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## GENERAL ASSEMBLY

### General Assembly intervention in lawsuits (VETOED)

- Would have allowed the Speaker of the House and the President of the Senate to intervene to defend a statute in any court case in which the statute is challenged as unconstitutional or invalid under federal law, or in which the statute's construction or validity is otherwise challenged (VETOED).
- Would have permitted those leaders similarly to intervene in court to defend a General Assembly or congressional district plan, or any such districts, adopted by the Ohio Redistricting Commission (VETOED).
- Would have allowed the leaders to obtain legal counsel independent of the Attorney General and to use public funds appropriated for that purpose (VETOED).
- Would have prohibited any other individual member, or group of members, of the General Assembly or the Ohio Redistricting Commission from intervening in such a case in an official capacity or obtaining independent legal counsel at public expense (VETOED).
- Would have specified that the participation of the Speaker or the President in a case, as described above, does not waive the legislative privilege or immunity of any member, officer, or staff of the General Assembly (VETOED).

### Protection and advocacy system and client assistance program

- Requires the President and the Speaker, every two years, to establish a joint committee to examine the activities of the state's protection and advocacy system and client assistance program.
- Requires the joint committee, every two years, to submit a report containing any recommendations to the President, the Speaker, the Governor, and the members of the Joint Committee on Medicaid Oversight.

### Evaluation of publicly funded child care and Step Up to Quality

- Establishes a study committee to evaluate publicly funded child care and the Step Up to Quality Program and requires the committee to issue a final report of its findings and recommendations by December 1, 2022.

### Joint committee on career pathways and workforce training

- Establishes a joint legislative study committee on career pathways and post-secondary workforce training programs, which must issue a report by November 1, 2022.

### H2Ohio testimony to the General Assembly

- Requires the directors who contribute to the required annual H2Ohio report that addresses H2Ohio projects and the Executive Director of the Lake Erie Commission to

appear before both the House and Senate Finance committees within 45 days after the report is filed with the General Assembly and the Governor.

## **General Assembly intervention in lawsuits (VETOED)**

(R.C. 101.55 and 109.02; Section 323.20)

### **Challenges to statutes (VETOED)**

The Governor vetoed a provision of the act that would have allowed the General Assembly's majority leadership to intervene at any time in certain court cases. Specifically, the act would have allowed them to intervene to defend a statute in any state or federal court case in which the statute was challenged as unconstitutional or invalid under federal law, or in which the statute's construction or validity was otherwise challenged, either as part of a claim or an affirmative defense. The leaders would have been required to serve motion on the parties as provided in the Rules of Civil Procedure.

The act would have allowed the Speaker of the House and the President of the Senate to intervene in a case as follows:

- The Speaker would have been permitted to intervene on behalf of the House;
- The President would have been permitted to intervene on behalf of the Senate;
- The Speaker and the President, acting jointly, would have been permitted to intervene on behalf of the General Assembly.

The act also would have allowed them to obtain legal counsel independent of the Attorney General and to use public funds appropriated for that purpose. Under existing law, the Attorney General is the chief law officer for the state and generally represents the state in any case challenging the constitutionality of statutes.

### **Challenges to redistricting plans (VETOED)**

The Governor vetoed another provision of the act that, similarly, would have allowed legislative leaders to intervene at any time in state or federal court to defend a General Assembly or congressional district plan, or any such districts, adopted by the Ohio Redistricting Commission under the Ohio Constitution. (A congressional district plan adopted by the General Assembly is in the form of a bill, and thus would have been covered under the provisions above concerning challenges to statutes.) The leaders would have been required to serve motion on the parties as provided in the Rules of Civil Procedure.

The act would have allowed the Speaker and the President to intervene as follows:

- The Speaker would have been permitted to intervene on behalf of the House;
- The President would have been permitted to intervene on behalf of the Senate;
- The Speaker and the President, acting jointly, would have been permitted to intervene on behalf of the Ohio Redistricting Commission.

They also could have obtained legal counsel independent of the Attorney General and used public funds appropriated for that purpose.

Under the Ohio Constitution, the Ohio Redistricting Commission consists of the Governor, the Auditor of State, the Secretary of State, one person appointed by the Speaker, one person appointed by the House Minority Leader, one person appointed by the President, and one person appointed by the Senate Minority Leader. The leaders of the two largest political parties in the General Assembly appoint the co-chairpersons of the Commission.<sup>63</sup>

### **Other interventions prohibited (VETOED)**

Another vetoed provision would have prohibited any other individual member, or group of members, of the General Assembly or the Ohio Redistricting Commission from intervening in a case described above in an official capacity or obtaining independent legal counsel at public expense.

