able to use those dollars, he said.


Each local government will receive about 110% of its 2019 Local Government Fund distribution, he said. A provision in the bill allows a local jurisdiction to return the money to counties if they don't have COVID-related expenses. The counties can then distribute that money to other local governments that have exhausted their funding.

The state has $1.2 billion to distribute, but Sen. Dolan said he believes it should not dole out all of it to local governments right now. Federal guidelines allow for a broad range of uses, but not for replacing revenue lost because of the crisis. Sen. Dolan said lawmakers should urge federal officials to allow for a broader use of the money.

"There is so much unknown about how it will be used that I ask that we wait for further direction," before allocating the rest of the money, he said.

The measure includes an emergency clause because, while one is usually not needed for operating expenses, the money is so restricted that it should not be caught up in other operating expenses and legal issues because the money is urgently needed, he said.

The sponsor told Rep. Jamie Callender (R-Concord) the measure would not prevent counties from using dollars allocated directly from the federal government to support local governments within their borders.

Under current guidance and law, all $1.2 billion allocated to the state for local governments has to be spent by December, he told Rep. Jon Cross (R-Kenton).

Rep. Paula Hicks-Hudson (D-Toledo) asked if there was any appetite for expanding the definition of a COVID-related expense.

That appetite is "great" at the state and local level, Sen. Dolan said. COVID-related expenses are going to dwarfed by revenue losses by local governments, and state policymakers are hoping Congress expands the eligibility to include that.

Rep. Thomas West (D-Canton) said minority communities were disproportionately affected by COVID-19, and he asked if the money could be used to help people navigate the bureaucracy of aid systems.

The guidelines allow communities to be "creative" in direct assistance for COVID-19, Sen. Dolan said.

"It has to be a direct link to COVID," he said. "It can't be a program that you already have and you're just supplementing those dollars."

Rep. Callender asked if the money could be used to offset the loss of state support for programs like E-Check that are cut as a result of the virus.

Sen. Dolan said he believed such a program would be outside of the guidelines.

**Senate Committee Hearings - Local Government, Public Safety & Veterans Affairs**

**HB 242 AUXILIARY CONTAINERS** (Lang, G., Jones, D.) To authorize the use of an auxiliary container for any purpose, to prohibit the imposition of a tax or fee on those containers, and to apply existing anti-littering law to those containers. CONTINUED (1st Hearing-Sponsor)

Rep. George Lang (R-West Chester Twp.) said in sponsor testimony that the measure is designed to provide clarity and uniformity.

"The purpose of this bill is to protect the ability to manufacture recyclable, sustainable products to better ensure a healthy economy in Ohio," he added.
Fellow sponsoring Rep. Don Jones (R-Freeport) said that several major industries in Ohio would be negatively impacted if local governments implement fees, taxes or bans on containers.

"When everyday products like paper cups, grocery bags, to-go containers and soft-drink bottles are taxed and regulated inconsistently within a state, it creates costly problems for manufacturers, businesses and working families," he wrote. "Adopting statewide uniformity for auxiliary containers is a way to protect against overregulation, support manufacturing jobs and uphold consumer freedom."

**Senate Committee Hearings - General Government & Agency Review**

**HB 308 PTSD COVERAGE** (Patton, T.) Concerning workers' compensation and disability retirement for peace officers, firefighters, and emergency medical workers diagnosed with post-traumatic stress disorder arising from employment without an accompanying physical injury. CONTINUED (1st Hearing-Sponsor)

Sponsor Rep. Tom Patton (R-Strongsville) said the measure would make a peace officer, firefighter or emergency medical worker diagnosed with post-traumatic stress disorder arising from employment eligible for workers' compensation regardless of if there is an accompanying physical injury.

"All too frequently, our hard-working and dedicated public safety personnel witness scenes of violence, carnage, death, and serious injury, as a regular part of their service to the people of Ohio," Rep. Patton said. "Exposure to these environments can cause lasting psychological impairment for anyone with years of training and exposure to stressful situations. House Bill 308 will provide deserving avenues of relief for first responders who have bravely served the public and suffer from PTSD as a result of preforming their duties."

