



Legislative Update

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Legislative activity

Money, how to make it and how to spend it, has been uppermost in the minds of Ohio's lawmakers in the early months of 2024.

Making money

Two bills were introduced in late January, one in the house and the other in the senate, to eliminate the state income tax. Although both bills have the same goal, to eliminate Ohio's state income tax by 2030, **SB 216** (sponsored by senators George Lang (R-West Chester) and Steve Huffman (R-Tipp City) & **HB 386** sponsored by representatives Adam Mathews (R-Lebanon) and Brian Lampton (R-Beavercreek) vary in the approach taken to achieve their mutual goal. Both bills were referred to the ways and means committees of the respective sponsors' legislative chambers; however, no hearings have been held yet. Sponsors expect many townhall meetings will be conducted in the months ahead. Reaction to the bills was obviously mixed. The sponsors have not indicated how the dollars lost from income tax revenues would be replaced in the state's budgeting process. Rep. Lang suggested one approach to boost revenues would be to, "'Unleash' the oil and gas industry. ...The state needs to raise taxes on the things they want to limit ... and you need to hold or lower taxes on those things you want to increase." His co-sponsor Rep. Mathews said, "Ohio needs to reclaim its place as the economic engine of the Midwest." (Source: Gongwer News Service (January 24, 2024) *Lawmakers propose eliminating state income, commercial activity taxes*).

Spending money

This tangled financial web centers around two house bills, **HB 2** and **HB 27** both with significant price tags. HB 2 co-sponsored by Reps Al Cutrona (R-Canfield) and Terrance Upchurch (D-Cleveland) was introduced in February 2023 but received no attention from the House Finance Committee until February 7, 2024, when the committee chair scheduled sponsor testimony by Rep Cutrona on a proposed substitute bill. The new version of the bill as accepted by the committee included a proposed \$2 billion investment in commerce, educational and infrastructure projects. Of that total, \$350 million in one-time funding was allocated for

transformational projects. The \$350 million was to be awarded to 318 projects identified by house members. (This money resulted from the state's robust budget and was a provision in HB 33. A total of \$700 million was made available in the state's budget, ostensibly to be equally divided between both chambers for projects that meet the criteria spelled out in the budget).

Clearly on the fast-track, the bill was voted out of committee and passed the house on February 7th with very little input from the public or lawmakers. Not surprisingly, the "no" votes on the floor of the house came largely from the most vocal Merin supporters, republicans who have steadfastly opposed Stephens' speakership, leadership initiatives, and strategical maneuvers.

HB 27, the other "pawn" in this chess game, originally required colleges and universities to disclose certain financial information to new students. The bill was introduced February 15, 2023, and passed the house May 24th. It was introduced into the senate May 30, 2023, and referred to the Senate Workforce and Higher Education Committee on May 31st. The bill gradually worked its way through committee and was recommended for passage on February 28, 2024. The seemingly innocuous bill immediately went to the Senate floor where it picked up a significant floor amendment. The new language included \$1.4 billion in bond-backed appropriations for the Ohio School Building Assistance Fund, the Public Works Commission, the Ohio Expo Center (per Gov. DeWine's request) and Ohio's Adoption Programs. The senate amendment did not address how it would allocate its share of the \$700 million in the budget bill's one-time funding provisions. In fact, the senate disputed the house conclusion that those funds were to be evenly allocated by both chambers. The bill passed the senate with minimal opposition.

Both bills are now in limbo. HB 2 awaits senate action and HB 27 awaits a house vote on whether to concur in the senate-added amendment. More procedural maneuvering, posturing and politics are likely on tap once the March 19th primary election is over, and lawmakers return to the statehouse to continue the infighting.

Historically, each chamber uses its own process to identify where development monies will go usually relying on a capital budget bill as the vehicle for making those appropriations a reality. Politics are usually front and center in those discussions; however, the furor is especially loud and procedurally confusing in the 135th General Assembly. The ongoing schism affecting house republicans following the Speaker election early in 2023 along with the raging battle between Senate President Matt Huffman and current House Speaker Jason Stephens over who will be the house majority leader in the next General Assembly add fuel to statehouse political fires in 2024. The November General Election is another complicating factor. Huffman is expected to retake his old house seat in November and then challenge Speaker Stephens for the Speaker's gavel in the 136th General Assembly.

