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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

## Synopsis of Senate Floor Amendment

(See the [LSC Committee Amendment Synopsis](#) for amendments adopted by the Senate Ways and Means Committee.)

### H.B. 197 of the 133<sup>rd</sup> General Assembly

#### AM\_133\_2164

Jim Kelly and other LSC staff

#### **G-0334-3 – Drinking water access**

Authorizes the Director of Environmental Protection, during a state of emergency declared by the Governor under Executive Order 2020-01D, issued on March 9, 2020, but not beyond December 1, 2020, to issue an order that does any of the following:

1. Requires a public water system to restore service to any customer whose service was disconnected as a result of nonpayment of fees and charges;
2. Requires a public water system to waive all fees for connection or reconnection; and
3. Prohibits a public water system from disconnecting customers for nonpayment of fees and charges.

Specifies that the order may be enforced as any other order issued under the Safe Drinking Water Law, including through administrative, civil, and criminal penalties.

Specifies the order is valid during the emergency period declared by the Governor, but not beyond December 1, 2020.

#### **G-0335-2 – Staff ratios for child day-care centers**

Suspends child day-care center staff member ratios during the period of emergency declared by Executive Order 2020-01D, but not beyond December 1, 2020.

#### **G-0336-2 – Summer food programs**

During the period of emergency declared by Executive Order 2020-01D, but not beyond December 1, 2020, authorizes the Director of Agriculture to exempt a school or entity from regulation as a food processing establishment if it:

1. Has been issued a food service operation license (an establishment that receives a majority of its revenue from sales of food that is prepared and served in individual portions, e.g., restaurants and schools); and

2. Is transporting food from the establishment only for purposes of the Seamless Summer Option Program or the Summer Food Service Program administered by the U.S.D.A.

(Under current law, a food processing establishment is a premises where food is processed, packaged, manufactured, or otherwise held or handled for distribution or for sale at wholesale. Confectioneries, canneries, and bottlers are examples of food processing facilities.)

### **G-0337-2 – Distance learning**

For the 2019-2020 school year, permits school districts, STEM schools, community schools that are not e-schools, and chartered nonpublic schools to make up through distance learning any number of days or hours necessary due to school closures as a result of the Director of Health's order, any local board of health order, or any extension of an order regarding COVID-19. A district or school may amend its existing plan or adopt one if it does not have a plan. (Current law limits make up through distance learning to three days.)

### **G- 0338-5 – Deadline and license extensions**

Extends current law deadlines with which a state agency must comply, that occur during the emergency declared by Executive Order 2020-01D, until the sooner of 90 days after the emergency ends or December 1, 2020.

Extends current law deadlines with which a licensee must comply to maintain a license's validity that occur during the emergency declared by Executive Order 2020-01D, until the sooner of 90 days after the emergency ends or December 1, 2020.

Extends a license's validity until the sooner of 90 days after the emergency declared by Executive Order 2020-01D ends or December 1, 2020, if the license would otherwise expire during the emergency, unless it is revoked, suspended, or otherwise subject to discipline or limitation under the applicable law for reasons other than delaying to renew.

Stipulates that a licensing authority still may take disciplinary action against a licensee, except for delaying to taking action to maintain the license during the extension.

With respect to standard concealed handgun licenses that are scheduled to expire during the period of emergency declared by Executive Order 2020-01D: (1) provides an extension of 90 days or until December 1, 2020, whichever occurs sooner, for the validity of those licenses, with the 90-day period commencing on the scheduled expiration date; (2) specifies that during the extension, for all purposes under Ohio law, the license is valid and the licensee is considered to be a holder of a valid license to carry a concealed handgun; and (3) specifies that the extension does not affect the operation of R.C. 2923.128, regarding the suspension or revocation of a license to carry a concealed handgun or the provisions of that section requiring a suspension or revocation for specified conduct, activities, or factors, during the extension or at any other time.

Excludes from the deadline extensions an individual's duty to register or enroll as a violent offender, arson offender, or sex offender.

Exempts from suit a state agency or licensee for complying with the deadline extensions.

Specifies that the General Assembly encourages a licensee to make all reasonable efforts to take action with respect to a license before the bill's deadline extension elapses.

