Statehouse Update

August 7, 2020

Monday, August 3, 2020
State Has Billions In Unallocated Aid Dollars

More than a billion dollars Ohio received from the federal government in coronavirus relief dollars still hasn’t been spoken for, but there are plenty of ideas about how to spend it.

About $2 billion in federal coronavirus aid dollars distributed to the state remains unallocated, although much of that is earmarked for local governments.

The state received $3.7 billion from the federal government as part of the CARES Act, with that money targeted at expenses related to COVID-19. So far, $1.7 billion of those dollars have gone to schools, colleges, health care providers, local governments, libraries and more. They have paid for tests, personal protective equipment and will soon help support internet access for students.

"The Administration expects that remaining Coronavirus Relief Funds will be appropriated in the upcoming months to address crucial pandemic-related needs, including COVID-19 testing, and other direct response costs," Pete LuPiba, spokesman for the Office of Budget and Management, said in an email.

While much has been spent so far – primarily through many actions of the state Controlling Board – outside groups are interested in seeing the dollars help Ohioans with rent, utilities, food and other basic needs.

The DeWine Administration allocated a total of $547.6 million in federal relief dollars during Fiscal Year 2020. That included money for the Ohio National Guard, local health departments and the departments of Administrative Services, Health and Public Safety.

It also included $350 million earmarked for local governments, which, unlike the rest of the funding so far, was distributed through an act of the legislature (HB 481).

Those dollars were just part of $1.2 billion set aside for local government entities in the federal legislation, and local officials told legislators earlier this year that the rest of the money could be held back in the hopes that the federal government would provide them with more flexibility. As of now, the money can just be used for virus-related expenditures, not as a replacement for revenue lost as the economy suffered under social distancing measures.

More recently, calls have come for the state to push the rest of that money out to local governments, including from U.S. Sen. Rob Portman (R-Terrace Park).

So far in Fiscal Year 2021, the state has allocated more than $1.16 billion in CARES Act dollars. While much of that has gone to direct state efforts around public health, it has also gone toward myriad other uses.

Higher education has received $200 million of the aid dollars, while K-12 education received another $100 million. The Department of Education has since received $50 million to create a school connectivity program, providing internet access in underserved communities as districts face tough decisions about returning to in-person instruction or staying in virtual classrooms.

Medicaid providers will receive $471 million, primarily for long-term care, behavioral health and distressed hospital facilities.
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Dollars have also flowed toward other uses — $40.3 million for the Department of Rehabilitation and Correction, $4.7 million for local fairs, $8.75 million for crisis centers. Other dollars have gone to create business grants, including $20 million for personal protective equipment manufacturing and $5 million for minority and women-owned businesses.

Advocacy groups see other potential uses as the state looks to use the more than $1 billion not earmarked for local governments.

A coalition of 18 different agencies sent a letter to Gov. Mike DeWine last week suggesting ways to spend a couple hundred million dollars of the remaining balance.

"This money needs to be designated to help Ohioans who are struggling as a result of COVID-19," they wrote.

That includes $100 million for emergency rental assistance, they said.

"Since most courts re-opened in the last month, Ohioans are being evicted," the group wrote. "People are losing their homes and going to unsafe living conditions while the virus is spiking in nearly every Ohio county. Some local jurisdictions have allocated money for rental assistance, but it is not enough. A statewide investment is needed."

Gov. DeWine announced earlier this summer a $15 million grant to the Coalition on Homelessness and Housing in Ohio, but COHHIO spokesman Marcus Roth said that money came from Temporary Assistance to Needy Families dollars, not the Coronavirus Relief Fund. It was only for homeless and near-homeless families with children, while the CRF dollars would be used to prevent mass evictions among renters who lost jobs due to the pandemic.

The groups also asked the governor to provide $38 million for utility assistance, doubling the existing amount spent on the program. Another request was for $45 million to allow food banks to buy more emergency food and groceries, help fill gaps caused by missed school meals and provide personal care and hygiene products.

Another $10 million was suggested to continue to deploy the Ohio National Guard for help with food distribution, congregate care and testing.

Finally, the group asked for $60 million to be used to help child care providers into the fall school year.

"We appreciate the investments you have made for schools and health care providers. The additional investments that we are asking for today will go a long way toward keeping Ohioans fed, stabilizing the rental housing market, keeping water and utilities connected, and supporting child care providers and families," they wrote.

Write-In Candidates View Path To Unseat Householder

Late arrivals to the ballot eyeing Larry Householder's House seat believe the recent criminal scandal that dethroned the former speaker will prompt voters to seek change at the polls.

But with no sign of Rep. Householder (R-Glenford) being willing to resign before the Aug. 10 deadline, the two candidates must overcome the long-shot odds accompanying their write-in status.