The proposal is similar to a provision included in the House's version of the Bureau of Workers' Compensation budget (HB 80) but was removed by the Senate. This version passed the House in February. (See Gongwer Ohio Report, February 12, 2020)

Sen. Frank Hoagland (R-Adena) said funding was included in the budget for veterans' PTSD and drug addiction. He said the bill should include language to get the state to focus on remedies that can actually help people with PTSD.

"We need to get them back to work," he said.

Rep. Patton said the bill will provide coverage from workers' compensation so people who need coverage and sick time receive the support they need.

The current bill does not limit coverage to a year, as past efforts have, he said.

**House Committee Hearings - Public Utilities**

**HB 163 WATER/SEWER SERVICE** (Brinkman, T.) To create a process for withholding local government funds and state water and sewer assistance from municipal corporations that engage in certain water and sewer practices with respect to extraterritorial service. REPORTED (7th Hearing-All testimony-Possible vote)

The measure was reported over the objection of committee Democrats.

Mayors Dan Horrigan of Akron and John Cranley of Cincinnati, along with the Ohio Mayors Alliance, submitted written opponent testimony, as did the American Water Works Association's Water Utility Council.

Other opponents reiterating their arguments against the bill included Robert Ashton of the City of Columbus's Department of Public Utilities and Blake Jordan, director of public utilities for the City of Delaware.

Keary McCarthy, executive director for the alliance, echoed concerns from mayors in writing that the bill couldn't come at a worse time as governments grapple with the coronavirus pandemic and its adverse impact on revenue.

"Communities large and small are anticipating revenue declines of epic proportions," Mr. McCarthy wrote. "In many cases, cities across Ohio have already begun furloughing employees and preparing for layoffs and service reductions. As we have
testified to before, we have several very serious concerns regarding this legislation, including its implications on home rule, the arbitrary and costly litigation it will create, and the significant economic penalties it imposes on municipalities."

Todd Danielson of the AWWA's council requested the panel not advance the bill anytime soon due to the ongoing pandemic.

"We acknowledge that several amendments have been made to HB163 over the last year but remain concerned that (it) as written will still put a chilling effect on regionalization, which could negatively affect public health and cost the citizens of Ohio more," wrote Mr. Danielson, who is also chief utilizes executive for Avon Lake Regional Water.

Thursday, May 14, 2020

Senate To Pursue Capital Reappropriations Despite House Reservations

The chair of the Senate Finance Committee views a coming measure to fund ongoing state capital projects as a priority, while the House's top Republican struck a more cautious tone.

Sen. Matt Dolan (R-Chagrin Falls) said in an interview he expects a reappropriations measure to be introduced "very soon" with a review by his committee occurring during its next several meetings.

"It is the Senate's intention that we should move forward on a reappropriation bill prior to July 1," he said of the proposal that will require an emergency clause.

The chambers had agreed to vote on the measure in March before opting to delay the plan in light of the coronavirus pandemic, Sen. Dolan said. Now, senators are eager to move forward, viewing the spending plan as a sort of stimulus package, he said.

Sen. Dolan said the plan includes $475 million for the Public Works Commission, $325 million for higher education projects, $185 million for the Facilities Construction Commission, $66 million for parks and nature projects and a smaller amount for community projects that have already had funds appropriated but not released.

"This is bonded money," he said. "This is not GRF dollars. This is money we are paying for debt service out of the operating budget and meeting our obligation. And so, I think we ought to move forward and see this as an economic stimulus package because these are projects that will require people to go to work to complete them."

Although Sen. Dolan said he expects the measure to move quickly in the Senate, House Speaker Larry Householder (R-Glenford) was more cautious in terms of capital appropriations and reappropriations.

"Whenever you're talking issuing new debt and you have other issues out there like unemployment compensation and other things, infrastructure projects that might be important down the road – I don't think we really know quite yet what it's going to take for us to get the state moving again," he said.

"I'm always going to be apprehensive whenever it comes to issuing new debt, especially in very uncertain times moving ahead," he continued. "We know that our next budgetary cycle is going to be very difficult. We already know that it's going to be probably several billion dollars short from this last cycle."

Rep. Householder said he views a potential capital reappropriations bill as spending on "a line of credit."