Coupling statehouse tensions with a very contentious General Election that will decide not only the next U.S. president and Ohio U.S. senator, but also important statehouse races, makes the result even more difficult to predict. Sadly, few Ohioans can follow this discussion even though significant taxpayer dollars and community projects are at stake.

HJR 3—sponsored by Reps Riordan McClain (R-Upper Sandusky) and Bernard Willis (R-Springfield) is before the House Government Oversight Committee. The resolution was introduced July 11, 2023, and calls for an application to Congress to convene a Convention of States to consider amendments to the U.S. Constitution. The committee heard from over 60 witnesses in support of the resolution at its February 6, 2024, hearing. One of the witnesses Michael Ferris JD, senior advisor to The Convention of States Action described the convention process. Pursuant to Article V of the U.S. Constitution, when two-thirds (2/3) of the states (34) enact resolutions calling for a Constitution Convention, Congress is required to establish the date, time, and place for the meeting to occur. Once Congress has fulfilled its limited obligations, the participating states take on the substantive responsibilities of the convention.

Each state legislature chooses and instructs its delegation of commissioners. These individuals attend the convention and work with other states to hammer out amendment proposals dealing with the preset agenda that is specified in the resolutions enacted by the states. In the case of HJR 3, that agenda is limited to amendments that:

- Impose fiscal restraints on the federal government;
- Limit the power and jurisdiction of the federal government; and
- Set term-limits for elected officials—including or possibly limited to federal judges.

The commissioners are authorized to act **ONLY** in pursuance of their legislature’s instruction. Each state has one vote. All proposals receiving a majority of votes at the convention will then go to states for ratification. Thirty-eight (38) states must ratify before the amendments are included in the U.S. Constitution.

Supporters characterize this initiative as a benign “rebalancing of power”. Many Ohioans may not realize the significance of what, on its surface, may seem a reasonable approach to the current skepticism regarding the federal government’s functionality. This is one of those “under the radar” initiatives that has widespread consequences, which may not be readily apparent to those most affected by it.

House democrats gun violence agenda

House democrats introduced a series of bills addressing various aspects of the gun violence crisis facing the state and the nation. Prior to introducing its proposals, the house D caucus held a Gun Violence Prevention Summit to unveil the bills being proposed. They include:

- HB 417—Keep Our Survivors Safe Act

- HB 418—Common Sense Concealed Carry
- HB 419—Universal Background Checks
- HB 420—Establishes Office of Firearm Safety
- HB 421—Declares gun violence a public health crisis.

As of the date of this update none of the bill had been referred to a committee.

SB 81 (Sen. Mark Romanchuk R-Mansfield) is before the House Provider Services Committee and had its second hearing in early February. A representative from the Ohio Association of Physicians Assistants testified in support and addressed the changes made by the senate when it passed the bill in November 2023. The witness indicated that his association would be “happy to work with the committee on additional amendments providing ‘appropriate’ parity among advanced practice providers.” Of interest might be the chart below provided by the PA Association to committee members.

Comparison of APRN/PA practice

(Source: PA Association testimony (2/6/24) before Ohio House Health Provider Services Committee)

	PAs	APRNs
Education	Programs housed in schools of medicine/ health professionals	Programs housed in schools of nursing
Curriculum	Medicine focused curriculum follows medical school programs taught by physicians & PAs	APN education taught by nursing
Length	24-34 months of full-time study	24 months may be part time
Clinical hours	More than 2,000 clinical hours	800-1000 clinical hours
Degree	Master’s	Master’s
Other degree	CE offers doctoral programs after initial education	CE offers doctoral programs after initial education
Certification	National certifying body for general practice	5 areas of certification for specific practice
Licensure & oversight	State medical board	State nursing board
Practice areas	All disciplines of medicine & surgical practice	Mostly in medical practice. Few practice in surgical areas
Laws	Supervision by physicians direct, indirect, autonomous	Collaborative practice, collaborative agreements with physicians.

HB 183—Bans transgender individuals from using restrooms that match their gender identity. Sponsored by Reps. Beth Lear (R-Galena) and Adam Bird (R-New Richmond), the bill has become the focus for those who are still reeling from the legislative action that overturned Gov. DeWine’s veto of HB 68 that addressed gender transition services for minors.

