Statehouse Update

June 26, 2020

Monday, June 22, 2020
Agency Briefs: Auditor Compiles Resources For Local Governments

State Auditor Keith Faber has created a page with resources for local governments during the COVID-19 pandemic.

It includes information about the federal CARES Act and other resources, free trainings from the state auditor's office and information about other policies.

"It was clear after talking to our clients, that our local leaders want guidance and clarity as we move forward during this crisis," Auditor Faber said in a statement. "This resource will help our local governments get the information they need so they can make decisions with a new level of confidence and we will continue to work with them to ensure our communities successfully recover from this pandemic."

The auditor also declared the village of Risingsun in Wood County in fiscal emergency after auditors found deficit balances in village funds. The mayor asked the office to perform a fiscal analysis of the village, and they found the general fund deficit exceeded the statutory limit by $35,314 as of Dec. 31.

Tuesday, June 23, 2020
Pandemic Sharpens Administration's Focus On Broadband

The coronavirus pandemic will not stop Ohio's efforts to increase the availability of high-speed internet, Lt. Gov. Jon Husted told a state panel Tuesday.

In fact, the lieutenant governor said, the outbreak has only increased the importance of making sure residents can access distance learning, remote working and telemedicine platforms.

Lt. Gov. Husted compared current broadband expansion efforts to rural electrification projects undertaken in the wake of the Great Depression in remarks to the InnovateOhio Executive Committee.

"It was really creating two different societies – the people who had the modern conveniences and the productivity that came with it and those who don't," he said. "And we're really in that phase with broadband and internet technology today. This pandemic has made that all the more clear."

Peter Voderberg, chief of the recently created BroadbandOhio office within the Development Services Agency, said about 300,000 households and about 1 million Ohioans lack access to high-speed internet.

"This pandemic has shown how important the internet is to be able to work and learn and receive health care at home," he said. "And while we know of all the great things that high-speed internet can do, we also know that there's a problem."

Mr. Voderberg said the administration continues to work with the legislature on a measure (HB 13) to fund projects by internet service providers to expand into unserved and underserved portions of the state. The bill cleared the House earlier this month in an 81-8 vote.

He said the measure also includes a pilot program to allow AEP to facilitate high-speed internet expansion efforts using the firm's utility poles.

"This administration has been very serious about this and, in fact, found $20 million to dedicate to the first round of this pilot program to make sure that it would be successful in the legislature," he said.
An online permitting process for non-interstate right-of-way access is being created through the Department of Transportation "to maintain consistency in how people interact with the state," Mr. Voderberg said. A statewide interstate right-of-way access plan also is in development.

Lt. Gov. Husted said covering the entire state will require public-private partnerships.

"We don't do this, and the private sector is not going to serve areas that they cannot get a return on investment," he said. "So, the partnership is going to require an investment from both to really make this work."

BroadbandOhio is "technology and provider neutral," Mr. Voderberg said, meaning high-speed internet access could look different in various parts of the state as broadband expansion efforts move forward.

The lieutenant governor said the state does not have limitless time to determine the best internet-delivery models to use and the best implementation methods.

"I don't think that we want to let the perfect be the enemy of the good because we have needs right now," he said. "We have immediate needs on access for students."

Mr. Husted said it's possible the administration could use a portion of the federal coronavirus relief funding the state is set to receive to help address the problem.

The Ohio 8 Coalition, which represents superintendents and teachers union presidents at the state's large, urban school districts, on Monday asked the state to put $4 million in discretionary relief funding toward addressing internet-access issues for students.

Rich Langdale, founder of NCT Ventures and a member of the InnovateOhio Executive Committee, called the administration's efforts on broadband "a really important project."

"There's not an easy, one-size-fits all solution here," he said. "It will be a complex process of knitting together the assets that we already have and the right public-private partnerships."

Mark Kvamme, a panel member and a partner with Drive Capital, said the state has the opportunity to become a national leader in high-speed internet expansion.

"If we can lead the country in connectivity and broadband access, especially to our most rural areas, it's going to have a massive impact in both jobs, as well as education," he said.