### **Legislative privilege and immunity (VETOED)**

The act would have specified that the participation of the Speaker or the President in a case, as described above, does not waive the legislative privilege or immunity of any member, officer, or staff of the General Assembly.

The concepts of legislative privilege and immunity come from the Speech and Debate Clause of the Ohio Constitution, which provides that, “for any speech, or debate, in either House, . . . [Senators and Representatives] shall not be questioned elsewhere.” The courts have interpreted this clause to mean that members of the General Assembly, and to some extent their staff, may not be prosecuted or sued for their legitimate legislative activities and that members of the General Assembly and sometimes their staff enjoy an evidentiary privilege that prevents certain legislative activities from being used in court as evidence against them.<sup>64</sup>

### **Protection and advocacy system and client assistance program**

(R.C. 5123.603; Section 261.190)

The act requires the President and the Speaker, every two years, to establish a joint committee to examine the activities of the state’s protection and advocacy system and client assistance program for individuals with disabilities. The joint committee is to consist of three members of the Senate appointed by the President – two members of the majority party and one member of the minority party – and three members of the House appointed by the Speaker – two members of the majority party and one member of the minority party. The President and the Speaker must determine the dates on which members’ terms are to begin and end. Vacancies must be filled in the manner of the original appointments. In odd-numbered years, the President must designate a committee member from the Senate as the chairperson, and in even-numbered years, the Speaker must designate a committee member from the House to serve as chairperson.

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<sup>63</sup> Ohio Constitution, Article XI, Section 1(A).

<sup>64</sup> Ohio Constitution, Article II, Section 12. See also *Hicksville v. Blakeslee*, 103 Ohio St. 508 (1921) and *Dublin v. State of Ohio*, 138 Ohio App.3d 753 (10<sup>th</sup> Dist. Ct. App. 2000).

The act authorizes the current entity serving as the state's protection and advocacy system and client assistance program (Disability Rights Ohio), in its sole discretion, to appear before and offer testimony to the joint committee.

Every two years, the President and the Speaker must specify a deadline for the joint committee to complete a new report containing any recommendations the joint committee may have. The joint committee is to submit the report to the President, the Speaker, the Governor, and the Joint Committee on Medicaid Oversight by the deadline.

Federal law authorizes allotments of federal funds to states to support protection and advocacy systems for individuals with developmental disabilities. A state must satisfy a number of requirements to be eligible for its allotment, including certain requirements regarding the state protection and advocacy system.<sup>65</sup> The federal requirements generally describe the types of entities that may serve as the state protection and advocacy system and the criteria for redesignation.

The act designates this provision as the "Protection and Advocacy Transparency Amendment."

## **Evaluation of publicly funded child care and Step Up to Quality**

(Section 307.250)

The act establishes a study committee to evaluate all of the following regarding both publicly funded child care and the Step Up to Quality Program:

- The number of children and families receiving publicly funded child care;
- The number of early learning and development programs participating in ODJFS's Step Up to Quality Program and providing publicly funded child care;
- The number of child care providers licensed by ODJFS;
- Funding sources for both publicly funded child care and the Step Up to Quality Program;
- The long-term sustainability of those funding sources;
- Eligibility levels for publicly funded child care, including the levels at which families may lose their eligibility;
- Issues regarding access to publicly funded child care and quality-rated early learning and development programs;
- The administrative burdens that result from obtaining and maintaining a quality rating;
- Alternative criteria by which a child day-care center or family day-care home that enrolls a low census of children receiving publicly funded child care may obtain a one-star rating in the Step Up to Quality Program;

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<sup>65</sup> 42 U.S.C. 15041 to 15045.

- The manner in which ODJFS establishes reimbursement ceilings for publicly funded child care, including through the use of market rate surveys.

### **Committee membership**

The study committee is to be composed of the following 16 members:

- Three members of the Senate appointed by the President – two from the majority caucus and one from the minority caucus – one of whom must serve as a co-chairperson;
- Three members of the House appointed by the Speaker – two from the majority caucus and one from the minority caucus – one of whom must serve as a co-chairperson;
- The ODJFS Director or the Director’s designee who has experience in child care oversight;
- The Superintendent of Public Instruction or the Superintendent’s designee who has experience in child care or early childhood education;
- Two directors of county departments of job and family services, one appointed by the President and one by the Speaker, who have experience in publicly funded child care oversight;
- A home-based child care provider who provides publicly funded child care, appointed by the President;
- A center-based child care provider who provides publicly funded child care, appointed by the Speaker;
- A representative of the Ohio Society of Certified Public Accountants, appointed by the Speaker;
- Two representatives, each from a child care advocacy organization, one appointed by the President and the other by the Speaker;
- A representative of the business community appointed by the President.