### **G-0339-2 – Waiver of reemployment penalties**

Removes the requirement — until the earlier of December 1, 2020, or the period of the state of emergency declared by Executive Order 2020-01D ends — that a retired state retirement system member who has received a retirement allowance for less than two months, and is reemployed by any of the following departments, forfeit the retirement allowance during that two-month period:

Rehabilitation and Correction;  
Youth Services;  
Mental Health and Addiction Services;  
Veterans Services; and  
Developmental Disabilities.

### **G-0340-1 – Department of Administrative Services**

Appropriates \$20 million to capital appropriation item C10050, State Agency Capital Projects.

Authorizes the Director of Budget and Management, at the request of the Director of Administrative Services, to transfer up to \$20 million in cash from the Building Improvement Fund (Fund 5KZ0) to the Administrative Building Fund (Fund 7026) to pay costs associated with state agency capital projects.

Requires the Director of Administrative Services to request the Director of Budget and Management to transfer an equal amount of cash from Fund 7026 to repay Fund 5KZ0 when there is a sufficient cash balance in Fund 7026 to support the repayment.

### **G-0341-1 – Medicaid, COVID-19 community providers**

Authorizes the Medicaid Director, during the state of emergency due to COVID-19, or until December 1, 2020, whichever is earlier, to (1) classify certain Medicaid providers as COVID-19 community providers, (2) request the Director of Budget and Management to designate additional funds related to the COVID-19 outbreak for Medicaid payments to COVID-19 community providers, (3) make payments to COVID-19 community providers, and (4) facilitate payments to COVID-19 community providers by transferring funds to the Departments of Developmental Disabilities and Mental Health and Addiction Services via intrastate transfer vouchers.

Appropriates the funds needed for this purpose.

### **G-0351-2 – Open meetings**

Establishes a public body open meetings policy and a policy regarding hearings, which utilize the use of electronic communication in lieu of in-person meetings and hearings, for use only during the period of the emergency declared by Executive Order 2020-01D, but not beyond December 1, 2020.

## **G-0360 – Budget Stabilization Fund transfer**

Authorizes the Director of Budget and Management to transfer cash in FY 2020 from the Budget Stabilization Fund to the GRF to ensure the FY 2020 GRF budget is balanced, on the approval of at least two Controlling Board members from each chamber of the General Assembly.

## **G-0361 – Vacancies filled by county central committees**

Provides a county central committee of a political party an additional 45 days to fill a vacancy from the date the vacancy was required to be filled, during the period of the emergency declared by Executive Order 2020-01D.

## **G-0362-2 – Waiver of education requirements**

For the 2019-2020 school year, due to the Director of Health's order, any local board of health order, or any extension of an order to close all kindergarten through 12<sup>th</sup> grade schools:

1. Exempts all public and chartered nonpublic schools from administering state achievement and alternative assessments.
2. Prohibits the Department of Education from publishing and issuing ratings for overall grades, components, and individual measures on the state report card, and submitting preliminary data for report cards for school districts and buildings.
3. Establishes a safe harbor from penalties and sanctions for districts and schools based on the absence of state report card grades for the 2019-2020 school year. Includes safe harbor from:
  - a. Restructuring under state law based on poor performance;
  - b. The Columbus City School Pilot Project;
  - c. Provisions for academic distress commissions and progressive consequences for existing commissions (but specifically retains the chief executive officers' powers prior to the 2020-2021 school year);
  - d. Buildings becoming subject to the Ed Choice Scholarship;
  - e. Determination of "challenged school districts" where new start-up community schools may be located;
  - f. Community school closure requirements;
  - g. Identification of school districts and buildings for federal and state targeted support and improvement;
  - h. Restrictions to which community schools may change sponsors.
4. Exempts schools from retaining students in the third grade under the Third-Grade Reading Guarantee, unless the school principal and student's reading teacher determine the student is not reading at grade level.
5. Permits public and private schools to grant a diploma to any student on track to graduate and for whom the principal, in consultation with teachers and counselors, determines that the student has successfully completed the student's high school curriculum or individualized education program at the time of the Director's order.

