Statehouse Update

June 5, 2020

Monday, June 1, 2020
State Expects $2.5B Shortfall In Next Fiscal Year, Plans Pay Cuts
Officials announced actions Monday to cut personnel costs in the next fiscal year as the state grapples with the financial strain of the coronavirus pandemic.

State Budget Director Kimberly Murnieks said in a statement that the Office of Budget and Management expects revenue in Fiscal Year 2021, which starts in July, will be about $2.5 billion less than budgeted when the current two-year spending plan was enacted in July 2019.

"Given the current economic situation resulting from the COVID-19 pandemic, it is necessary that Ohio state government implement immediate additional measures to reduce expenditures by state agencies, boards, and commissions, as planned personnel expenditures for fiscal year 2021 are unsustainable," she said.

The state reported in May that April tax receipts came in below estimates by $866.5 million, or 35.3%. That led Gov. Mike DeWine and his administration to announce budget cuts totaling $775 million for the current fiscal year.

Director Murnieks and Department of Administrative Services Director Matthew Damschroder are asking the General Assembly to institute a pay freeze and a freeze on step advancement for exempt employees for FY 2021.

Exempt employees will also have mandatory cost savings days, with reduced wages for each pay period in an amount equivalent to 10 days of unpaid leave, representing a pay cut of about 3.8%. Cabinet director salaries will be cut by 4%.

The administration is also asking state employee unions to come to the bargaining table by June 15 to discuss ways to reduce personnel costs among unionized employees.

The state will continue to operate under a hiring freeze with exceptions for staff providing a direct response to the COVID-19 pandemic, OBM said.

"All existing budgetary control restrictions will continue. OBM and DAS will continue to partner to identify personnel and cost containment strategies to balance the state budget and preserve our ability to provide services to Ohioans," Director Murnieks said.

Orders Allow Child Care Centers To Open, Extend Large Gathering Ban
Ohio's child care facilities can reopen as long as they meet state safety standards related to the coronavirus pandemic laid out in an order issued by Gov. Mike DeWine's administration.

Separate orders issued late last week extended the statewide ban on most gatherings of more than 10 people until July and ended the restriction on out-of-state customers buying liquor in a handful of eastern Ohio counties.

The announcements were met Monday with more pushback from Republicans in the General Assembly.

A group of House members declared in a letter to the governor that Ohio had "smashed the curve," referring to the outbreak’s trends, and thus: "Mission accomplished!" The group urged the full removal of the "Stay-at-Home, Stay Safe Ohio and Ohioans Protecting Ohioans" orders.
"The original projections were terribly off the mark and overestimated the statistical impact of the coronavirus by a wide margin. The metrics following the virus indicate that the peak of this crisis is far behind us," the 13 lawmakers wrote.

"Currently, our great State has an unemployment rate over 20% and while it is fair to say that early on your decisions and actions saved lives, it is also fair to say that many more Ohioans have had their lives wrecked by the economic devastation caused by these government lockdowns. Ohioans no longer need nor want an overreaching government micromanaging their lives, and they want their freedoms and liberties restored now... not this summer or fall but now!"

Mr. DeWine has repeatedly defended his decisions and warned that the virus will remain a problem as long as there is no vaccine.

The child care order signed by Health Director Dr. Amy Acton allows all facilities licensed by the Department of Job and Family Services and the Department of Education to reopen after meeting state standards.

In order to resume operations, such centers must follow guidelines including reduced staff-to-child ratios, hand-washing requirements and a mandate that children or employees with temperatures of 100 degrees or higher be sent home.

"While government can set the baseline, it should be understood that these orders set forth the minimum acts that must be taken and if people do more than the minimum to act safely, it will benefit everyone," the order states.

The order recommends that employees wear cloth masks and that centers modify pick-up and drop-off schedules to ensure social distancing can be maintained.

The governor announced in mid-May he planned to reopen child care centers by the month's end.

The order on business activity and social distancing extends the ban on public and private gatherings of more than 10 people through 11:59 p.m. July 1. Exceptions includes funerals and weddings, while wedding receptions are limited to 300 people.

The document notes Director Acton may rescind or modify the order at an earlier date.