**Wednesday, June 24, 2020**

**Capital Spending Bill Sent To Governor**

The Senate Wednesday approved new bonding authority for schools and public works projects despite several objections over other late-stage amendments the House attached to the measure.

The bill (SB 4) cleared the chamber 21-10 after several Republicans voiced objections to provisions added in the wee hours during a House session earlier this month. The bill now heads to Gov. Mike DeWine's desk.

Legislation to broaden pharmacists' ability to administer addiction treatment drugs, protect religious expression and to lobby for U.S. Space Command's headquarters to be sited in Ohio were among other action items.

Originally a $100 million school facilities boost, the contents of which ended up in the state operating budget (HB 166), the subsequently sidelined SB4 was resuscitated and passed quickly by the House as a mini capital appropriations bill following behind-the-scenes negotiations between the GOP-led chambers.

The House-passed version included: another $300 million for school facilities; and $255 million for public works, including $175 million for the State Capital Improvement Program, $37.5 million for the Clean Ohio Program and $42.5 million for the public works loan program.
Sen. Stephanie Kunze (R-Hilliard) and Sen. Michael Rulli (R-Salem), lead sponsors of SB4, urged their colleagues to support the amended spending bill, but 10 Republicans ultimately voted against concurrence: Senate President Larry Obhof, Sen. Andrew Brenner (R-Powell), Sen. Bill Coley (R-Liberty Twp.), Sen. Matt Huffman (R-Lima), Sen. Steve Huffman (R-Tipp City), Sen. Rob McColley (R-Napoleon), Sen. Bob Peterson (R-Sabina), Sen. Kristina Roegner (R-Hudson), Sen. Tim Schaffer (R-Lancaster), and Sen. Steve Wilson (R-Maineville).

Sen. Roegner said she took issue with language applying the prevailing wage law to transportation improvement projects in certain cases. She said the current economic climate is the "worst time" to enact such language.

"The taxpayers will get less for their money," Sen. Roegner said, arguing that prevailing wage requirements drive up project costs. "Unfortunately, this is government at its worst. We're fleecing the taxpayers and lining the pockets of a few."

Sen. Coley flagged a concern with provisions temporarily expanding the use of Tax Increment Financing payments.

"The provision in here relative to TIFs is inaccurate and it was done in a hurry and it was done improperly and it was done by people who didn't understand," he said.

He said the provision references unencumbered funds that in some cases aren't actually unencumbered given contractual restrictions. He urged colleagues to send the bill to a conference committee for a "quick, one-page fix." If not, he said lawmakers must fix the issue as soon as possible in another piece of legislation.

Sen. Bill Blessing (R-Cincinnati), who voted in support, disagreed on the TIF language, saying, the money referenced by Sen. Coley should be considered unencumbered and is required to be put into a separate fund with revenue to be first used to pay debt service.

"If this does not pass soon these folks are going to have to go to the ballot and what is this amendment effectively doing?" he said. "We are allowing them to use local dollars to solve local problems and avoid going to the ballot and raising taxes. So, in effect supporting this amendment is voting for lower taxes."

He also praised a provision waiving competitive bidding for purchasing personal protection equipment in excess of $100,000 as "incredibly important" for Hamilton County.

Debate Continues Over House COVID-19 Immunity Bill
A push to immunize businesses and medical providers amid the COVID-19 pandemic continued Wednesday.

But while advocates of the measure (HB 606) told the Senate Judiciary Committee that it will provide certainty in an uncertain time, opponents warned that it will allow bad actors to avoid accountability.

Vicki Krafthefer, a board member of the Elderly Advocates who has a sister in long-term care, was one of those issuing the warning:

"When a nursing home accepts a resident for admission, the facility assumes the responsibility of ensuring the safety and well-being of the resident, period," she said. "It is the facility's responsibility to ensure all staff are trained and are knowledgeable in all areas. Period. A facility cannot disown the acts of staff."

Attorney Rachel Kabb-Effron works in elder law and told the panel that language providing immunity to long-term care facilities should be stripped from the bill.

"Nursing homes are responsible for the most vulnerable among us. Good nursing homes provide quality care that adds to the dignity of our family members and my clients. Bad nursing homes are a nightmare that allow our vulnerable elderly to die and suffer misery," she said.

