

Ohio “Lame Duck” Session 2020

NOVEMBER 9, 2020

The Ohio General Assembly is expected to return after the election to work on priority issues through the end of the year, also known as “Lame Duck” session. This is always a time of fast-paced legislative activity. Legislative leaders and the Governor have recently mentioned several issues as priority issues that may be considered during Lame Duck. Session dates are currently scheduled for the weeks of November 9th, 16th, 30th and December 7th, 14th and 21st.

Nuclear Generation - Bill HB 6 (Callender)

House Bill 6 is at the center of recent criminal indictments against the former Speaker of the House and others in Ohio. Governor DeWine has advocated for HB 6 being repealed and replaced. Talks continue in hopes that something will happen during lame duck.

Surprise Billing - HB 388 (Butler)

HB 388 addresses the issue of when Ohioans visit a healthcare facility included in their insurance plan, but later receive a bill from a healthcare provider at that facility, who is not on their plan --- also known as a “surprise bill”. Under the bill, the provider would send the bill to the insurance plan, and the plan will propose a reimbursement that represents the highest among three options: their in-network rate, their out-of-network rate or the Medicare rate. The provider could then accept or decline that proposed reimbursement. If they accept it, it’s over. If they reject it, a period of negotiation starts where the plan and the provider discuss what the rate should be or it will be sent to arbitration.

Telehealth - HB 679 (Frazier)

The bill would enact a number of emergency measures that Governor DeWine and the Department of Health authorized during the Pandemic so providers can continue to provide and bill for more robust telehealth services.

Police Reform - HB 703 (Plummer/Abrams)

The administration supports additional consideration of this legislation, which aims to study and implement professional policy practices within Ohio’s law enforcement agencies.

Strong Ohio Plan/Gun Violence Bill - SB 221 (Dolan)

Senate Bill 221 includes background checks and a version of red flag gun seizures which could be ordered by a court that a person is a danger to him or herself or others. This continues to be a priority for the Governor.

Capital Bill

The Capital Bill provides appropriations for the repair, reconstruction and construction of capital assets of state agencies, colleges, universities and school districts. Funds may also be allocated for community projects of local or regional interest. State agency work was completed last spring. However, given the pandemic, the budget agency reached back out to state agencies to make sure their capital priorities remain the same. The Administration is encouraging the General Assembly to pass a Capital Bill during lame duck session.

CARES Act

The Administration continues to push out CARES Act dollars with the intention of releasing all of the funds prior to the December deadline. (There are discussions underway with the Federal Government to consider extending the spending deadline.) The Controlling Board recently released another round of CARES money at their October 26th meeting which included small businesses, not-for-profits, rent/mortgage relief, utility assistance and performing arts, among others.

Remote Meetings

Public entities including state agencies, boards of trustees and other public entities have been authorized to meet remotely until December 1. The Administration is working with the General Assembly to extend that date during lame duck session.

Sports Gaming - HB 194 (Greenspan)

Governor DeWine supports the bill's passage with the Ohio Casino Control Commission being the regulator of sports gaming. A competing version of HB 194 has the Ohio Lottery Commission regulating Sports Gaming. It is unclear whether either version will pass during lame duck.

Broadband - HB 13 (Carfagna)

House Bill 13 would appropriate \$20 million to help subsidize broadband development in unserved and underserved areas in Ohio. The Governor supports passage of the bill during lame duck session.

2021-2022 Operating Budget

State agencies were asked to submit their operating budget proposals for the next biennial budget in October with a continuation/flat budget and separately with a 10% agency budget reduction. These agency letters will be available to the public on December 1, 2020. The Office of Budget and Management will revisit their revenue forecast in mid to late November as the Governor prepares to introduce the operating budget in early February.

If you want to learn more about these or any issues before the Ohio Legislature and/or the Ohio Executive Administration, contact [Benesch's Government Relations Practice Group](#).

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