"A small part of me worries about that," Republican Jay Conrad of New Lexington said in an interview. "The bigger part of me really thinks the people of the district don't want somebody taking bribes and only looking out for themselves."

Rep. Householder's status as being unopposed at the ballot this November presented a legal wrinkle last week as House Republicans eyed how to best remove the incumbent as speaker.

Ultimately, they refrained from ejecting the Republican — who has been charged with orchestrating a $60 million racketeering scheme — from the chamber because he is likely to be reelected this fall. The Ohio Constitution bars ejection for a member more than once for the same cause.

The future of the 72nd District seat all hinges on the question of whether and when Rep. Householder might step aside. He has signaled no intent to withdraw from the contest, but if he did so by Aug. 10 political parties in the district would form committees to identify candidates for the ballot.
Unless that happens, Republicans’ best hope of unseating the incumbent – absent a conviction which likely will not happen anytime soon – lies in write-in candidates Mr. Conrad and Robert Leist. Other candidates may emerge leading up to the Aug. 24 filing deadline for write-ins.

Mr. Conrad is a former U.S. Marine who was initially eying a run in 2022 for an open Senate seat. At first "shocked and angry" at the recent scandal, he said after some thought he realized voters needed another option.

"I do think people would prefer somebody maybe who is not a career politician and who relates more to the people," he said.

He said he has lived a mostly "small town, blue collar life" including work as a carpenter's apprentice and now in the chemical manufacturing industry. He said he views himself as more toward the center than Rep. Householder when it comes to his political persuasion.

He said if elected he would want to ensure more equal representation across the district.

"A lot of times I feel like Perry County down here gets forgotten," he said. "Coshocton a little bit gets forgotten."

Mr. Leist, a registered Libertarian, is a maintenance coordinator who has worked for Kraft Heinz for 31 years and is a former Coshocton City Council candidate. He views his candidacy as a step toward stability given recent events, he said.

"It just seems like there's been enough turmoil already this year so with uncertainty in representation I wanted to afford the people in my district the opportunity to have a stable option," he said.

The candidate, who describes himself as "extremely fiscally conservative," said he wants to be more accessible to constituents than the incumbent.

"I believe I embody what the majority of the public is," he said. "I believe I can really relate with them and keep communication open."

Tuesday, August 4, 2020
DeWine Mandates Masks For All Schoolchildren
Gov. Mike DeWine on Tuesday provided additional guidance for schools as they reopen in the fall while announcing mandatory facial coverings for all K-12 students.

The governor had originally recommended that students wear masks while in the classroom setting from grades three through 12.

At his regular briefing on the novel coronavirus pandemic, however, Gov. DeWine said that health experts are now suggesting that all students in classroom settings wear facial coverings to reduce the spread of the disease that as of Tuesday has led to the deaths of 3,570 Ohioans.

"The jury is back on the issue," he said. "There is a broad, broad, broad consensus among experts in this country."

The state also reported 95,106 cumulative cases of COVID-19, resulting in 11,119 hospitalizations.

Given the spread of the virus in communities, Gov. DeWine said masks provide the best opportunity for schools to reopen as normally as possible.

"This gives us the best shot," he said.

There will be several exceptions, including for children with severe autism or extreme developmental delays and those with facial deformities that cause airway obstruction.

It remains to be seen, however, when schools will begin in-class education; many across the state have already announced only virtual classes to start the year.
Gov. DeWine also announced that the Ohio Emergency Management Agency will be distributing 2 million masks to schools across the state.

"With the opening of schools around the corner, we're delighted these masks will be put to good use by Ohio schools," Ohio EMA Executive Director Sima Merick said in a statement.

Also on the school front, Gov. DeWine addressed the issue of competitive sporting events as the school year approaches.

An order issued over the weekend requiring widespread testing before contact sporting events caused outrage in some quarters. It was an extension of an order from early July.

"That is not the plan for return to play," Lt. Gov. Jon Husted said, adding; "We are still working with the OHSAA to finalize that plan and we are still considering many options."

Lt. Gov. Husted said he hopes to issue guidance in the near future.

"Nobody in Ohio that wants to get this accomplished more than I do," he said. "I understand from personal experience how important sports are for the lives and development of young people."

Regarding testing, Gov. DeWine announced the state will enter into a multi-state purchasing agreement to expand rapid point-of-care testing. Other participating states are Maryland, Louisiana, Massachusetts, Michigan and Virginia.

The governor said the partnership "will serve as an important screening tool and a critical addition to our plan to limit the spread of COVID-19."

Gov. DeWine also announced that Dr. Amy Acton, who had stepped down from her role as director of the Department of Health in June to serve in an advisory role, is leaving state government to return to her position previous position with the Columbus Foundation.

"Her knowledge of and passion for public health helped position Ohio as well as we could be as we faced the early stages of COVID-19," he said.