The order on liquor sales ends pandemic-related restrictions on purchases in Ashtabula, Belmont, Columbiana, Jefferson, Mahoning and Trumbull counties.

Gov. DeWine in April limited sales in those counties to residents with Ohio driver's licenses or other state or military photo identification cards in response to reports of long lines after Pennsylvania closed its liquor stores.

The state on Monday reported the total number of cases, including probable infections, had reached 35,984. Those led to 6,112 hospitalizations and 2,206 deaths.

**Tuesday, June 2, 2020**

**LaRose, Legislators Put Forth Plans For General Election Changes**

Ohio's top election official on Tuesday morning outlined his legislative recommendations to prepare the state for a presidential election vote amid the coronavirus pandemic.

Some of Secretary of State Frank LaRose's suggestions, including mailing absentee ballot applications to all registered voters, clash with a proposal (HB 680) from Rep. Cindy Abrams (R-Harrison) initially set to receive a second hearing from the House State & Local Government Committee later that day.

That measure, which would bar the secretary's office from sending out unsolicited absentee applications, along with a handful of other pandemic-related bills were initially scheduled to be heard by the committee before the panel recessed amid protests outside the Statehouse.

Mr. LaRose, who made the comments during the first virtual meeting of his bipartisan Ready for November Task Force, said the practice of mailing applications is "a simple convenience" that has been employed by the state for nearly a decade and could be accomplished via the use of federal dollars.
"Many people expect that. They've grown accustomed to it," he said, adding that he would like the state to pay for return postage for applications and ballot envelopes.

Two Democratic lawmakers have introduced legislation (HB 687) that would require the state to mail ballots to all voters and cover return postage.

Sponsor Rep. Bride Rose Sweeney (D-Cleveland) said HB680 would "roll back existing voter access provisions."

"While 680 is a shameless example of partisan opportunism, our plan is the culmination of months of talking with and listening to voter rights groups," she said in a statement.

Fellow sponsor Rep. Paula Hicks-Hudson (D-Toledo) said passing HB680 also would get rid of the final three days of in-person early voting ahead of Election Day.

"It is outrageous that while a deadly disease has killed more than 100,000 Americans, and is hitting minorities and the elderly harder than most, that anyone would propose taking away the very voting access that can help keep Ohioans safe. We must do better," she said.

Rep. Abrams said last week in sponsor testimony HB680 would help "ensure the rules governing our system of free and fair elections are clear, transparent and unambiguous" even in the face of a pandemic.

Mr. LaRose said HB680, which would also create a contingency procedure that could be used to conduct an all-mail election during a health emergency, "has some problems with it."

"I worry that the scenarios that it creates could be bad ones," he said. "That idea of a trigger point to create an all-postal election is something that I don't think should be on the table."

Secretary LaRose said he also worries the measure's tweaks to absentee and in-person early voting could lead to long lines at polling places on Election Day.

Aaron Ockerman, executive director of the Ohio Association of Election Officials, said his group and the secretary of state are putting forward "a really good path forward" for the November election. He said while his group has concerns with HB680, he believes House lawmakers will be receptive to suggested improvements.

"There are certainly issues with 680 that need to be addressed, but given the initial conversation we're having, we feel very comfortable that we're going to be able to put those ideas in front of the legislature," he said.

The secretary's plan and HB860 also differ on when the deadline to apply for a ballot by mail should be set, although both would change the status quo. Currently, registered voters can make such a request through noon on the Saturday before Election Day.

While the legislation suggests changing that to noon 10 days before the election, the secretary recommends moving it to one week before Election Day.

Mr. LaRose called the current deadline "just logistically not feasible."

"It causes people to get their ballots too late and so they can't make their voice heard, which is an awful thing," he said. "But it also encourages procrastination, and that's not something that we want to do."

Secretary LaRose said the state needs to "maximize the convenient options that Ohioans already have." One way to do that would be to allow Ohioans to request an absentee ballot online.

"There's no reason why we shouldn't put that online in the year 2020. That's what people expect," he said.