"This is true with COVID-19. Most nursing homes seem to have avoided COVID-19 running through their facilities. However, many facilities are negligent, and this has led to a high number of cases and deaths. The negligence can be as simple
as not isolating COVID patients, not donning PPE, not monitoring their staff or other visitors, or allowing staff to work at multiple facilities and thereby carry the virus from facilities that are affected to facilities that are not."

But others said the protections against civil litigation provided by the bill is necessary to get Ohio's economy back on track.

Ryan Weible, testifying on behalf of the Ohio Athletic Trainers' Association, said business owners and medical providers need the law in place for peace of mind as information about the novel coronavirus continues to evolve.

Pete Van Runkle, executive director of the Ohio Health Care Association, echoed that sentiment.

"Unfortunately, the statistics in Ohio and elsewhere show that people who are older and who have chronic medical conditions are much more susceptible to negative outcomes, including death, from COVID-19," he said. "These negative outcomes will lead to lawsuits, despite the unpredictability of COVID-19, the presence of community spread, and the reality of asymptomatic and pre-symptomatic transmission. There literally is nothing a health care provider or anyone else can do to guarantee that a person will not contract COVID-19."

Chairman Sen. John Eklund (R-Chardon) noted that America has experienced pandemics in the past — including one in 1968 and 1969 — that did not lead to a flood of litigation.

Mr. Van Runkle said the perception around the current pandemic seems to be different.

Sen. Eklund then noted a similar measure (SB 308) to clear the upper chamber provides a permanent change in law for health care providers in terms of operating during public health emergencies.

"We would prefer to have that Senate bill approach on that particular point of it," Mr. Van Runkle replied.

Kevin Shimp, director of labor and legal affairs at the Ohio Chamber of Commerce, testified as an interested party, taking issue with a House amendment to allow for a limited presumption that health care employees and restaurant industry workers contracted COVID-19 on the job for the purpose of workers' compensation benefits.

He said the language is unnecessary and asks the chamber's members "who are already struggling due to the pandemic to trade civil liability certainty for a higher risk of facing runaway workers' compensation costs."

"This trade does nothing to support businesses who are ready to do their part in restoring Ohio's economy, so we urge this committee to strike the amendment from the legislation and favorably report a bill that grants all employers qualified immunity from coronavirus lawsuits and is free from additional workers' compensation liability," he added.

Asked by Sen. Nathan Manning (R-N. Ridgeville) if the chamber would prefer the bill to be voted out as-is or potentially not become law after changes are made, Mr. Shimp said the Chamber cannot support the bill if the amendment remains.

Ted Bowen, managing director of external affairs and government relations at the Ohio Restaurant Association, said the public health crisis "puts an even greater premium on maximizing every opportunity for our local businesses to operate fully, profitably, and safely."

The panel also received 30 pieces of written and interested party testimony.

**High Court Upholds Traffic Camera Language**

Toledo's effort to circumvent a transportation budget provision designed to curtail the use of traffic cameras came up short in the Ohio Supreme Court Wednesday.

In a unanimous decision authored by Justice Judith French, the court ruled the city cannot use an administrative procedure to hear appeals to traffic tickets issued through the cameras. A provision in the two-year transportation budget (HB 62) provided municipal courts with exclusive jurisdiction to hear such cases.
"The express language of the statute confers exclusive jurisdiction on the municipal courts to adjudicate civil actions for a municipal traffic-law violation. Toledo's ordinance allowing an administrative hearing officer to adjudicate noncriminal traffic-law violations contravenes the statute's plain language," Justice French wrote in the court's decision.

Susan Magsig in August 2019 was issued a ticket after a handheld speed camera determined she was driving 75 miles per hour, 15 miles per hour over the posted speed limit, high court media reported.

After she was notified of her right to appeal through the city's administrative process, she sought a writ of prohibition from the high court.

The city raised several arguments on its behalf, including that the language does not preempt its administrative hearings, merely that it divests jurisdiction from other courts.

"Toledo's argument runs counter to the plain language of the statute, which vests the municipal courts with exclusive jurisdiction, without limitations," Justice French wrote. "Toledo's preferred construction of the statute requires us to add words to the text, which we are not permitted to do."