**Rule Setting 'Last Call' For Bars At 10 P.M. Challenged In Court**

Bars and restaurants are fighting back against Gov. Mike DeWine's decision to implement an early halt to their alcohol sales.

Several establishments with liquor permits filed suit Tuesday in Franklin County Common Pleas Court challenging an emergency rule from the Liquor Control Commission that prevents license holders from serving alcohol after 10 p.m. Alcohol purchased before then can still be consumed until 11 p.m.

The move, requested by the governor and followed up with an executive order, aims to limit the spread of COVID-19 by reducing large late-night crowds.

However, the lawsuit contends that, "There is not reliable scientific evidence that establishes a causal relationship between the spread of COVID-19 and the hours of operation for bars and restaurants."

Among the claims made in the lawsuit is that the new rule violates the separation of powers as outlined in the Ohio Constitution.

The Liquor Control Commission, the lawsuit reads, "usurped the will of the legislature when it enacted" the new rule.

The lawsuit also maintains the rule runs afoul of the equal protection and due process clauses of the constitution.

The decision, according to the lawsuit, "unfairly targets a business solely on its identity, to wit: liquor permit holders selling alcohol for on-premises consumption after 10 p.m."
It continues by claiming the rule "unfairly attacks one segment of the hospitality industry – bars and restaurants that normally remain open past the arbitrary 10 p.m. The small segment of the hospitality industry has numerous similarities to other businesses that were not similarly targeted."

Along with Gov. DeWine and the Liquor Control Commission, the Department of Public Safety is also named in the lawsuit.

The case has been assigned to Judge Kim Brown.

A similar order issued by the city of Columbus was recently enjoined in the Franklin County Common Pleas Court by Judge Mark Serrott.

Several orders issued by the governor during the pandemic have been successfully challenged in court, including one forcing the closure of gymnasiums, health clubs, fitness centers, gyms, and workout facilities after Lake County Judge Eugene Lucci found the order violated the private property rights of 35 independent gyms that filed the lawsuit.

The 1851 Center for Constitutional Law in June scored a court victory allowing Kalahari Resorts in Sandusky to reopen, with Erie County Common Pleas Court Judge Roger Binette finding a health order forcing it to shutter violates private property rights and runs afoul of the separation of powers in the Ohio Constitution.

However, in April the 1851 Center lost a federal case in which it challenged the forced closure of all non-essential businesses on behalf of a Columbus bridal shop owner.

**Lawmakers Seek Repeal Of FirstEnergy-Backed Budget Provision**

A pair of House Democrats hopes the recent scandal tied to the state's nuclear subsidies law will be enough to convince lawmakers to reverse a budget change that benefited FirstEnergy.

Rep. Michael Skindell (D-Lakewood) and Rep. Sedrick Denson (D-Cincinnati) have introduced a plan (HB 740) to reverse operating budget (HB 66) language that modified the "significantly excessive earnings test" for electric security plans.

Simply put, the change changed the calculation to determine what is to be considered significantly excessive earnings, allowing FirstEnergy companies to use the profits from Ohio Edison to offset FirstEnergy's two less-profitable subsidiaries.

"It allows them to spread it across three entities so they didn't have to return it to customers through a rate adjustment," Rep. Skindell said in an interview.

The Ohio Manufacturers' Association and the Ohio Consumers' Counsel were among opponents of the House-added budget provision at the time, arguing the change eroded a 2008 consumer protection law.

Now the joint sponsors hope their argument will be bolstered by the recent scandal tied to nuclear subsidies (HB 6) and questions about FirstEnergy's support for that bill. FirstEnergy CEO Chuck Jones has said the company acted properly in supporting the legislation via dark money groups.

"That's what I'm hoping: that legislators examine these types of issues and reverse them," Rep. Skindell said. "It was clearly tied to a scheme to get legislation passed benefiting this particular utility."

HB6 primarily benefited Energy Harbor, a former FirstEnergy subsidiary which operates the state's two nuclear plants. But FirstEnergy also benefited from the law, including through provisions related to decoupling.

FirstEnergy has lobbied lawmakers with arguments that its three subsidiaries have a single rate plan and therefore the companies should be subject to a single earnings test in a manner consistent with other utility companies.

Rep. Denson, however, said the passage of HB740 would complement HB6 repeal efforts currently being discussed.

Three HB6 repeal bills have been introduced, including two in the House, and Speaker Bob Cupp (R-Lima) shortly after being sworn in said an approach to repeal and replace that law would be among the first discussion items moving forward.
"In light of what we have learned with the alleged situation with the speaker and surrounding House Bill 6, we owe it to the ratepayers to do everything we can," Rep. Denson said. "When that language was added to the budget…it was concerning then and it's even more concerning now."