He said the state also should make already allocated federal funding available to county elections boards to purchase new equipment and hire personnel.
Secretary LaRose said his task force will debate and eventually release best practices after discussions with local elections administrators, officials and experts.

Other members of the panel are:

- Democrat Michelle Wilcox, director of the Auglaize County Board of Elections and president of the Ohio Association of Election Officials.
- Republican Rob Frost, a member of the Cuyahoga County Board of Elections and former President of the OAEO.
- Republican Lisa Welch, director of the Holmes County Board of Elections and first vice president of the OAEO.
- Democrat Brian Sleeth, director of the Warren County Board of Elections and second vice president of the OAEO.

**Railroad Language Removed, Other Changes Made To Broadband Bill**

A House measure aimed at boosting broadband access in underserved areas went through another round of changes Tuesday.

The House Finance Committee, two weeks after accepting a substitute version that dramatically increased the measure's (HB 13) scope, made more tweaks including the elimination of a provision that had drawn strong opposition.

The panel accepted an amendment from sponsor Rep. Rick Carfagna (R-Genoa Twp.) that he said makes three key changes.

The first adjusts language allowing providers to challenge requests by addressing concerns that some data used under that provision could violate federal law, he said.

The second issue deals with the jurisdiction for disputes between providers and rural electric cooperatives, the sponsor said. The original bill dealt with that through the Public Utilities Commission of Ohio, but the co-ops said they are not currently governed by PUCO and do not want to be, so the amendment moves dispute resolution to the county court of common pleas.

"We're trying to make a good faith effort to address the concerns that the rural cooperatives raised to us," he said.

The third change removed language regarding railroad crossings, Rep. Carfagna said. That language, opposed by the railroad industry, is dealt with in a separate bill (HB 246).

"We have addressed the railroads' concerns and removed all of that language from the bill," he said.

Another issue, regarding sales tax exemptions, could be addressed in a later amendment but parties are still sorting that out, he said.

Patrick O'Loughlin, CEO of Ohio's Electric Cooperatives, submitted written testimony in opposition to a provision that would create an "unneeded rate dispute resolution process which will ensure that co-ops not fully recover the rental cost from those who attach. The result of any co-op not fully recovering these costs will result in a subsidy to for-profit cable and telecommunication providers on the backs of co-op members. If given this handout, there is nothing to suggest that cable/telecom providers would then offer new internet access to any Ohioan."

While the co-ops support the expansion of broadband connectivity, the provision would not promote it, he wrote.

Emily Murphy, director of health affairs and Project ECHO at Northeast Ohio Medical University wrote in support of the measure, which she said would improve access to telemedicine and the Project ECHO telementoring and guided practice model.

"These underserved areas described by the bill are the exact reason why NEOMED adopted Project ECHO," she wrote. "As stated previously, our goal is to improve the health, economy, and quality of life of the diverse and underserved communities in Ohio and beyond. Passing this bill is critical to that goal."

The measure also earned support in written testimony from Jay Smith, director of government and legal services for the Ohio Library Council.
"Sub. HB13 includes numerous improvements to the as introduced version of the bill including a substantial investment of $20 million dollars to help expand access to residential broadband," he wrote.

The Greater Cleveland Partnership also expressed support.

"We are grateful for the Ohio House's focus on a broadband expansion strategy and believe that bills such as HB13 are crucial," Marty McGann, the group's executive vice president for advocacy and strategy wrote.

**House Committee Hearings - Civil Justice**

HB 159 PUBLIC IMPROVEMENTS (Blessing, L.) To regulate the use of indemnity provisions in professional design contracts related to public improvements. CONTINUED-SUBSTITUTE (3rd Hearing-All testimony-Possible substitute)

A substitute version offered by Rep. Bill Seitz (R-Cincinnati) allows the owner of a project to retain the right to sue a design firm for breach of contract and collect attorneys' fees if successful, he said.

Attorney Frederick Bills said one of the largest exposures to litigation for designers is due to indemnity provisions in contracts.

"Indemnity provisions designers and their insurers bring to my attention on a regular basis are fraught with unfair obligations; obligations that masquerade as indemnity which in reality revise a designer's standard or care," he said.