6. Declares the General Assembly's intent that public and private schools continue to find ways to keep students actively engaged in learning opportunities for the remainder of the school year, and to grant students who need in-person instructional experiences to complete diploma requirements or career-technical education programs access to school facilities as soon as reasonably possible after the Director of Health permits access, even if the last instructional day of the school year has passed.
7. Prohibits the use of the value-added progress dimension from the 2019-2020 school year to measure student learning attributable to teachers for their performance evaluations.
8. For community school sponsor ratings: (a) prohibits the Department from issuing a rating for the academic performance component; (b) prohibits the use of that rating for the overall rating; and (c) prohibits the Department from finding a sponsor out of compliance with laws and rules for any requirement for an action that should have occurred while schools were closed.
9. Permits the Superintendent of Public Instruction to waive the requirement to complete any report based on data from assessments that were to be administered in the 2019-2020 school year.

### **G-0364 – Publicly funded child care**

Authorizes the Ohio Department of Job and Family Services to continue to pay providers of publicly funded child care during the period of the COVID-19 emergency declared by Executive Order 2020-01D.

### **G-0365-1 – Unemployment compensation**

Suspends, until the earlier of December 1, 2020, or the end of the period of emergency declared by Executive Order 2020-01D, a requirement that an individual serve a waiting period before receiving unemployment benefits.

Permits the Director of Job and Family Services, during the period described above, to waive the requirement that a person actively search for suitable work as a condition of receiving unemployment benefits.

Provides, during the period, that an individual is not disqualified from receiving unemployment benefits if the individual is unemployed or is unable to return to work because of an order, including an order to be isolated or quarantined, issued by:

- The individual's employer;
- The Governor;
- The board of health of a city or general health district;
- A health commissioner; or
- The Ohio Department of Health.

Charges benefits paid to an individual who is unemployed or unable to return to work due to an isolation or quarantine order during the period to the mutualized account, unless the benefits are chargeable to a reimbursing employer.

### **G-0366-1 – Delivery of services to special needs students**

For the duration of the Director of Health’s order, a local board of health order, or extension of any order closing schools, but not beyond December 1, 2020, permits licensees of the following boards to provide services electronically or via telehealth communication to children who receive services through their resident school districts or under the Autism Scholarship or the Jon Peterson Special Needs Scholarship:

Ohio Speech and Hearing Professionals Board;  
Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board;  
State Board of Psychology;  
Counselor, Social Worker, and Marriage and Family Therapist Board;  
State Board of Education, with respect to intervention specialists.

### **G-0371-2 – Tax compliance mitigation**

Expressly authorizes the Tax Commissioner to extend state tax filing and payment deadlines for the duration of the Governor’s COVID-19 emergency declaration and to waive associated interest and penalties for taxpayers affected by the emergency. Also applies to school district income taxes, municipal income taxes administered by the state, and certain fees administered by the Department of Taxation.

Specifies that, for municipal income tax purposes, employees who must report to a temporary worksite (including their home) during the emergency period, or within 30 days thereafter, are considered to be working at their otherwise principal place of work (which, by law, is where the employee reports for work on “a regular and ordinary basis”). This affects which municipal corporation the employer must withhold income taxes for, which municipal corporation may tax the employee’s pay, and whether and how much of the employer’s own income is subject to a municipality’s income tax. (Under current law, an employee may work in a municipality for up to 20 days per year without the employee becoming subject to that municipality’s income tax and the employer becoming subject to that municipality’s tax withholding requirements. And, if an employee does not exceed the 20-day threshold, that employee’s pay is not counted toward the business’s payroll factor, one of three factors – along with property and sales – that determines whether, and the extent to which, an employer’s own income is subject to the municipality’s tax on net profits. See R.C. 718.011, 718.02, and 718.82.)

### **G-0389-2 – Retirement board elections**

Allows the Public Employees Retirement Board, Ohio Police and Fire Pension Fund Board of Trustees, State Teachers Retirement Board, School Employees Retirement Board, or State Highway Patrol Retirement Board to delay until December 1, 2020, an election for board members scheduled to take place during the period of the emergency declared by the Governor on March 9, 2020.

Requires the current elected board members whose terms expire after the original election date to continue in office until the member’s successor is elected and takes office.

### **G-0392-2 – Agreed-upon procedure audits**

Specifies that the Auditor of State, for an audit period during which the emergency declared by Executive Order 2020-01D is or was in effect, may waive:

1. The requirement that the Auditor of State conduct a standard financial audit after conducting an agreed-upon procedure audit in two consecutive audit periods; and
2. All criteria a public office is required to satisfy in order for the Auditor of State to conduct an agreed-upon procedure audit instead of a standard financial audit. (Currently, the Auditor of State may waive one criterion.)