Rep. Denson said he anticipates those who supported the initial change will argue HB6 and the budget language are unrelated. But he said he believes that like HB6 this "was a special handout to a particular company."

"It just brought the conversation back to the forefront," he said.

**Wednesday, August 5, 2020**

**New Speaker Sidelines Householder-Picked Leaders From Rules Panel, LSC**

In one of his first moves to firm up oversight of the chamber, new Speaker Bob Cupp (R-Lima) removed several Householder allies from key committees, replacing them with members who lobbied for his election last week.

The revised makeup of the Rules & Reference Committee and the Legislative Service Commission, however, leaves Rep. Larry Householder's chosen team – and their salary stipends – intact for the time being.

Other than Rep. Laura Lanese (R-Grove City), the other remaining members of the leadership team have said they have no plans to resign their leadership posts.


Also removed from the Rules Committee are Rep. Anthony DeVitis (R-Green), Rep. Bill Seitz (R-Cincinnati) and Rep. Jay Edwards (R-Nelsonville). In their place, Rep. Gary Scherer (R-Circleville), Rep. Phil Plummer (R-Dayton) and Rep. Tim Ginter (R-Salem) were appointed.


The changes came during a nonvoting session and without advance notice to leadership members, who said they learned of the changes from their aides.

"I was not advised on the changes," said Rep. Seitz, the majority floor leader. "Obviously, the speaker has the power to replace the people on committees…. I'm not going to object to it. That's his prerogative."

Rep. Seitz reiterated that he and other leaders do not intend to step down and noted the speaker "does not have the ability to replace leadership without a vote of the House."

In addition to added responsibility, leadership members earn a significant salary boost over legislators' base pay level depending on their title. The speaker pro tem, for example, makes $93,196 a year compared to the base lawmaker salary of $65,528, according to the Legislative Service Commission. As the majority floor leader, Rep. Seitz earns an additional $22,250 a year above base pay.

Asked about the committee changes, the speaker's office provided a statement from Rep. Antani, an early Cupp supporter.

"The members appointed to the Rules & Reference Committee are those who will help the speaker and caucus's agenda to improve Ohio in the midst of this global economic and health crisis," he said.

During the runup to the speaker vote, Rep Cupp called for an entirely new leadership team to be formed. Asked about that prospect after being sworn in, Speaker Cupp said he would not rush to make changes.

"We're going to take a look at things and analyze it, but one of the things that I don't like is to jump to conclusions, so there's a wide range of people to consult which we will and step we believe are appropriate," he said.
Speaker Cupp also takes the place of Rep. Householder as vice chair of the Joint Legislative Ethics Committee under changes made this week.

Other committee changes finalized at this point amount to organizational moves, including the removal of Rep. Cupp from the committees on Civil Justice, Criminal Justice, Finance and its subcommittee on education, and Primary & Secondary Education.


**Judge Denies Request To Block Alcohol Sales Rule**

Last call will continue to be at 10 p.m. in Ohio bars and restaurants.

Franklin County Common Pleas Court Judge Kim Brown on Wednesday declined to issue a temporary restraining order sought by several Columbus establishments with liquor licenses. The businesses wanted an immediate hold placed on the Liquor Control Commission rule to that effect adopted last week.

The bars contend that the rule, sought by Gov. Mike DeWine to slow the spread of the novel coronavirus, violates the separation of powers, equal protection and due process language in the Ohio Constitution.

In denying the request for the temporary restraining order, Judge Brown said she was not persuaded that the liquor permit holders would prevail on the merits of their claims.

She also noted the General Assembly has empowered the Liquor Control Commission to determine the hours during which alcoholic beverages may be sold.

The bars and restaurants also argued that the rule would result in irreparable harm.

However, Judge Brown noted that that case law generally states that in the context of a request for injunctive relief where the real harm seeks to avoid the loss of money, the real harm is not irreparable.

She added that even if the court would find irreparable harm in that context, it must balance potential harm to others and the public interest.

"The key consideration is the harm to the public if the injunctive relief were granted," she said. "Here the public interest is served by the enforcement of the laws intended to promote public health."

The state, in opposing the request for a temporary restraining order, argued that the bars and restaurants lodged attacks in their complaint that "are simply partisan, personal opposition to the steps the state of Ohio has taken to protect its citizens from the onslaught of the COVID-19 pandemic."

In its filing with the court, the state also cited the U.S. Supreme Court’s 1905 decision in Jacobson v. Massachusetts in which the court held that police power of a state must be held to embrace at least such reasonable regulations established directly by legislative enactment to protect public health and safety.

"Courts across the country have followed Jacobson and afforded deference to state measures aimed at combatting the spread of COVID-19," the state wrote.

The state also noted that one of the plaintiffs, Pins Mechanical Co., by mid-July had more than a dozen cases of COVID-19 connected with its downtown Columbus location through contact tracing.