"In my experience representing designers throughout the state, it is often the case that public improvement contracts impose onerous first-party indemnification obligations that are used both prior to litigation and in litigation to unfairly strong-arm settlement contributions from designers, even where they are not at fault and did not cause the public authority's damages."

In written interested party testimony Ohio Municipal League Executive Director Kent Scarrett said his organization still takes issue with the need for the measure but said the substitute version addresses many of its concerns.

"Particularly, the substitute bill clarifies that the owner of the project retains the right to commence a civil action for a breach of contract or breach of the professional standard of care," he wrote. "In addition, the substitute bill includes reasonable attorney fees and expenses in the definition of liabilities."

Beth Easterday, president of the American Council of Engineering Companies of Ohio, also expressed support for the substitute version.

"Design professionals, as a matter of basic fairness, should not be asked to indemnify and/or defend another party for losses that the designer did not cause, cannot insure against and were caused by factors beyond the designer's control. We have worked hard to make sure the basic issue of fairness is still maintained in the bill while addressing issues raised by the interested parties," she wrote.

Devon Seal, president of the Ohio Society of Professional Engineers, also offered praise for the bill.

"House Bill 159 requires fair, proportionate, liability for design professionals," he wrote. "This will reduce risk for design professionals bidding on public improvement projects, leveling the playing field for small businesses, increasing competition, and lowering costs."

**Wednesday, June 3, 2020**

**Capital Reappropriations Advance With End Game Eyed For Next Week**

The debate over what ongoing capital projects lawmakers should continue funding appears to be over. The answer is all of them.

Hours after the Senate Finance Committee advanced its $1.28 billion reappropriations bill (SB 316), the House Finance Committee added what Chairman Rep. Scott Oelslager (R-Canton) said was the full list of projects into a separate spending measure (SB 310) slated for a floor vote Thursday.
The new vehicle for reappropriations also includes $350 million in federal dollars to support local governments along with a handful of new items added by committee.

With House support Thursday and eventual Senate concurrence, the measure would bring an end to a saga that started as the two chambers debated whether, amid a fiscal crisis prompted by the novel coronavirus, the state should renew every capital project.

The House had introduced a pared-down measure, totaling less than $700 million, with the intent to have those excluded — namely higher education institutions — justify the need for continued funding.

Earlier Wednesday, before the House Finance Committee's evening action, debate continued to rage over the differences between the two.

The House plan (HB 670) continued to draw significantly more attention from witnesses compared to the Senate's.

Senate President Larry Obhof (R-Medina) said before the House's action that he expected a floor vote on the upper chamber's plan next week.

"We think it's a good bill," Sen. Obhof said. "We think it's important right now, given the economic challenges we face...the best thing by far for our economy is to keep those [jobs] moving forward."

In the Senate, three parties submitted written proponent testimony, including Eastern Gateway Community College Interim President Michael Geoghegan who applauded the inclusion of items for the college's Youngstown and Steubenville campuses.

Allison Poulios, director of government relations at MetroHealth System, praised $750,000 in support toward the system's West 25th Street Corridor Revitalization project, which would expand education and workforce training opportunities in partnership with Cuyahoga Community College.

Submitting remarks before both committees was Tracy Freeman, director of government relations for the Nature Conservancy, who urged House members to incorporate provisions of the Senate proposal to reappropriate $25 million for the Clean Ohio Agricultural Easement fund and $1.1 million for the Clean Ohio Trail fund.

Other witnesses before the House panel made similar requests, including Ron Kaplan, director and chairman of the Ohio Air & Space Hall of Fame and Museum. He urged the inclusion of reappropriation of $550,000 toward the renovation of the original Port Columbus airport terminal.

"The Ohio Air and Space Hall of Fame recently agreed to a long-term lease with the Columbus Regional Airport Authority," he said. "This allows us to oversee the preservation of this unique national architectural treasure, transforming it into a civic showcase, event space, tourist destination, and most importantly, an educational asset to be enjoyed by the public."

Rep. Rick Perales (R-Beavercreek) said the money is from the 2016 capital budget.

The hall of fame had anticipated entering a lease with the Columbus Airport Authority earlier than it did, and that led to a delay in the spending of the money, Mr. Kaplan said. One of the hurdles was that it had to be approved by the Federal Aviation Administration.