The city also argued that the statute is unenforceable because other portions of the transportation budget are unconstitutional, namely language requiring the city to annually file a report with the state on the number of civil fines collected using the cameras. The state is then required to deduct that amount from its Local Government Fund allocation.

The high court declined to address the constitutional issue raised. However, it determined the language could be severed from the bill were it to be found to run afoul of the state's Constitution.

"The disputed provisions are easily severable - if necessary," Justice French wrote. "The statutory provision making the municipal court's jurisdiction exclusive may still be enforced even if – hypothetically – the specific requirements for conducting those hearings would eventually be declared to be unconstitutional. For this reason, Toledo's constitutional challenge to portions of HB62 is of no consequence to this case."

The legal battle over the issue is not over, though.

Toledo wasted almost no time in challenging in the statutory language, arguing in common pleas court its traffic cameras generated $7,755,082 in revenue in 2018 through the issuance of 127,254 tickets but allowing those tickets to be adjudicated through municipal court would cost it as much as $3,308,604 in filing fees.

Officials on both sides of the issue said that the case will likely end up before the high court.

**House Dems Call For End To Recess Amid Pandemic, Protests**

Members of the House Democratic Caucus on Wednesday urged the majority caucus to call lawmakers back to address issues related to the coronavirus pandemic and police conduct.

House Minority Leader Emilia Sykes (D-Akron) said there is "much more work to do" for the legislature amid the spread of a deadly virus, related economic fallout and continuing calls for criminal justice and policing overhauls.

"The coronavirus isn't taking a recess and neither should the Ohio House," she said.

Rep. Sykes also accused the majority caucus of shutting Democratic lawmakers out of discussions on potential changes to standards for police officers – a charge denied by GOP legislators.

Rep. Beth Liston (D-Dublin), a physician, said the caucus has put forward plenty of legislation that would ease problems faced by residents in the state in the wake of the pandemic.

She said examples include bills to:
* Bar evictions and foreclosures during the emergency (HB562).
* Prevent utility disconnections amid the pandemic (HB 564).
• Halt collection on debts (HB 596).
• Prohibit price gouging (HB 590).
• Give school districts more time to file five-year financial forecasts (HB 612).

"For a health care provider, it would be unthinkable to take three months off in the midst of such suffering and during a global pandemic," she said. "It should be the same for us in the state legislature."

Members of the minority caucus also called on committees to continue hearing legislation addressing concerns with policing and the criminal justice system that have led to countrywide protests.

Rep. Stephanie Howse (D-Cleveland), president of the Ohio Legislative Black Caucus, called on Republican leaders to "listen, act and be on the right side of history." She said bills addressing racial issues introduced by Democrats often languish in GOP-led committees.

"We need immediate action, not the creation of another task force or study group to confirm what we already know is wrong and broken," she said. "The time for studying racism is over. We have reports and recommendations that are created, publicized and then placed on a shelf and forgotten about."

Rep. Sykes said Democrats have urged the passage of a resolution (HCR 31) declaring racism a public health crisis, which was introduced in early June but has not yet received a hearing. Similar legislation (SCR 14) received its second hearing in the Senate Health, Human Services & Medicaid Committee on Wednesday.

During a hearing on SCR14 earlier this month, Sen. Steve Huffman (R-Tipp City) prompted significant criticism over his question regarding racial health disparities. He subsequently apologized, but the criticisms are ongoing.

Rep. Sykes said the lawmaker's remarks "were not that shocking for many of us who have worked around this issue or worked in the Statehouse for any amount of time."

"What we're seeing at the Statehouse is the same structural racism and inequality that's playing out in communities across Ohio as well as in the country," she said.

In the wake of unrest across the country spurred by police brutality, Rep. Sykes said the majority caucus is not engaging with Black lawmakers on the issue.

The House minority leader said a majority proposal (HB 703) to revise police standards and a related listening tour were planned "without participation or sincere consultation of even one Black member."

"Instead of navigating this crisis alongside members of the Ohio Legislative Black Caucus, they think they know what's best for Black Ohioans and they're going to make the decisions for us, without us," she said. "Like generations of white politicians before, their plan will fail."