In addition, the state argued that several steps have been taken to aid liquor permit holders during the ongoing pandemic, including a one-time liquor buyback option and allowing the sale of alcoholic beverages for off-site consumption.

**DeWine Renews Push For Gun Bill On Anniversary Of Dayton Shooting**

Gov. Mike DeWine marked the one-year anniversary of the mass shooting in Dayton by calling on lawmakers to act on his proposal to curb gun violence.
The measure (SB 221) remains stalled in the Senate Government Oversight & Reform Committee after just three hearings, the last of which came in December.

Among the provisions in the measure are safety protection orders, which would be granted by probate courts when evidence is presented to the court, with the individual present, that that person is suffering from an illness making their access to a firearm dangerous. It modifies already existing "pink slip" law that allows people to be committed for mental health treatment if they are found to be dangerous to themselves or others.

The legislation, dubbed "STRONG Ohio," also creates a sellers' protection order for private gun sales, allowing sellers to require purchasers to first pass a background check. It would also improve the reporting of disabilities by requiring courts to input information into background check systems by the next business day.

It also includes enhanced penalties for mishandling firearms, including possession and brandishing of guns that are illegally obtained.

The legislation has received pushback from gun rights activists, including the Buckeye Firearms Association and Ohio Gun Owners.

Gov. DeWine described the proposal as "a reasonable and aggressive package of legislation designed to protect the rights of Ohio's law-abiding citizens" and lamented the lack of action taken on the measure.

"Sadly, Ohio's laws are exactly where they were a year ago," he said. "Ohioans are saying to the state legislature: 'Do something.' I am calling on the General Assembly to advance the STRONG Ohio bill. We must not let the deaths of nine people be forgotten."

The governor said the legislation has the potential to stop not only mass shootings, but everyday gun violence that occurs across Ohio, noting homicides are up by 27% in the state's eight largest cities over the first half of 2020.

"Doing nothing is simply not an option," he added.

Sponsoring Sen. Matt Dolan (R-Chagrin Falls) said in an interview he anticipates the conversation on SB221 will resume this fall and that any summer legislative action will be more focused on the COVID-19 pandemic.

He said he intends to continue working to factcheck opponents to ensure his colleagues understand the measure and that the reality of the bill is not misrepresented.

"I need people to focus on what's in the bill, not what's not in the bill," he said. "What it does do is it begins the process of curbing gun violence."

Gov. DeWine was joined by a chorus of voices calling for action on the legislation through statements issued to mark the anniversary of the mass shooting.

"We cannot afford more inaction as Ohioans continue to die from preventable violence and we owe it the victims, their families and the Dayton community to do something to prevent this from ever happening again," House Minority Leader Emilia Sykes (D-Akron) said. "The overwhelming majority of Ohioans want more commonsense gun safety and Republicans have let them down."

Dayton Mayor Nan Whaley used the anniversary to encourage people to vote.

"We do not have to endure endless mass shootings," she said. "We do not have to endure endless death and economic despair from COVID-19. These are not natural disasters. These are disasters created by politicians across our country that refuse to act."

U.S. Sen. Sherrod Brown (D-Cleveland) called for federal action to address gun violence.
"After the shooting last year, I looked President Trump in the eye, and urged him to do the right thing," he said. "I asked him to call Mitch McConnell and tell him to allow the Senate to vote on gun safety, and to promise the American people he would sign it into law. It's been a year and he never followed through. People don't have to keep dying and we have the power to stop it. We owe it to the victims and their families to act to keep Americans safe."

Gov. DeWine also called on lawmakers to require all counties in Ohio to enter warrants and protection orders into a national database through an "e-warrant" system his office is creating.

Lt. Gov. Jon Husted said the current process is paper-based and has many "holes." A system in which such information is entered electronically will help both gun sellers and law enforcement officers, he said.

"This is not a controversial issue," he said.

**Unemployment Among Hurdles To Congressional Aid Deal, Senators Say**
Ohio's two U.S. senators aren't in full agreement about what should be in the next congressional COVID-19 relief package, but they both hope a deal can be reached soon.

U.S. Sen. Rob Portman (R-Terrace Park) and U.S. Sen. Sherrod Brown (D-Cleveland) both spoke with reporters Wednesday about the status of a much-debated fourth coronavirus aid package.

While the three prior measures were passed with broad bipartisan majorities, the fourth has faced months of debate as Republicans and Democrats argue over several issues, including what to do about unemployment benefits after a $600 per week federal add-on expired at the end of July.

"I know we're not close to an agreement right now," Sen. Portman said. "That's sad. But when you look at the individual parts of it, I think we can get there if there is a willingness to take the politics out of it and focus on the substance."