If the $550,000 is not reauthorized, it could jeopardize the effort to save the original airport terminal, he said.

Educational institutions, meanwhile, continued urging House lawmakers to support their projects.

"We are also thankful for your support of the valuable workforce training and higher education provided by community colleges," Terra State Community College President Ron Schumacher wrote. "The projects...have been underway since the latest Capital Bill became law. However, the nature of the process and time needed for finalization require reappropriations for these projects to be completed."
Michael Barhorst, vice president for finance and administration at Shawnee State University, also submitted written testimony in support.

"We understand the significant financial strain facing the State of Ohio and its citizens," he wrote. "As a comprehensive regional public university, we are particularly committed to the residents of our local communities, the economic and workforce development needs of our employers, and often the only opportunity for our citizens to access higher education and social mobility in southern Ohio. The return on this investment will be significant for the state of Ohio."

**House Adds To Local Government Relief Bill Eyed For Quick Passage**

A big-ticket spending measure got much bigger Wednesday evening as it picked up amendments before earning the support of a House panel.

Among the changes added by the House Finance Committee to the $350 million coronavirus relief measure (SB 310), which distributes federal relief dollars to local governments, was the full list of capital reappropriations.

The relief bill picked up other amendments without objection before the panel voted unanimously to report it. The committee accepted the changes around 6 p.m. after being in recess to await language since before 10 a.m.

The measure is slated for a vote before the full House Thursday.

Chairman Rep. Scott Oelslager (R-Canton) offered a handful of changes that were incorporated into the bill.

One change excludes federal Paycheck Protection Program loans from the commercial activity tax, protecting a vital source of revenue for businesses, he said.

Another change, affecting nursing homes, modifies Medicaid rates for nursing facilities. Rep. Oelslager said the increase in state funds is small, taking up about $3.2 million of the total $27 million increase.

The language was included in the operating budget but was vetoed by Gov. Mike DeWine, he said.

"Now everybody's on board with this," he said.

Another amendment allows the governor to freeze pay for exempt workers as proposed by the administration earlier this week, Rep. Oelslager said.

The panel also accepted an amendment from Rep. Jay Edwards (R-Nelsonville) that addresses a loophole in which certain money spent by transportation improvement districts could be used for projects did not abide by the prevailing wage law.

Several mayors submitted testimony on the initial legislation.

John Brennan, mayor of University Heights, said his fire department has responded 33 COVID-19 cases, and those transports require the use of masks, gowns and sanitation.

"While the $370,000 projected for University Heights under SB310 does not bridge the $2 million shortfall we anticipate, and while it may not serve as revenue replacement as such under terms of the CARES Act, it would help cities like University Heights keep first responders responding to COVID-19 cases," he said. "There are no alternatives to our first responders. There is no other ambulance company that will show up if we do not. To do without is truly to be without."

Findlay Mayor Christina Muryn wrote that her city's revenue is down $1.2 million compared to the previous year, a figure that is expected to grow.

"Senate Bill 310 will begin to build the bridge to our city and our state's economic recovery by distributing much-needed federal aid to Ohio's local governments," she wrote. "Findlay and Ohio's other communities have been on the frontlines fighting this pandemic, experiencing steep revenue loss while the cost to provide quality local services is increasing. SB 310 will ensure cities, like ours, and counties, and townships get the immediate relief we desperately need now."
Akron expects a drop of 20-35% in revenue for 2020, and water revenue has also been affected through less consumption and shutoff moratoriums, Mayor Daniel Horrigan wrote.

"Following passage of SB 310, I respectfully urge the General Assembly to take action to ensure the remaining $850 million of funding in the CARES Act is allocated to assist Ohio's local governments. CARES Act funding will play an essential role as we navigate this unprecedented time to ensure our citizens and businesses are able to come out of this pandemic," he wrote.

The committee also received written testimony in support from the officials from Kettering, Lorain, Parma, Springfield, Dublin and Grove City.

**Employers Continue Opposition To First Responder PTSD Bill**

Employer groups on Wednesday asked a Senate committee not to extend workers' compensation benefits to cover post-traumatic stress disorder for first responders.