Rep. Phil Plummer (R-Dayton), who is sponsoring HB703 with Rep. Cindy Abrams (R-Harrison), called Rep. Sykes' comments "false" and "just bizarre." He said he and his co-sponsor have discussed their plans for the legislation and listening tour with the minority leader verbally and plan on sending a follow-up letter on the topic to the House Democratic Caucus.

"There's plenty of room at the table, and we want the help," he said in an interview.

Rep. Abrams said the pair would like to wrap up the tour by mid-July, with a substitute bill to follow. She said some changes to the bill are likely to stem from discussions occurring in the coming weeks.

"We're going around the state, we're listening and we're learning," she said.

Rep. Sykes said House Democrats will conduct a "virtual townhall tour" to connect with constituents during the summer, starting Tuesday. She said 10 events have been scheduled, with more to come.
Senate Dems Outline Plans On Policing, Criminal Justice

Senate Democrats on Thursday said more training and character assessments should be part of a policing overhaul in Ohio.

Their proposals come one month after the death of George Floyd while in police custody in Minneapolis, and several overlap with recommendations made by Gov. Mike DeWine and included in a bill (HB 703) recently introduced by House Republicans.

In addition to policing, the Senate Democrats' proposals include calls to address inequities in the criminal justice system and systemic racism.

The caucus is pushing for professionalizing law enforcement across Ohio through several means, including licensure, pre-employment background checks, psychological assessments and a decertification process.

The governor and the House bill have proposed something similar.

Other proposals on policing include:

- Training supervisors to identify early warning signs of potential psychological stress.
- Increasing training.
- Requiring a character and fitness assessment.
- Maintaining a police officer employment history database.
- Providing adequate funding for training.

Their plan overlaps with the governor's in banning chokeholds. However, Senate Democrats are also calling for a ban on the use of tear gas and pepper spray.

They are additionally seeking to prohibit quotas that encourage arrests and the issuance of citations.

Sen. Cecil Thomas (D-Cincinnati), a former police officer, said quotas were banned in Cincinnati, only to be replaced with what he said were "expected levels of enforcement."

The plan also calls for departments to adopt the Ohio Collaborative Community-Police Advisory Board's recommendations on hiring and recruitment, use of force, training, community education and involvement, and accountability and oversight.

Other standards in the plan include centralized reporting of use-of-force incidents, a requirement that officers report incidents of abuse or violations of procedures and education for high school students on how to handle interactions with law enforcement.

The latter is addressed in a bill (SB 16) introduced by Sen. Sandra Williams (D-Cleveland).

"We believe that this training is crucial if we want to stop the killings that are happening to people," she said.

On the criminal justice front, the caucus detailed a number of proposals, including several they have introduced in the form of bills.

Those include measures to: require the presumption that minors involved in prostitution did not consent (SB 13); ban the shackling of pregnant prisoners (SB 18); establish entry procedures at jails for those at risk of withdrawal (SB271); abolish the death penalty (SB 296); and expand jury pools by including state ID holders (SB 15).

The caucus also wants civilian review boards for law enforcement agencies, an independent oversight of the grand jury process and independent investigations by special prosecutors to examine officer-related civilian deaths, allegations of misconduct, or use of force.

In the area of addressing systemic racism, the caucus wants to officially commemorate Juneteenth in Ohio, remove the slavery exemption from the Ohio Constitution and to declare racism a public health crisis (SCR 14).
"Racism is pervasive and systemic, and we can only put an end to it through a deliberate effort and sustained government action," Sen. Hearcel Craig (D-Columbus) said.

The plan released by Democrats comes as protestor in Columbus and other cities continue to take to the streets to demonstrate against police brutality.

"This is what happens when you have 400 years of pent up frustration," Minority Leader Kenny Yuko (D-Richmond Hts.) said.

**Workers' Comp Fund Stays In Good Financial Shape**

May was a positive month for the Bureau of Workers' Compensation's investments as the fund remains in a strong financial position.

Net investment income in May was $526.1 million, for a monthly portfolio return of 2.1%, the bureau reported to its Board of Directors this week.

For the fiscal year so far, net investment income is nearly $1.4 billion, Chief Financial Officer Kevin Giangola told the board at its Thursday meeting.