### **G-0393-3 – Tolling of statutes of limitations, time limitations, deadlines**

Requires the criminal statutes of limitations, the civil statutes of limitations, and the administrative statutes of limitations and other court time limitations and deadlines that are set to expire between March 9, 2020, and July 30, 2020, be tolled; specifies that it is retroactive to March 9, 2020; and specifies that it expires on the date the period of emergency ends or July 30, 2020, whichever is sooner.

### **G-0421-1 – Local offices to remain open**

Suspends, until August 30, 2020, a provision of law regarding liability of a county recorder for failure to perform certain duties of the office, including the duty to record a document by the morning of the day after the document was filed for recording.

During the period of the emergency declared by Executive Order 2020-01D:

1. Requires the office of a county recorder, the office of a county auditor, the title office of a clerk of court of common pleas, and a county map office to remain open and operational in order to allow land professionals physical access to the office as necessary to search records that are not otherwise available online, digital, or by some other means, so long as all necessary public land records are available. Specifies that all essential services to effectuate a property transfer must remain open and available with all offices.
2. Requires the title office of a clerk of court of common pleas to remain open and operational in order to allow land professionals, automobile, watercraft, outboard motor, all-terrain vehicles, and mobile home dealers access to the office as necessary to process titles that are not otherwise available online.
3. Specifies that the office may provide such access during limited hours and for a limited duration, and may subject searchers to requirements and restrictions in the interest of public health.
4. Specifies that the office may allow persons other than land professionals physical access to the office at the discretion of the office during such limited hours and limited duration, and subject to such requirements and restrictions in the interest of public health as the office determines.

These provisions apply notwithstanding an order or directive from the court of common pleas or the board of county commissioners.

### **G-0441 – Step Up to Quality ratings deadline**

Extends to September 1, 2020 (from July 1, 2020) the date by which publicly funded child care providers must be rated through the Step Up to Quality Program.

### **G-0442-2 – Various government fees and requirements**

Allows the following governmental entities, during the period of the emergency declared by Executive Order 2020-01D, but not beyond December 1, 2020, to do the following:

-- Ohio Public Works Commission – to automatically extend project schedules and waive penalties and late fees owed from the issuance of outstanding loans;

-- Ohio Water Development Authority – to waive penalties and late fees owed from the issuance of outstanding loans; and

-- Ohio Environmental Protection Agency – to waive penalties or late fees owed from the issuance of outstanding loans or permits, and to suspend reporting requirements for water research recovery facilities or solid waste facilities.

### **G-0445 – Temporary nursing licenses without examination**

Suspends, for the period of the COVID-19 emergency, the law requiring an applicant for a nursing license to have passed the licensure examination approved by the Board of Nursing.

Requires the Board to issue a temporary license to practice as a registered nurse or licensed practical nurse to an applicant if the applicant meets the remaining statutory requirements, including completing a nursing education program and criminal records check.

Specifies that a temporary nursing license is valid until whichever of the following occurs first: (1) 90 days after December 1, 2020, or (2) 90 days after the period of the COVID-19 emergency.

### **G-0472 – Certified registered nurse anesthetists**

Grants a certified registered nurse anesthetist (CRNA) authority to select, order, and administer drugs, treatments, and intravenous fluids for conditions related to the administration of anesthesia, but only during specified time periods and in accordance with a health care facility's required policy.

Permits a CRNA – under certain circumstances – to direct nurses and respiratory therapists to perform specified tasks, including administering drugs.

Authorizes a CRNA to perform additional activities or services, including ordering and evaluating diagnostic tests.

Allows a supervising practitioner or health care facility to prohibit a CRNA from performing an activity or service authorized by the amendment if the supervising practitioner or facility determines that it is not in a patient's best interest for the CRNA to do so.



**G-0474-1 – Extension of absent voting for primary election**

Voids Secretary of State directive 2020-06, issued on March 16, 2020.

Extends absent voting in the March 17, 2020, primary election through April 28, 2020.

Allows an elector who has not already cast a ballot in the election, and who was registered to vote in Ohio as of the February 18, 2020, deadline, to cast absent voter's ballots in the election through 7:30 p.m. on April 28.

Requires ballots already cast in the election before or after the bill's effective date also to be counted after 7:30 p.m. on April 28.

Requires the Secretary of State to mail a postcard to each elector in Ohio with information about voting under the bill.