"If we don't use all of it, yes, we have not used all of that line of credit, but that doesn't mean you continue to borrow and borrow and borrow just because the bank tells you that you've got more money that you can borrow at that time," he said.

One group pushing lawmakers to pass a reappropriations bill and a capital budget is the Inter-University Council of Ohio, which has argued the measures would put Ohioans back to work and improve safety and research capabilities at the state's public universities.

The speaker said another financial issue currently under discussion among lawmakers is the potential to dip into the state's Budget Stabilization Fund to aid the state's K-12 schools.
"We've had discussions about that. There hasn't been any concrete conclusions to those discussions as of yet," he said. "Everyone's got a difference of opinion, and I think there are a number of members that are very concerned about primary education."

He said a significant number of families could decide to move their children from private schools to public schools because of financial strain caused by the pandemic.

"As there's more and more burden on our public schools, we just have to make certain they've got the resources in place to give kids a quality education in this state," he said.

Gov. Mike DeWine last week announced $300 million in cuts to state foundation payments to school districts as part of a broader $775 million planned spending reduction to close a budget gap over the last two months of Fiscal Year 2020.

**U.S. House Democrats Set To Pass Stimulus Proposal; Senate Action Unlikely**

The latest round of COVID-19 stimulus is likely to clear the U.S. House of Representatives in a partisan vote, U.S. Rep. Steve Stivers (R-Columbus) said Thursday.

The more than $3 trillion legislative package, dubbed "the Heroes Act," is likely to come up for a vote Friday.

The package, which U.S. Senate Majority Leader Mitch McConnell has declared "dead on arrival" in the upper chamber, includes nearly $1 trillion in funding for state and local governments, according to a report from the House Committee on Appropriations.

While Republicans are likely to vote en masse against the measure, Rep. Stivers said his caucus is committed to ensuring that state and local governments do receive funding to deal with the public health crisis as negotiations over the final form of the bill continue.

The first round of COVID-19 stimulus contained $150 billion in funding for state and local governments, but only those local entities with populations of 500,000 or more received direct infusions of cash.

Rep. Stivers called the population limits "arbitrary."

"It left a lot of communities out," he added during a conference call organized by the Ohio Association of Public School Employees/American Federation of State, County and Municipal Employees Local 4.

All told, Ohio received $4.55 billion from the stimulus package, with approximately $2 billion earmarked for local governments.

Through the federal legislation, six jurisdictions – the city of Columbus and Cuyahoga, Franklin, Hamilton, Montgomery and Summit counties – received $775 million in funding directly, leaving about $1.2 billion for the remaining local governments in the state.

State lawmakers last week began the process of distributing that funding to local governments through a Senate bill (SB 310) that would allocate just $350 million of the funding as legislators push for federal action that would provide more flexibility in spending the money.

Under current guidelines, the money must be spent on COVID-19 related expenses such as personal protective equipment or overtime for first responders.

The city of Columbus announced Friday that its $157 million will be split three ways: $80 million for direct spending for COVID-19 expenses such as testing, EMS response and personal protective equipment, $51 million for human services such as shelter for those experiencing homelessness, food and rental assistance and $26 million for economic relief in the form of small business assistance and technology for teleworking.

Rep. Stivers said any additional money made available to local governments needs to come with fewer strings attached.
"There's COVID-19 related revenue loss and we need to allow for that, too," he said. "I'm hopeful that as we move forward, we can actually do something that includes untying those strings."

U.S. Rep. Joyce Beatty (D-Blacklick) said the legislation that Democrats are poised to pass will provide the state with about $15.9 billion. Ohio's municipalities are in line for $16.9 billion, she said.

Ohio's schools would also be eligible for $3 billion, $2 billion of which would be targeted to K-12 and the remaining $1 billion for institutions of higher education, according to Rep. Beatty.

"We were very clear that we wanted to make sure our school districts were protected," she said.

Joe Rugola, international vice president of AFSCME, said without funding, the services that ensure that Ohioans are safe in their homes, on the job and in schools will be in jeopardy.

"Those services are in grave danger," he said, adding that in some sections of Ohio those public sector jobs are the backbone of the economy.

