

Chairman,

I am writing to provide written testimony as an interested party in SB22.

While I appreciate the GA's interest in re-establishing the balance of power as enumerated within our Constitution, via checks as outlined in SB 22 and HB90, I feel strongly that HB90 is a much more substantive bill. Multiple provisions within HB90 take the right steps to protect Ohioans from future government overreach in light of a public health emergency. The bill does not endow the Governor with new emergency powers (SB22 does); establishes much tighter termination language and timelines (30 days vs. 90 in SB22, and includes authority to rescind agency rules, orders, mandates, regulations, etc.); and defines a vital due process step for redress of grievances when citizens are negatively impacted by state action.

It is my hope that you will work with your colleagues to amend SB 22 to closer match the strength of HB 90. More specifically, I request that you ensure the final law:

DOES NOT provide "new" authority to the Governor to establish a "public health emergency" when there is a threat to the "preservation of the life and health of the people of this state," a power which is currently only granted to the Director of Health. →

→ **Remedy: Revise lines 188-192** of SB 22 as passed by the Senate.

(see: <https://www.supremecourt.ohio.gov/Boards/courtSecurity/PandemicPrepareGuide.pdf>)

DOES NOT endow the state department of health with "superior" authority to that of a local board of health or general health district, contradicting Ohio's Constitutionally enumerated "Home Rule" rights and authorities. → → **Remedy: Strip lines 736-740** of SB 22 as passed out of the Senate.

DOES include specific reporting requirements and a timeline to match those requirements, rather than vague language regarding "oversight" of actions taken by the Governor and/or ODH → → **Remedy: Revise lines 107-122 to include specific reporting requirements and a timeline to match those requirements,** of SB 22 as passed by the Senate.

DOES limit a state of emergency, as declared by the Governor, to 30 days rather than 90 days. → → **Remedy: Revise lines 204-210** of SB 22 as passed out of the Senate.

DOES limit the Governor's ability to reissue a similar state of emergency to 90 days, once terminated by the General Assembly, rather than 30 days. → → **Remedy: Revise lines 230-234** of SB 22 as passed out of the Senate. (as provided by HB90)

DOES limit to 30 days any order or rule issued or adopted by a statewide elected officer, administrative department, department head, or state agency that is in response to a public health emergency (as provided by HB90).

DOES terminate within 30 days of the bill's effective date existing executive, state and local orders, rules, and regulations, and certain ODH orders and rules, and emergency rules (if issued in response to a public health state of emergency) (as provided by HB 90).

DOES include broader language defining the General Assembly's authority to rescind any order, rule, or mandate issued or adopted by a statewide elected officer (Governor, Lieutenant Governor, Secretary of State, Auditor of State, Attorney General,

and Treasurer of State), **an administrative department or department head, or a state agency any state or local agency** (as provided by HB90).

DOES ensure that the Ohio General Assembly, the only branch Constitutionally empowered to represent the voice of the people, is immediately and consistently involved in any state of emergency declaration and the proceeding actions taken in relation to that state of emergency by any elected or un-elected official, state agency, or state administrative body. DOES remove any language applying unconstitutional "ultimate" authority to any one state agency, agency representative, or the executive branch (as provided by HB90).

DOES provide due process procedures authorizing a person who challenges an order or rule issued in response to a public health state of emergency to do so in the county where the person's residence or business is located. AND DOES require the state to pay reasonable attorney's fees and court costs on behalf of a person who successfully challenges an order or rule (as provided by HB90). This alone will slow any state agency or the executive branch from overstepping its Constitutional bounds so quickly and easily in the future, for any reason.

Thank you for your very serious consideration of what has become an even more urgent issue in our state. As the people of our nation watch the federal government overstep its bounds, we Ohioans wonder who will stand in the gap for us? For our state? This is one step toward regaining the power you have always had as the legislative body of our state. We are watching to see whether you will use it for good.

Sarabeth Stone