Hundreds of opponents have spoken out about the ban including the American Medical Association that found exclusionary bathroom policies harm transgender students. According to AMA, “Denying transgender students this access endangers their health, safety, and well-being and leads to negative health outcomes and heightens stigma and discrimination.” Many students spoke out about the hostility being generated by legislation such as HB 183 and predicted they will leave Ohio after graduating from college if Ohio adopts bills such as this one.

Utah became the 11th state to enact legislation regulating bathroom access for trans people. Model bills created by the Alliance Defending Freedom dealing with bathroom access and women in sports acts are being used by states like Ohio to create the wave of legislation being adopted across the country.

(Source: Pope, Z. (2/8/24) Studies show that transgender people who are forced to use bathroom that don’t match their gender identity and appearance face greater risk of violence and assault. Ohio Capital Journal).

School-based health services

Ohio Legislative Children’s Caucus heard testimony from health service agencies, hospitals, and schools about the benefits of making schools the center of health for a community even when it appears care is readily available in a particular location. The families of many students who are enrolled in Medicaid find transportation issues prevent them from accessing care. Some districts reported relying on mobile units for in-person treatments and dental care to address this issue. On-site immunizations are another service that is intended to remove barriers that affect school attendance. Getting immunizations at the school building means parents won’t have to take off work and these kids can stay at the school. Many students in certain areas never have well visits and important issues often go undiagnosed. Witnesses emphasized that to create a wide-spread whole-child framework, will require an investment by school leaders, Ohio communities, and Ohio legislators. *(Source: Tebben, S. (2/29/24) School based health care helps access, education providers tell Ohio’s Children’s Caucus. Ohio Capital Journal).*

Board of Nursing proposed rules

The Board of Nursing (Board) was given authority over doulas in the state’s budget bill (HB 33) that became effective October 3, 2023. The language of the statute can be found at 4723.89 of the Revised Code. Pursuant to its new authority, the Board issued a notice announcing its proposed rules and providing an opportunity for public comment before the rules are officially filed with the Joint Committee for Agency Rule Review (JCARR) et.al. and included in the Register of Ohio.

The proposed rules mirror the statute and generally follow the format used by the Board for the other providers it regulates. Found in a new, Chapter 4723-24 of the Ohio Administrative Code, the seven rules deal with definitions (4723-24-01), certification processes and procedures

(4723-24-02), certification renewals (4723-24-03), continuing education (4723-24-04), endorsement expectations (4723-24-05), standards of acceptable practice (4723-24-06), and disciplinary action (4723-24-07). The standards of practice and disciplinary rules parallel what is in effect for nurses and other Board licensees/certificate holders. With respect to continuing education, doulas must obtain ten hours every two years; however, five hours of any excess of the required hours can be used in subsequent renewal cycles. Certificates are valid for two years and renewed in the even-numbered years. The cost of a certificate to practice is \$35.

The Board invites public comment via e-mail by Thursday March 14th. Send comments to rules@nursing.ohio.gov. Include "Rules" in the subject line of the email.

Occupational licensure compacts update

South Dakota became the 4th state to enact the APRN licensure compact in February. It joins North Dakota, Utah, and Delaware that have also passed the law. The compact requires seven states to enact it before the compact becomes effective.

In Ohio the PA compact (SB 28) sponsored by Sen. Kristina Roegner (R-Hudson) passed the senate unanimously in June and referred immediately to the House Health Provider Services Committee where it has had no hearings to date.

Citizen initiative to address gerrymandering

The effort to place an amendment to the Ohio Constitution on the November General Election ballot continues as supporters go about gathering the requisite 400,000+ valid signatures before July 3, 2024. A national group of business leaders and organizations, The New Leadership Project, recently issued a letter of support for the initiative. Members of the group include CEOs and business leaders from banking, energy, insurance, retail, small businesses, and academia. Some recognizable names include Dr. Amy Acton; Yvette McGee Brown; John Pepper, former chair & CEO Proctor & Gamble; and Robert Schotteinstein, chairman and CEO M/I Homes. Richard Stoff, Ohio Business Roundtable cofounder, is the senior advisor to the project.

If the amendment is approved a 15-member commission made up of public citizens would choose Ohio's statehouse and U.S. congressional districts. Currently, those decisions are made by the Ohio Redistricting Commission made up of seven members all of whom are elected officials. (Source: Tebben, S. (1/25/24) *Ohio business leaders support redistricting reform amendment*. Ohio Capital Journal).