Friday, May 15, 2020
Debate Over Pandemic Legislation Heats Up
Disagreements over the state's response to the coronavirus outbreak took new twists Friday with the announcement of new and planned legislation, and the emergence of worries over the House GOP's controversial measure from an unexpected source.

Among the latest bills to surface was some Senate Republicans' answer to the Department of Health's shutdown orders prompted by the pandemic (SB 311). Sponsored by Sen. Rob McColley (R-Napoleon) and Sen. Kristina Roegner (R-Hudson) the measure introduced Friday in some ways mimics the House's amendments to SB 1, which requires ODH health orders to get supermajority approval within 14 days of issuance by the legislative Joint Committee on Agency Rule Review.

"Our government was not set up for one branch to have the authority to disrupt the general public's lives and businesses for this long without some form of check or balance," Sen. McColley said in a statement. "The time has come to reflect the will of many Ohioans by restoring balance to our government."

Sen. Roegner, who along with Sen. McColley endorsed the House's amendment, said the state's shutdown has "gone on long enough."

"Ohioans came together to flatten the curve of this pandemic and we did it successfully. Now we need to open our state before the damage is irreparable," she said. "I believe that Ohioans, if given the freedom, will rise to the occasion and take the necessary steps to keep their families, employees and customers safe, while conducting the commerce that is so critical to our economy."

Along with the House's language, the Senate bill would require the governor to sign any order restricting Ohio businesses and families for purposes of a health emergency, the sponsors said. In addition, the emergency measure would require that JCARR consider "local input" when reviewing an extension of a stay-at-home or business closure order.

The Senate bill has nine total cosponsors, all Republican, including Sen. Steve Huffman (R-Tipp City).

"It is imperative that we as a legislating body maintain our authority granted through the separate but equal branches of government," the lawmaker stated. "I am hopeful that this legislation moves swiftly through the committee and is voted on by the entire Senate as soon as possible."

Critics of the bill's approach have argued that inserting another layer of legislative response to health crises is unnecessary and could lead to the loss of more lives in an emergency such as the COVID-19 outbreak.

Some Republicans, including Sen. Matt Dolan (R-Chagrin Falls) have joined Democratic lawmakers in expressing skepticism with the House's amendment, and on Friday a group that's usually in lockstep with conservative causes raised some alarms with the amendment to SB1.
The Columbus chapter of Ohio Right to Life wrote a letter to Senate President Larry Obhof (R-Medina) urging close examination and potential rejection of the amendment on the grounds that it could unduly impact the ODH director's authority to shutter abortion clinics.

Beth Vanderkooi, the group's executive director and a former Senate staffer, said it appears that the way the House language was written that the legislative review would apply to all orders from the ODH director.

"For this reason, I would respectfully request that the Senate review this concern and, if it is found to be valid, that your members reject the House amendments to SB1," she wrote.

Gov. Mike DeWine has promised to veto the measure, which he said would lead to administrative "chaos," if it reaches his desk.

Meanwhile, the subject of safety precautions practiced by the House, which this week exasperated the political divide regarding the pandemic, continues to be the subject of debate.

Democrats expressed outrage Wednesday after Speaker Larry Householder (R-Glenford) revised safety protocols for the full session and many Republicans went without masks, ignoring the recommendations of the DeWine Administration and other health officials. At one point during the session, Rep. Michael Skindell (D-Lakewood) saw his push to require that lawmakers don masks rejected in a partisan vote.

Rep. Nino Vitale (R-Urbana), one of the more outspoken critics of the state's pandemic response, announced on social media he was seeking cosponsors for a bill that would "not allow any Ohio State official, elected or unelected, to require facial covering of any kind, without 2/3rds vote from both the Ohio House and Senate."

"This bill will simply extend the same protections of freedom and liberty House Members voted on for themselves, to the 11.7 million people of Ohio," the lawmaker said in a Facebook post.

"Citizens are still free to wear a face covering if they choose, but it cannot be mandated without the 2/3rds vote."

The Republican cited doctors who he said have determined that wearing a mask "can actually be harmful and possibly increase concentrations of a virus in the nose, which travels through the olfactory nerves and into the brain."

The DeWine Administration's guidelines for reopening businesses starting this month, among other precautions, requires employees at retail establishments to wear masks.

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