All appointments are to be made not later than 30 days after the act’s June 30, 2021, effective date. Members of the study committee must serve without compensation. If a member ceases to meet the qualifications on which the member was appointed, the member is ineligible to continue to serve on the committee, and a new member must be appointed in the same manner as for the initial appointment.

### **Meetings, hearings and report**

Under the act, the study committee must meet at the call of the co-chairpersons and must have held its first meeting within 30 days after the appointments are made. As part of its evaluation, the committee must hold hearings to receive testimony from the public and relevant state agencies and boards. Not later than December 31, 2021, the committee must evaluate and recommend alternative criteria by which a child day-care center or family

day-care home that enrolls a low census of children receiving publicly funded child care may obtain a one-star rating in the Step Up to Quality Program.

The committee may issue reports as necessary and must issue a final report with any findings or recommendations not later than December 1, 2022. Any report issued by the committee is nonbinding and must be considered only as a recommendation. A copy of each report issued must be provided to the Governor, General Assembly, and Legislative Service Commission.

The staff of the Legislative Service Commission is to provide services to the committee as it performs its duties under the act. The duty to evaluate publicly funded child care and the Step Up to Quality Program expires on the adjournment of the 134<sup>th</sup> General Assembly.

## **Joint committee on career pathways and workforce training**

(Section 733.30)

The act establishes a joint legislative study committee to review current career pathways and post-secondary workforce training programs. The committee must review the programs offered by post-secondary educational institutions and determine whether they are aligned with local, regional, and statewide workforce needs. It also must review current career pathways, how they align with state, regional, and local labor market demand data, and determine whether they prioritize credentials that carry the most value in the labor market.

The committee must issue a report to the General Assembly by November 1, 2022, that contains findings and recommendations.

The Legislative Service Commission must provide support to the committee.

### **Committee membership**

The committee consists of:

1. Two members of the House appointed by the Speaker;
2. One member of the House recommended by the House Minority Leader and appointed by the Speaker;
3. The chairperson and ranking member of the House Finance Subcommittee on Higher Education;
4. Two members of the Senate appointed by the President;
5. One member of the Senate recommended by the Minority Leader and appointed by the Senate President;
6. The chairperson and ranking member of the Senate Workforce and Higher Education Committee; and
7. The following members appointed by the Governor:
  - a. A representative of the Governor's Office of Workforce Transformation;
  - b. A representative of the Department of Education; and

c. A representative of the Chancellor.

## **Recommendations**

The committee's report must include recommendations on all of the following:

1. The state's workforce education priorities and how they are funded;
2. A common definition for short-term credentials and certificates of value across primary, secondary, and post-secondary education providers that ensures consistency and alignment with the state's policy and funding priorities;
3. Any strategies or programs that may ensure that the state's investments will increase student success and career readiness by increasing the number of workforce certificates and credentials that lead to an in-demand job;
4. The types of reporting and data necessary for the Chancellor to collect regarding post-secondary workforce credentials, including programs for which credit is not awarded;
5. Policy strategies to increase awareness and participation by students in career technical pathways through partnerships between primary, secondary, and post-secondary education providers and business and industry;
6. Strategies to increase work-based learning programs such as apprenticeships and programs that permit students to attend post-secondary educational institutions while maintaining their employment; and
7. Whether the state should consider prioritizing investments in short-term credentials through a new funding structure for workforce education and career-technical programs, including:
  - a. State support of workforce training programs at community colleges and Ohio technical centers;
  - b. Financial aid opportunities for students pursuing a workforce certificate or credential.
8. Strategies to improve and expand short-term workforce career pathway opportunities to make them more accessible to residents of the state.

The report also must include any proposed legislative changes or funding recommendations the committee determines are appropriate.

## **H2Ohio testimony to the General Assembly**

(R.C. 126.60)

The act requires the directors who contribute to the required annual H2Ohio report to appear before both the House and Senate Finance committees within 45 days after the report is filed with the General Assembly and the Governor. This requirement applies to the Executive Director of the Lake Erie Commission and other directors such as the directors of Agriculture, Environmental Protection, and Natural Resources.

Under continuing law, by August 31 of each year, the directors who receive H2Ohio money for water protection and water management uses and the Executive Director of the Lake Erie Commission must prepare that annual report concerning the activities that were undertaken with respect to the H2Ohio fund during the immediately preceding fiscal year, including the revenues and expenses of the fund for the preceding fiscal year.