The Senate General Government & Agency Review Committee heard from business groups and local government employers, who objected to the bill (HB 308) as a dramatic expansion of workers' comp benefits.

First responders, who testified last week, have said it is essential to address the trauma and mental toll that such jobs take on workers.

Kevin Shimp, director of labor and legal affairs for the Ohio Chamber of Commerce, said the chamber opposes the bill because it would no longer require a physical harm or injury to have a workers' compensation claim.

"In addition to allowing a purely mental claim into Ohio's workers' compensation system for the first time, HB308 fails to include any guardrails that would help assure the injury arose out of and during the course of an individuals' employment," he said. "The lack of guardrails is concerning to the Ohio Chamber because states that have addressed the issue of compensating mental conditions included significant guardrails."

He suggested instead that PTSD should be addressed through other systems, including private health or disability insurance or a different model.

Sen. Frank Hoagland (R-Adena) asked the witness if he believes the science has evolved to identify PTSD as a physical injury, and if that would change the chamber's mind.

Mr. Shimp said that would alleviate some concerns, but there would still be some questions about whether coverage was needed for certain workers.

Rob Brundrett, director of policy services for the Ohio Manufacturers' Association, said the system was not designed to compensate for mental conditions not arising from physical injuries.

"We are concerned about the potential expansion of workers' compensation beyond this provision's narrow target of first responders," he said. "We recognize that peace officers, firefighters, and emergency medical workers experience traumatic events. However, they are not alone in their willingness to undertake potentially dangerous and essential jobs. If we erode the physical injury requirement for peace officers, firefighters, and emergency medical workers, it will be difficult to justify not doing the same for other professions that seek equal treatment."

Also speaking in opposition was Sue Roedebush, counsel for the National Federation of Independent Business/Ohio, who said the proposal violates the equal protection clause of the 14th Amendment.

"The violation is clear, as first responders are treated differently than other classes of workers, and it would be impossible to explain why only a select class of workers deserve a more generous benefit than others with the exact same psychological condition," she said. "NFIB urges you to consider the ramifications of HB308 on the workers' compensation system, as we believe it is one court case away from being turned on its head to permit psychological injuries without an accompanying physical injury for all employees, not just first responders as this legislation intends."

She urged the creation of a separate fund, as done in a different bill introduced in the House (HB 556).
Alex Boehnke, manager of public affairs for the Ohio Council of Retail Merchants, also urged instead that lawmakers consider a separate fund outside of the workers' comp system.

"This would ensure that first responders receive the coverage they need and deserve for treating PTSD without inadvertently compromising the financial stability of the employer-funded workers' compensation system," he wrote. "We stand ready to work with all interested parties to find common ground and craft a proposal that works for first responders, municipalities and businesses."

Local government groups also submitted testimony against the measure. The County Commissioners Association of Ohio, Ohio Municipal League and Ohio Township Association said the measure is a "drastic departure from both current and past state law."

"HB 308 not only expands PTSD coverage to those cases not related to physical injury, but also marks a significant change to the types of claims eligible under Ohio's workers' compensation law. Our members have concerns about the unknown cost implications of this policy change and the potential for a significant increase in claims," they wrote.

"As currently written, the language in HB 308 does not include certain parameters around the coverage that have been considered in the past, such as if claims must be tied to an identifiable single incident and a time limit for compensation and benefits. Such guardrails may be appropriate. The introduced version of HB 308 included a one year time limit on compensation and benefits, but this limit was removed during the House committee process."

Thursday, June 4, 2020
House Passes Bill To Fund Capital Projects, Local Government COVID-19 Relief

A spending bill that includes $1.28 billion in capital reappropriations and support for local governments coping with the coronavirus is headed to the Senate after passing the House Thursday.

Speaker Larry Householder (R-Glenford) said he expects the measure (SB 310) to head to a conference committee after the chamber took a fairly simple spending bill and loaded it with other provisions.

The measure passed 87-8 after accumulating a handful of local government-focused amendments on the House floor.