Requires generally that an elector apply for absent voter's ballots by mail to the board of elections by noon on April 25.

Requires the board daily to compile a list of the applications received and to transmit the list to the Secretary, who must make it available to the public upon request.

Allows a person who applies for absent voter's ballots under the bill by the applicable deadline, and whose application is denied, to cast a provisional ballot by mail.

Requires the board to prepay the return postage on ballots sent to electors under the bill.

Requires the board to provide assistance in casting ballots and, as applicable, an extended application deadline for electors who are ill, have disabilities, or are confined, in the same manner as under current law.

Permits an elector instead to cast absent voter's ballots in person at the office of the board on April 28 by 7:30 p.m. if (1) the elector has a disability and wishes to use an accessible voting machine, or (2) the elector is unable to receive mail.

Requires the board to place a secure receptacle outside the office of the board for the return of ballots under the bill.

Requires all ballots to be received at the office of the board not later than 7:30 p.m. on April 28 in order to be counted, but includes a ten-day grace period for ballots to arrive by mail after that time, the same as under the statute.

Allows an absent voter or provisional voter to cure an incomplete ballot statement or provide additional information, if required, not later than May 5.

Requires the Secretary of State and the boards of elections to conduct all post-election procedures by adding 42 days to the statutory deadlines (the number of days between March 17 and April 28).

Requires candidates and political entities to file their post-primary campaign finance statements using March 17 as the date of the primary, but extends the filing deadline to 4:00 p.m. on June 5, 2020.

Specifies that for the purpose of contribution limits that apply during a primary election period, the primary election period ended on March 17.

Suspends the state purchasing and contracting requirements, such as competitive bidding, that otherwise would apply to the Secretary of State for the purpose of implementing the bill.

Requires the Secretary to file a report with the President of the Controlling Board describing all purchases the Secretary made for which the Secretary did not follow the state purchasing and contracting requirements.

Appropriates \$7 million to the Secretary of State, which the Secretary must use to pay for expenses related to implementing the bill.

### **G-0475 – Bill title and emergency clause**

Harmonizes the various amendments to the bill's title and emergency clause.

### **G-0478-2 – Educational Choice Scholarship suspension**

Prohibits the Department of Education from accepting, processing, and awarding first-time performance-based Educational Choice scholarships for the 2020-2021 school year to students first eligible to receive those scholarships in that school year, which were to be funded under the appropriation made in H.B. 166, as amended by S.B. 120.

Requires the Department to accept, process, and award first-time performance-based scholarships for the 2020-2021 school year, to be paid through the usual deduct and transfer method, to a student (a) whose sibling received a performance-based scholarship in the 2019-2020 school year, (b) who is enrolled in, or would be enrolled in, a school building that satisfied the conditions for eligibility for performance-based scholarships in the 2019-2020 school year, and (c) who was enrolled in a public or nonpublic school in any of grades K-12 or was homeschooled for the equivalent of those grades for the 2019-2020 school year, or will be enrolled in kindergarten in a public or nonpublic school or will begin homeschooling for the equivalent of kindergarten in the 2020-2021 school year.

Defines "sibling" as a brother, half-brother, sister, or half-sister, by birth, adoption, or marriage, without regard to residence or custodial status, or a child residing in the same household as a foster child or under a guardianship or custodial order.

Requires the Department to accept, process, and award Educational Choice scholarships, to be paid through the usual deduct and transfer method, to students who received one in the prior school year and to students who were eligible in the 2019-2020 and 2020-2021 school years, but did not receive one in the 2019-2020 school year.

Requires the Department to accept, process, and award Educational Choice scholarships, to be paid through the usual deduct and transfer method, to students who are or would be newly enrolled in a building or district that would qualify a student for a scholarship in both the 2019-2020 and 2020-2021 school years, including entering kindergarten students, rising high school students, and students who move into a qualified building's district or territory.

Requires the Department to resume accepting, processing, and awarding performance-based Educational Choice scholarships on February 1, 2021, for scholarships for the 2021-2022 school year. (Maintains 60-day window beginning April 1, 2020, for performance-based scholarships for students eligible to receive one for the 2020-2021 school year.)

### **G-0479 – Severability clause**

Stipulates that the items of law contained in bill, and their applications, are severable, and that if any item is held invalid, the invalidity does not affect the bill's other items.