The BWC's net position is down $551 million as a result of dividends sent to employers and deferred payments because of the COVID-19 crisis, he said.

Despite that, it would take a significant decrease – to the tune of $4 billion – for the financial situation to reach even the top of the bureau's target "safe range" of its simple funding ratio, Mr. Giangola said. The ratio as of May 31 was 1.8, with the guidelines targeting 1.3 to 1.5.

The BWC's overall net position was $10.8 billion at the end of May, with total assets of $27.5 billion, he said.

Administrator/CEO Stephanie McCloud said another factor affecting the bureau's financial position is the deferral of payments until Sept. 1. That change will keep $575 million in the state's economy until September, she said.

The board of directors, meeting via teleconference, approved a rule proposal to create a class code for public employers who have employees working remotely. The rule provides a lower base rate for public employers who have clerical staff working remotely during the state of emergency.

Board members also gave their OK to the bureau's Fiscal Year 2021 budget, which totals $342.2 million. That includes the appropriation level from the budget bill (HB 80) plus additional appropriations approved by the Controlling Board to increase safety grants.

The budget is $8 million higher than the budget from Fiscal Year 2020.

Administrator McCloud said the bureau is included in the administration's planned budget control measures for Fiscal Year 2021.

"Obviously this comes at a tough time. Everyone is struggling with the effects of COVID," she said.

She also told the board about the bureau's efforts to address ongoing issues around race prompted by recent incidents of police violence and subsequent protests nationwide.

"At BWC, we've had what I would consider to be some very encouraging discussions," she said.

The bureau created an internal online forum for employees to share their thoughts, feelings and experiences.
"We're going to continue to have ongoing conversations. Having meaningful, honest and sometimes uncomfortable conversations are the only way to bring about meaningful change," she said. "What I've told our team is we cannot change the world, but we can change the piece of carpet under our feet."

**Portman Hopes For Another Virus Relief Measure By August Recess**

U.S. Sen. Rob Portman on Thursday touted recent and pending legislation he said will help Ohio, including investments in parks and military facilities.

The Terrace Park Republican also said he expects a fourth coronavirus relief measure to advance by the U.S. Senate's August recess.

On his regular conference call with reporters, the senator touted the Senate passage of his Restore Our Parks Act as part of a broader measure on parks and recreation facilities. The measure will provide money for renovations at Ohio national parks and facilities.

"This is an opportunity to move forward on something that's been a huge problem in the parks," he said.

As for military facilities, he touted the inclusion of Ohio projects in the Senate's version of the National Defense Authorization Act.

"This year we have a lot of great wins for Ohio," he said.

The measure includes $2.6 billion for the Lima tank plant and funding for projects at Wright-Patterson Air Force Base, such as $35 million to make the facility more energy efficient.

"Funding for Wright-Patt is great because it makes Wright-Patt even more of a magnet for additional funding," he said.

Sen. Portman and U.S. Sen. Sherrod Brown (D-Cleveland) led a letter with other members of the state's congressional delegation urging the location of the U.S. Space Command at Wright-Patterson. The Ohio Senate passed a related resolution Wednesday.

As for a future COVID-19 response bill, Sen. Portman said he doubts one will happen before July, but that one is likely before the August recess. Top priorities for that include expanding testing.

"We need more testing," Sen. Portman said. "We need to continue to focus on these hotspots and ensure that we're not seeing the virus continue to spread."

The measure should also focus on helping the economy recover, including addressing unemployment. The senator continued to voice his concern with a continuation of the $600 per week supplement to unemployment benefits.

"This was money that I think was necessary for people who were losing their jobs through no fault of their own," he said. "Now we're in the mode of trying to reopen and reopen safely, and that UI benefit is creating a disincentive for many people to return to work."

He said he believes there should instead be a bonus for people who go back to work.

"I think they'd like to get back to work, but that differential is a lot to deal with," he said. "We're going to make it easier by saying you're going to get a bonus by going back to work."

Asked if he would attend a possible Republican National Convention event being eyed for Florida, the senator said he would have to see what the COVID-19 situation is at the time but that he encouraged safety precautions to be taken.