The House voted 89-4 to keep the emergency clause in the bill, with Rep. Scott Oelslager (R-Canton) saying it was needed both for the capital reappropriations and to ensure federal relief dollars are distributed without delay.

The speaker said he's been working with the Senate on amendments but there could still be some disagreement between the chambers.

"I'm going to assume it will end up in conference committee, but it'll be alright," he told reporters after the session.

The measure originated in the Senate as a vehicle for distributing $350 million in federal CARES Act funding to local governments to support efforts to address the coronavirus pandemic.

It grew significantly with the addition of several other provisions Wednesday night, including $1.28 billion in capital reappropriations projects – the full list of projects included in the Senate’s version of the reappropriations measure.

The House passage of the full reappropriations list likely signals the end of debate over which projects will receive continued funding, after the chamber initially proposed only renewing certain items (HB 670).

Speaker Householder said the process kickstarted by the House's decision not to include every project allowed members to learn more about the projects being reappropriated.

"It gave everyone an opportunity to get a better feel for the projects that are still out there," he said. "It gave us at least a little bit of an opportunity to reach out and find why some of these projects were being held up."
Rep. Jack Cera (D-Bellaire), the top Democrat on the House Finance Committee, said the measure will help support communities addressing the coronavirus.

"SB310 directs critical funding to our communities as they continue to lead the fight against COVID-19," he said in a statement. "Additionally, we were able to re-appropriate funds to continue capital improvement projects at sites across the state, ensuring good-paying jobs to Ohio workers at a time when many are feeling the economic impact of this global crisis."

House Minority Leader Emilia Sykes (D-Akron) said the support for local communities is vital.

"Local communities are leading our response to this pandemic, working closely with frontline workers to get them the tools they need to keep Ohioans healthy and safe. Directing these funds to our local communities is critical, not only to stabilize their budgets, but to keep up the fight against this virus that remains as deadly as ever," she said.

On the House floor, the measure picked up a handful of other amendments that passed with bipartisan support.

Rep. Bill Seitz (R-Cincinnati) offered one that he said had the agreement of the Ohio Municipal League, Ohio Township Association and County Commissioners Association of Ohio to allow local governments to furlough exempt employees for up to 60 days, up from the current 14 days. It was accepted 90-4.

"The point is that furloughs are kinder and gentler forms of economic cost-savings than layoffs, and that's because a furloughed worker has the right to retain his or her health care for a period of up to 60 days," Rep. Seitz said.

Another local government-focused amendment, offered by Rep. Seitz and accepted 87-8, would allow local governments to sidestep competitive bidding requirements in certain situations, as the state can, during the COVID-19 emergency.

A third amendment offered by Rep. Seitz and accepted 91-4 allows townships and cities to use up to 25% of their unencumbered and unallocated tax increment financing funds toward paying first responders and road maintenance workers during the emergency. Rep. Seitz said the money would have to be paid back if the federal government offers more flexibility in the use of relief dollars.

An amendment from Rep. Jamie Callender (R-Concord), accepted unanimously, would clarify larger jurisdictions that received CARES Act dollars direct from the federal government do not fall under the business grant program language in the bill. It also retains minimum permissive standards for those receiving money through the state.

Other items added by the House Finance Committee Wednesday included more funding for nursing facilities and language to: exempt Paycheck Protection Program loans from the commercial activity tax; allow the governor to freeze pay for some workers; allow local governments to use CARES Act dollars for small business loans, and; clarify the law around Transportation Improvement District funding and prevailing wage law.

Sen. Matt Dolan (R-Chagrin Falls), sponsor of SB310 and the Senate's reappropriations measure (SB 316), said in an interview before the full House vote that he was glad the House added the upper chamber's full reappropriations list.

"I'm pleased for Ohio that the reappropriations bill will go forward in a timely and complete manner," he said.

He expressed support for the amendments regarding nursing facility funding and exempting Paycheck Protection Program money from the commercial activity tax.

Two other amendments added Wednesday night – regarding TIDs and local governments using federal relief dollars to offer small business loans – are still being reviewed by the Senate, he said.

**Movie Theaters, Zoos Among Facilities Cleared To Reopen Next Week**

A host of entertainment facilities have been given the OK to reopen soon under guidance issued Thursday by Gov. Mike DeWine and the Department of Health.