Sen. Brown said a majority proposal to decrease bonus federal unemployment payments from $600 to $200 a week would be "inhumane" and "really stupid policy."

"Even with literally 30-40 million Americans filing for unemployment we've not seen a spike in the rate of poverty, and the reason is because of that $600 a week that kept people in their apartments, kept people able to pay their mortgage, kept people able to feed their kids," he said.

Sen. Brown said he thinks it's possible Senate Majority Leader Mitch McConnell will waver on the issue in the near future.

"I think more and more Republican senators are going to McConnell saying, 'This doesn't make sense for our state. We really need to help people who are unemployed,'" he said. "There just aren't enough jobs out there."

Sen. Brown said he is optimistic a deal will be struck because lawmakers on both sides of the aisle also see the need for more funding to aid businesses, local governments and schools in the wake of the pandemic.

"We should build off of that consensus," he said.

Sen. Portman said he supports efforts to continue the $600 per week unemployment increase while Congress continues to debate the issue.

"I think it's important to keep it in place while we're negotiating but we need to come to a resolution here," he said.

The increased unemployment benefit is creating a disincentive for people to return to work, he said. He has also advocated for the implementation of a return-to-work bonus to counteract that disincentive.

Possible compromise solutions include lowering the $600 to a percentage of the person's previous income or a percentage of the state benefit.
"I hope we can come up with an answer here," he said. "My hope again is that putting the politics aside we can find some responsible middle ground."

Overall, Sen. Portman said he believes further money for the Paycheck Protection Program and liability protection are important. The biggest gap between the sides is on the unemployment issue and state and local government funding.

Sen. Brown said he views additional federal support for the U.S. Postal Service as a "high priority" as negotiations continue.

"We've got to make sure that the Postal Service is ready for an influx of mail-in ballots," he said. "It's how many, many people are going to vote this year."

Sen. Portman also said he believes the USPS needs additional funding.

"Frankly, the first class mail has dried up," he said. "They have had more packages, but it hasn't been enough to offset the loss of first class mail."

Negotiators were set to meet with the postmaster general on Wednesday, he said.

The state's two U.S. senators also disagree on whether federal relief funding to schools should be reduced if they do not open for in-person instruction at the start of the 2020-21 school year.

Thursday, August 6, 2020

New Tests Show Governor Free of COVID-19
Updated at 9:55 pm, Thursday, August 6

New Tests Show Governor Free Of COVID-19

Additional tests administered to Gov. Mike DeWine on Thursday show the governor does not have COVID-19, his office has announced.

Mr. DeWine's office said PCR tests were administered to the governor, First Lady Fran DeWine and members of staff after he initially tested positive for the virus in an antigen test required as part of a protocol prior to an expected meeting with President Donald Trump.

All PCR tests came back negative.

The governor's office said has confidence in the results provided by Ohio State University's Wexner Medical Center. It said the PCR test has been conducted more than 1.6 million times by Ohio hospitals and labs.

Mr. DeWine's office said the antigen tests offer a technology that reduces costs and speeds turnaround time, but they are new and not commonly used in Ohio.

The governor and first lady will take additional PCR tests on Saturday, and the results will be released.

Original Gongwer Article:

Gov. Mike DeWine announced Thursday he tested positive for COVID-19 as he underwent a standard screening before a planned appearance with President Donald Trump.

In a videoconference with reporters later in the afternoon, the governor said he has no symptoms aside from a headache, which for him is "not anything unusual."

"Besides that, I feel well," he said.

Gov. DeWine had planned to greet the president at Burke Lakefront Airport in Cleveland, but after his positive test, he returned to Columbus where he was tested a second time.

The positive test was "a big surprise" for the governor, who said he has had limited contact with people outside of immediate family and a "bubble" of staff, including his State Highway Patrol detail, since March.

"We're very, very careful with who we see. We have two daughters that live down the road. We have four grandchildren," he said. "Even with them, we wear a mask, we keep our distance."

As a result of the positive test, the governor will be quarantining in his Cedarville home for 14 days.

Gov. DeWine said he can continue to run the administration from his home, where he has spent most of his time over the past several months, aside from occasional trips to Columbus for regular press briefings.

"As long as I'm feeling OK, obviously we'll be OK in doing this," he said.

The governor, who is 73, said he has had asthma since he was a teenager, but that condition is under control and he has no other outstanding health concerns.

"I feel good. I think anybody that has watched me, whether they agree with me or not, will at least say I have plenty of energy," he said.

In June, the governor, along with the first lady and lieutenant governor, received COVID-19 tests on live television during one of his daily briefings. All three tested negative at that time. That test, plus the two he received Thursday, are the only ones he said he has received. He said there was no reason to because of his lack of symptoms.