"You need to take precautions and I would continue to do that," he said. "I would hope that whatever is done in terms of a gathering, that those things will be adhered to. That people will be encouraged to wear masks."
COVID-19 Lawsuit Immunity Bill Eyed For Possible Action Tuesday

Senate President Larry Obhof said a pending emergency bill to grant temporary immunity to businesses during the COVID-19 pandemic could be brought up for a floor vote Tuesday.

That's assuming the chamber's leader decides to go through with the if-needed session currently scheduled for June 30 — a session the Medina Republican said he hopes to convene if the immunity measure (HB 606) and a criminal resentencing bill (SB 3) can be finalized in time.

"We think that's time sensitive obviously," Sen. Obhof said of the immunity bill. "It doesn't do anyone any good to become law at the end of the year."

The legislation, which passed the House in May, would grant civil immunity to businesses and medical providers regarding the transmission of the coronavirus. It is one of two such bills with a similar Senate passed plan (SB 308) having yet to be heard by a House committee.

The House version has received two hearings before the Senate Judiciary Committee, including one this week during which proponents argued it would provide certainty while opponents criticized it as allowing bad actors to skirt liability.

If any changes are made, the House would have to return to concur this summer to expedite the law updates; the next "if needed" House session is set for Sept. 15.

Sen. Obhof said he intends to have conversations with House leaders to ensure they are on the same page regarding the Senate plan as he determines whether the upper chamber will meet next week.

The Senate's own immunity plan has been assigned to the House Civil Justice Committee but a representative for Speaker Larry Householder (R-Glenford) said the chamber has no intention of conducting hearings.

"We are waiting for the Senate to pass HB606," spokeswoman Taylor Jach said. "It was the very best the House could do, and we have no intention of addressing it more."

Rep. Steve Hambley (R-Brunswick), the committee's chair, echoed that sentiment, saying he's awaiting leadership from both chambers to finalize the details of how to best move forward.

"We're getting calls constantly," Rep. Hambley said. "Every day I'm having the conversation with businesses and local governments and school superintendents. It's that level of uncertainty as they open up their immunity and liability — all intertwined with resolving this issue."

Asked whether county fairs may be a subject for inclusion in the House bill, Sen. Obhof said the chamber is reviewing that issue. He said that along with health restrictions and costs, liability was a prime concern for fairs.

The House earlier this month passed a measure (HB 665) to modernize fair laws and support fairs amid the pandemic — an item Sen. Obhof said the Senate will review. Right before the bill passed, legislative leaders and Gov. Mike DeWine earlier this month struck a deal allowing fairs to be held.

"That has made a big difference," Sen. Obhof said, adding that his own home county of Medina uncanceled its fair after that deal was struck.

"I'm hoping, although I don't have statistics on this from around the state county fairs that thought they couldn't operate have changed their mind and intend to give it a go this year," he said.

High Court Rules In Annexation Case

The Ohio Supreme Court this week approved the annexation of land owned by Central State University.

In the unanimous per curiam decision, the high court affirmed a Second District Court of Appeals ruling granting a writ of mandamus to the city of Xenia over the objections of the Greene County Board of Commissioners and Xenia Township.
The city and university sought the annexation of a 41-acre strip of bike trail that connects to 4.5-acre plot of university land.

The court found that is permissible under a change in law made in 2001, as reported by its media arm.

"Under (state law), the petition must show that the 'annexation will not create an unincorporated area of the township that is completely surrounded by the territory proposed for annexation,'" the decision states. "The county claims that the city's petition does not satisfy this condition because the proposed annexation of the bicycle path would create two township islands.

"The first area, known as the Green Parcel, is a triangular-shaped parcel that is bounded by the city on two sides, with the bicycle path running along the third side. The second, the Douglas Street area, is a quadrilateral-shaped group of parcels that are bounded by the city on three sides, with the bicycle path running along the fourth side."

"The city does not dispute that the proposed annexation would create two township islands. But it correctly points out that (state law) forbids only township islands that are 'completely surrounded by the territory proposed for annexation,' not islands that are created by the coupling of pre- and post-annexation boundaries," the decision continues. "Here, 'the territory proposed for annexation' would form merely one side of the triangular-shaped island and one side of the quadrilateral-shaped island."

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