Day camps and residential camps can also reopen at any time, while other venues can reopen June 10 if they can follow guidelines from ODH.
"As I've said, Ohioans are able to do two things at once. We can continue to limit the spread of COVID-19 while we safely reopen our economy. It is up to each of us to do what we can to keep each other safe and choose to keep six feet of social distance, wear masks, and maintain good hand hygiene," Gov. DeWine said in a statement.

"The threat of COVID-19 remains and while it's our responsibility to keep each other safe, business owners and employees should do their part to ensure customers visit safely, by cleaning and sanitizing surfaces regularly."

The list of facilities able to open June 10 includes:
- Aquariums
- Art galleries
- Country clubs
- Ice skating rinks
- Indoor family entertainment centers
- Indoor sports facilities
- Laser tag facilities
- Movie theaters (indoor)
- Museums
- Playgrounds (outdoor)
- Public recreation centers
- Roller skating rinks
- Social clubs
- Trampoline parks
- Zoos

Specific operating requirements are available on ODH's Responsible RestartOhio page.

Friday, June 5, 2020
Pandemic Puts Momentum Behind Broadband, Telemedicine Measures
Speaker Larry Householder has a long to-do list he hopes to check off before his chamber wraps up its work for the summer next week.

Among the bills the Glenford Republican hopes to move by Thursday is the chamber's only remaining priority measure (HB 13).

The legislation is designed to boost broadband access in underserved areas. It picked up changes this week in the House Finance Committee.

Speaker Householder said the COVID-19 pandemic has made the need for better access to broadband readily apparent as schools across the state shuttered and moved to remote learning models.

"Those of us who live in underserved areas, we've been screaming about it for a long, long time. This pandemic, with everyone staying home, it just came shining through. I think everybody now realizes the differences between living in an area that's underserved or not even served at all and living another area that has high speed internet," he said.

"When we were trying to work with kids and their schools and their teachers and all that, it was funny because you have members talking about what their particular schools were doing, and others of us were saying, 'be nice if we can do that too but we can't.' You know, our teachers were dialing the phone and trying to call students to stay in touch with them and assigning homework and stuff that way, but it really didn't work very well at all."

Another bill the speaker hopes to make quick work of and believes has gained momentum due to the pandemic is one to strengthen the state's telehealth laws by expanding the list of providers who can provide telehealth to include psychologists, physical therapists, dietitians, social workers, audiologists, speech-language pathologist and many licensed counselors (HB 679).
"Through this pandemic, one of the things that has been proven is that things like telemedicine and distant communication, especially when it comes to medicine, is very, very important," Speaker Householder said. "It's really proven itself with that."

The pandemic and economic fallout that resulted has also laid bare the need to update the technology behind the state's unemployment compensation system, and the speaker hopes to do that with legislation (HB 614) revised this week.

The latest version of the measure creates the Unemployment Compensation Modernization and Improvement Council.

The speaker also named a measure (HB 263) to ease occupational licensing restrictions for people with criminal records as a priority before break.

"It's a fresh start bill in regards to allowing folks that have had some sort of time in the prison system an opportunity to come out and make something out of their life," he said. "We always talk about rehabilitation, and rehabilitation while they are incarcerated is one thing but we really have to get a lot better about our rehabilitation when they get out of the facility because, as all of us know, it's hard to get a fair shake when you've done time."

The speaker also identified a plan (HB 665) to update the "Red Book," which has been deemed fair officials' "Bible," as another measure he is eyeing for quick action next week.

"That hasn't been updated for a very, very long time," he said. "It's pretty antiquated."

This week, the bill became a vehicle for language to allow an amusement or water park to open on the its effective date regardless of any executive order or health order blocking operations.

Also identified as priorities for the speaker are measures to: loosen testing requirements for CPAs (HB 442), put guardrails on fiscal officer transitions (HB 450) and require schools to screen students for and provide programming for students with dyslexia (HB 436). Lawsuit immunity for businesses and emergency services during the pandemic has also been tabbed for quick action in both chambers.

Governor's Appointments


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