

Ohio Senate
Government Oversight and Reform Committee
February 10, 2021
SB 22 – Interested Party Testimony
By Mark E. Seifarth

Chair Roegner, Vice Chair McColley, Ranking Minority Member Craig, Thank You for the opportunity to present written interested party testimony on Senate Bill 22 relative to Health Orders.

As I am unable to present my testimony in person, allow me to give you a brief introduction to my experience and why I come before you with interested party testimony.

I was an LSC Fellow, Ohio Senate Staffer, Legislative Liaison for both the Ohio Rehabilitation Services Commission (RSC - now Opportunities for Ohioans with Disabilities) and Department of Developmental Disabilities, Vice Chair of the RSC Commission, and Past Chair of the Ohio Developmental Disabilities Council.

On the National Level, I served as Congressional Liaison for the National Council on Disability (NCD) under both President George W. Bush and President Barack Obama. NCD is an independent federal agency charged with advising the President, Congress, and other federal agencies regarding policies, programs, practices, and procedures that affect people with disabilities.

With over 40 years of affecting public policy that impacts both Ohioans and Americans with Disabilities, I think I understand the need for the Executive, Legislative, and Judicial branches of our government to ensure that those affected by laws, rules, and policies are represented and input is listened to & considered.

In the disability community, our phrase defining this is “nothing about us without us!”

In fact, last month the National Conference of State Legislatures published an article “Political Power Plays: Tension Between the Legislative and Executive Branches Escalates,” so it is clear these discussions are occurring across the country.

With great respect for the legislative process, I would ask you to closely consider and reconsider this legislation as it blurs the lines between legislative and executive authority.

While there has been ongoing discussion, the immediate action that occurred during the current crisis has kept as many people healthy as possible – including people with disabilities, people with pre-existing conditions, and many others at greatest risk. SB 22 presents the possibility that emergency actions will be second-guessed, changed, or countermanded every 30 days causing perhaps additional chaos during crisis situations with possibly no resolution or actual needed assistance.

While the legislative branch has the authority to pass laws to change executive and administrative authority, SB 22 is fraught with dangers that the legislative process will stop an executive in an emergency as partisan or intraparty disagreements will grind much needed action to a halt.

As SB 22 is currently written, it raises the question, are we considering legislative oversight or does this cross into simply wishing to change executive authority any time we disagree with it? Again, this bill at the very least blurs those lines as to perhaps allow any disagreement to become a partisan or intraparty power struggle.

Power and majorities change over time. This may seem like a good idea when folks feel their oversight will be thoughtful and fair. What happens when folks you don't agree with have the oversight authority this bill grants?

Please consider that the checks and balances that exist in our three branches of government have existed and endured in our democratic republic for over 200 years and since Ohio became a state in 1803.