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S.B. 22
134th General Assembly

Fiscal Note & Local Impact Statement

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Version: As Passed by the Senate

Primary Sponsors: Sens. Johnson and McColley

Local Impact Statement Procedure Required: No

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Highlights

- The General Assembly may experience an increase in administrative costs if any order, rule, or state of emergency is rescinded by concurrent resolution. Additionally, the General Assembly may experience costs related to the Ohio Health Oversight and Advisory Committee.
- The Ohio Department of Health (ODH) and Governor's Office may incur administrative costs to report actions taken in response to a public health state of emergency.
- The Joint Medicaid Oversight Committee may realize an increase in costs to provide staff and services to the Ohio Health Oversight and Advisory Committee.

Detailed Analysis

State of emergency

The bill limits the duration of a "state of emergency," including a "public health state of emergency" to 90 days unless the General Assembly passes a concurrent resolution to extend the emergency for up to an additional 60 days. An extension can be continuously authorized, but no extension can be longer than 60 days. In addition, after a state of emergency has been in effect for 30 days, the General Assembly may terminate the state of emergency by concurrent resolution. During a public health state of emergency, the Governor and/or ODH are required to report to the President of the Senate and Speaker of the House of Representatives every action the Governor or ODH take in response to a public health state of emergency.

Further, the bill provides that any executive order issued in response to a public health state of emergency by the Governor, any special or standing order or rule for preventing the spread of contagious or infectious disease issued by ODH, any action taken by the Director of

Health, and any rule adopted, amended, or rescinded by an agency in response to a public health state of emergency, is subject to rescission, or invalidation by the General Assembly beginning on the 11th day after issue. Any executive order or emergency declaration issued by the Governor, any special or standing order or rule issued by ODH under section 3701.13 of the Revised Code, any action taken by the Director of Health under section 3701.14 of the Revised Code, and any rule adopted, amended, or rescinded by an agency in response to a public health state of emergency that is in effect on the bill's effective date of this section is immediately subject to review by the Ohio Health Oversight and Advisory Committee, which is discussed below, and rescission by the General Assembly. After the General Assembly makes such a rescission or invalidation, the Governor, ODH, and/or an agency is prohibited from issuing that order or rule (or a substantially similar order or rule) for 30 days.

There would be an increase in administrative costs for the General Assembly to rescind actions, orders, or rules made by the Governor, ODH, and other agencies. In addition, the General Assembly could have costs if it chooses to extend a state of emergency. Any other impacts depend on the circumstances of the state of emergency itself and whether or not the duration is extended. There could also be other direct or indirect state and local impacts. However, the impacts would also depend on the number and scope of the orders or rules in place and if any rescissions or invalidations are made. ODH, the Governor's Office, and/or impacted agencies could realize costs to report actions taken, provide information, or address questions, during this process. The cost will depend on what information is necessary to provide.

Ohio Health Oversight and Advisory Committee

The bill establishes the Ohio Health Oversight and Advisory Committee and outlines its membership (three members from the Senate and three members from the House). The bill also outlines the Committee's duties, which include overseeing certain actions, orders, or rules issued by the Governor, ODH, or other agency. The bill also specifies that the Committee can consult and provide advice to these entities. Additionally, if the Governor issues an executive order declaring a public health state of emergency, the Committee is to report any findings and recommendations it makes to the General Assembly not sooner than 20 days and not later than 30 days after the Governor, ODH, or other agency takes an action.

To assist the Committee in performing its duties, the bill permits the Committee chairperson to issue subpoenas. Before issuing subpoenas, the Committee chairperson must receive authorization from the Committee, the President of the Senate, and the Speaker of the House. Additionally, the bill requires the executive director and staff of the Joint Medicaid Oversight Committee (JMOC) to serve the Committee to enable it to successfully and efficiently perform its duties.

There would be an increase in administrative costs for the General Assembly for the Ohio Health Oversight and Advisory Committee to review actions taken by the Governor, ODH, and other agencies and to consult and provide advice regarding necessary and appropriate actions. Costs would depend on the number and scope of actions, orders, or rules reviewed. These costs would likely be absorbed with existing staff and budget. There could also be other direct or indirect state and local impacts that would depend on any recommendations made to the General Assembly. ODH, the Governor's Office, and impacted agencies could realize costs to provide information or address questions during this process. Additionally, JMOC may experience an increase in costs to provide staffing and services to the Committee. Since the bill allows the

Committee to issue subpoenas, there could also be costs to the sergeant-at-arms of either chamber or the county sheriff if any subpoenas are delivered. If any persons issued a subpoena fail to appear, there could be court and enforcement costs. However, it is anticipated that this would rarely occur, so any impacts would be minimal.