Some posts on social media pointed to the governor's case as an indication that wearing masks does not prevent the spread of the virus, and Gov. DeWine said he has received a few "not-so-nice texts" to the same effect, but he said that is the wrong lesson to take.

"The lesson that should come from this is that we're all human, this virus is very tough and, yes, you can contract it even when you're very, very careful and even when you're wearing a mask," he said.

He said a mask is primarily to help keep the wearer from spreading the virus to others, although there is some evidence that it protects the wearer also.

"Basically everybody I've been around has had a mask on, and I've had a mask on," he said.

Asked about the rapid test he received and the still limited availability of tests for the public, the governor said his administration is trying to increase access.

"We have pushed as hard as I know how to get more testing, and it has been a problem. Again, we're at 22,000 tests on average today," he said. "It's better than where we were. We've got to double it, and then we've got to double it again."

"We need them quicker and we need more of them," he added. "But we've put a full court press on for a long time."

Government and political figures across the state sent their best wishes for the governor.

Speaking after landing in Cleveland, President Donald Trump called the governor "a very good friend of mine."

"We want to wish him the best," the president said. "He'll be fine."

U.S. Sen. Rob Portman (R-Terrace Park) said in a statement that he spoke with the governor Wednesday about the ongoing response at the federal and state levels and that "I'm certain he'll continue to lead a strong and safe reopening of Ohio while following the proper protocols."
"Jane and I were saddened to hear that Governor DeWine tested positive for COVID-19," Sen. Portman said. "We are hopeful that he will continue to have no symptoms and send our best wishes for a speedy recovery."

Senate President Larry Obhof (R-Medina) tweeted "Best wishes to @MikeDeWine for a speedy recovery."

House Minority Leader Emilia Sykes (D-Akron) tweeted that she was "sending thoughts and prayers."

"Hopefully he remains asymptomatic and well," she wrote. "The coronavirus is real and we should all remember that no one is out of reach of its grasp. Take care Ohio."

Senate Minority Leader Kenny Yuko (D-Richmond Hts.) also sent his wishes via Twitter.

"My thoughts are with @GovMikeDeWine as he fights this terrible virus," he wrote. "I wish him a quick recovery!"

Added Ohio Democratic Party Chairman David Pepper: "We are saddened to hear of Gov. Mike DeWine's test result. We know how hard he's been working to keep Ohioans safe, and this is just one more reminder that this virus can impact everyone. As fellow Ohioans, we stand with and support our governor and his family at this time."

**New Energy Repeal Bill Introduced; Businesses Back Reversal**

A House Republican proposal to repeal a far-reaching energy law was formally introduced Thursday as dozens of businesses that initially opposed nuclear subsidies joined the call in support of a reversal.

The latest plan (HB 746) comes from Rep. Laura Lanese (R-Grove City) and Rep. Dave Greenspan (R-Westlake) and is cosponsored by 20 other Republican lawmakers.

Rep. Lanese announced the bill days after the July 21 arrest of Rep. Larry Householder (R-Glenford) for racketeering allegations tied to the law's passage.


Democrats had also signed on to support HB746 but said last week they requested their names be removed after Rep. Bill Seitz (R-Cincinnati) circulated an email to members defending the policy of HB6.

It is the third HB6 repeal bill that has been introduced, following proposals from House Democrats (HB 738) and a bipartisan Senate plan (SB 346).

Tyler Duvelius, executive director of the Ohio Conservative Energy Forum, signaled his group's support in a statement, calling HB6 "a historically corrupt piece of legislation that must be repealed."

Major companies that initially opposed House Bill 6 have urged Gov. Mike DeWine and lawmakers to take quick action to repeal the nuclear subsidy law.

In a letter to legislative leaders and the governors, nearly 50 businesses, trade groups and other allies urged a repeal in light of the $60 million racketeering scandal that toppled former speaker Rep. Householder.

Many of the groups – including Ball Corp., Facebook, General Mills and Nestle – were among the scores of opponents who urged lawmakers and the governor to reject HB6 last year.

"We join the call of Gov. Mike DeWine to repeal HB6," the companies wrote in a letter organized by Ceres. "Given the credible allegations of corruption leveled by the U.S. attorney, a repeal of HB6 will help restore public confidence and ensure the continued growth of Ohio's clean energy economy."

The state's clean energy standards should be restored, the companies argued, and would help some of the Ohioans facing unemployment amid the ongoing COVID-19 pandemic.
A policy brief from Dickinson Wright, meanwhile, seeks to examine "what it might look like to try to unscramble that egg" that was HB6.

The analysis examines facets of the wide-ranging energy bill and how far along they are in implementation.

The nuclear subsidies at the heart of the bill, for example, do not kick in until January 2021, but several other provisions are already in effect including extended cost recovery for Ohio Valley Electric Corp. plants, decoupling for utilities, and the wind down of energy efficiency standards.

"All in all, the nuclear bailout component of HB6 may be the easiest part to deal with through a clean repeal since no money has yet been collected from customers and provided to the plant owner," the law firm reported. "But HB6 made a number of other significant changes to Ohio energy law that are worth keeping in mind."

Friday, August 7, 2020
DeWine Continues To Urge More Testing, Sees Troubling Signs In Rural Areas
Gov. Mike DeWine's personal experience with COVID-19 testing put the issue in focus during his media briefing on Friday.

The governor – who tested positive on one type of test before twice testing negative on another Thursday – brought an expert from the Ohio State University Wexner Medical Center to provide information about different types of tests.

The briefing itself broke with recent practices, with the governor speaking from his home in Cedarville and other participants, including Lt. Gov. Jon Husted and reporters, joining remotely.

Lt. Gov. Husted also laid out the process for a $50 million grant program to promote internet access for students as school resumes.

Gov. DeWine said his experience Thursday, in which he initially tested positive during a screening to greet President Donald Trump in Cleveland, was "kind of a roller coaster day."

Dr. Peter Mohler, chief scientific officer at OSU's Wexner Medical Center, explained that the first test, the positive one, was a new antigen test, while the subsequent negative tests were PCR tests, which are based on an older and more well-known technology that scientists deem to be more accurate.

"If you were to ask 1,000 people that are in my line of work, all 1,000 would say that the PCR test that we ran last night was more accurate. And in fact, we ran it twice," he said.

The antigen test was administered as part of a process contracted by the Republican National Committee to test people who are going to come into close contact with the president, Gov. DeWine said.

The governor was also asked about the seemingly disparate process for testing, how he could be tested multiple times in the same day and receive results within hours while many Ohioans are unable to access tests and must wait days or even weeks for results.

The state has scaled up the capacity for testing, now being able to test about 22,000 people per day, he said. There are also efforts in the works to provide more rapid tests, and to implement pooling of tests, which would speed up results.

"This is evolving every single day and we're pushing and pushing because we're at about 22,000 tests a day now, and that's not enough," Gov. DeWine said.

The spread of the virus in rural Ohio was also a focus for the governor, who detailed changes in the recent public health system emergency map.

The Department of Health reported 1,204 new cases, 34 new deaths, 81 new hospitalizations and 14 new ICU admissions in the last 24 hours. All were roughly in line with recent averages.
Gov. DeWine pointed to significant increases in several rural counties, particularly Mercer County, which now has an extremely high case rate of 262 per 100,000 people.

Case rates in urban counties have dropped recently, which the governor credited to the widespread wearing of masks. Some rural counties, meanwhile, have spiked.

"What's probably equally significant is that this has now spread to the community," he said. "Today the virus is spread all over Mercer County. The health officials are telling us it is in all parts of the county and it's affecting people of all ages."

Rural counties are also most likely to have students returning to in-person classes, he said. High community spread could be a serious concern in those areas. He urged school officials, teachers, coaches and others to talk to students about how they can be safe outside of school.

"I think the schools will do it well. I think the students will do it well in school. The question is when they get out and they're more relaxed and in social situations," he said.

Most important, he said, is the wearing of masks, particularly for parts of the state where it hasn't become commonplace.

"If we want our schools to stay open, if we want to be able to go in person, which is what we want to see for our kids, the community has got to look at wearing a mask as a direct impact on how long that school is able to stay open, and how long the football team is able to play, and how long the band is able to play," he said.

On the topic of contact tracing, the governor said it has been difficult to obtain data on where the outbreaks are coming from because the IT system being used is 19 years old. That points to a need for further investment in public health, he said.

"I'm sure it was state of the art then, but it certainly is not state of the art now and does not do what we want it to do," he said. "When this is all over, as we look to the future, we've got to do a better job and frankly invest more in public health at the federal level, at the state level and at the local level."

Lt. Gov. Husted said applications will be open starting next week for a $50 million program at the Department of Education for funding to help school districts provide internet connectivity for students and families in underserved areas. That program was initially set to have a matching component, but that has been dropped after the administration received feedback from stakeholders.

"We will target it to those who need it the most," he said.

Applications will be accepted through Aug. 24, with awards made the week of Aug. 31, he said.

Gov. DeWine also pointed to a few items he would like to see in the next federal relief package, which is still being debated in Congress. Among those is increased federal funding for Medicaid, "because if things are not changed there's a cliff out there that we're going to get to."

He also pointed to increased funding for testing, which "needs to go up even more dramatically than it already has." Flexibility for state and local aid dollars is also important, as is the extension of expanded unemployment benefits.

"We've got people out there who are really going to be hurting unless some compromise gets worked out and something gets passed," he said.

"I'm an optimist," he added. "I think they'll get something worked out."

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