



**NFIB
LEGISLATIVE UPDATE**

**135th OHIO
GENERAL ASSEMBLY**

FEBRUARY 2023

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BUDGET AND TAXES

FLAT STATE INCOME TAX RATE/PROPERTY TAX ROLLBACK – House Bill 1 – Sponsored by Representative Adam Mathews (R – Lebanon)

To modify the law regarding property taxation and income tax rates.

NFIB Position: Interested Party

Analysis: The bill calls for the collapsing of the four income tax brackets going to a flat rate of 2.75%, reducing from the top rate of 3.99%. The bill also reduces, by \$1.2 billion, state property tax rollbacks. We are evaluating the implications to our members to determine whether the bill will potentially lead to property tax increases.

Status: Introduced February 15, 2023. Pending before the Ohio House Ways & Means Committee.

[House Bill 1](#)

STATE OPERATING BUDGET – House Bill 33 – Sponsored by Representative Jay Edwards (R – Nelsonville)

To make operating appropriations for the biennium beginning July 1, 2023, and ending June 30, 2025, to levy taxes, and to provide authorization and conditions for the operation of state programs.

NFIB Position: Interested Party

Analysis: The biennial operating budget as proposed by Governor DeWine recommends approximately \$86 billion in GRF spending. The bill contains \$300 million in one-time monies for equipment upgrades in the career and technical schools. The as introduced version does not tinker with the current tax structure and preserves the BID. NFIB will monitor the progress of this bill as it goes through the typical substantive changes in both chambers of the legislature.

Status: Introduced February 15, 2023. Pending before the Ohio House Finance Committee.

[House Bill 33](#)

MUNI TAX FILING EXTENSIONS – House Bill 105 – Sponsored by Representative Jim Thomas (R – Jackson Township)

To modify the law regarding extensions for filing municipal income tax returns and to limit penalties for late filings.

NFIB Position: Support

Analysis: The bill stipulates if a taxpayer has requested an extension to file a federal or state tax return, which automatically extends muni return, a municipality may not make an inquiry or send a notice prior to the extended due date. If violated, must reimburse taxpayer costs to respond to inquiry. The bill also limits the fine for failing to timely file to not exceed \$25, and requires a first-time violation to be forgiven. NFIB believes that it is important to protect taxpayer rights, limit onerous penalties, but not to the extent it incentivizes noncompliance, and to forgive taxpayers for first time violations.

Status: Introduced March 14, 2023. Pending referral to committee in the Ohio House.

[House Bill 105](#)

BONUS DEPRECIATION – House Bill 116 – Sponsored by Representatives Bob Peterson (R – Sabina) and Thad Claggett (R – Newark)

To allow taxpayers to deduct in a single year the full bonus depreciation and enhanced expensing allowances the taxpayer deducts for federal income tax purposes.

NFIB Position: Support

Analysis: The bill allows for taxpayers to deduct in one tax year the full bonus depreciation on equipment versus current Ohio law which requires add-backs of a federal deduction and requires depreciation over either 5 or 6 years. The benefit to the small business owner is the ability to accelerate the depreciation on tangible assets and keep more money in the business.

Status: Introduced March 16, 2023. Pending before the Ohio House Ways & Means Committee.

[House Bill 116](#)

MUNI TAXES FOR REMOTE WORKERS – House Bill 121 – Sponsored by Representatives Monica Robb Blasdel (R – Columbiana) and Adam Mathews (R – Lebanon)

To allow businesses with remote workers to use a modified municipal income tax apportionment formula.

NFIB Position: Interested Party

Analysis: The bill deals with the three-part apportionment formula regarding municipal income tax liability. The bill allows a business to determine whether to elect to have liability to an employee's remote work location or the qualifying reporting location (generally the principal location of the employer/business). The bill is in response to the large number of employees continuing to work remotely, allowing employers to withhold and remit to qualifying reporting location versus potentially dozens of other municipalities.

Status: Introduced March 21, 2023. Pending before the Ohio Senate Ways & Means Committee.

[House Bill 121](#)

GUARANTEED PAYMENTS BUSINESS INCOME – House Bill 138 – Sponsored by Representatives Angie King (R – Celina) and Tom Young (R – Kitts Hill)

To classify certain guaranteed payments to passthrough entity investors as business income.

NFIB Position: Interested Party

NFIB Analysis: The bill adds guaranteed payments to the definition of business income. Guaranteed payments are paid to partners of partnerships essentially as salary and are treated as income. The bill also exempts this payment from the 20 percent ownership requirement for pass-through entities. This bill will allow more individuals to recognize the benefits of the BID and reinvest into operations in Ohio.

Status: Introduced March 28, 2023. Pending referral to committee in the Ohio House.

[House Bill 138](#)

TAX CONFORMITY –Senate Bill 10– Sponsored by Senator Bill Blessing (R – Colerain Township)

To expressly incorporate changes in the Internal Revenue Code since February 17, 2022, into Ohio law, to make changes to the Emergency Rental Assistance program, to revise an existing earmark, to modify the requirements for a temporary arts economic relief grant program, and to declare an emergency.

NFIB Position: Interested Party

Analysis: The bills will conform Ohio tax law to federal tax law changes since February 17, 2022. Ohio does not have automatic conformity with federal tax law changes. This bill simply ensures Ohio law adopts federal tax law changes. It is a housekeeping bill.

Status: Introduced January 11, 2023. Passed the Ohio Senate on February 8, 2023, on a vote of 30-0. Pending before the Ohio House Ways & Means Committee.

[Senate Bill 10](#)

STATE GOVERNMENT

RETAIL/FOOD SERVICE EMPLOYMENT PRACTICES – House Bill 42 – Sponsored by Representative Michael Skindell (D – Lakewood)

To regulate employment practices of formula retail and food services establishment employers and contractors and to require the purchaser of a formula retail or food services establishment to retain certain employees.

NFIB Position: Opposed

Analysis: The bill is applicable to retailers with 20 or more locations worldwide and food service establishments with 500 more employees in the aggregate. Stipulates that employer may not use temporary workers or PEOs to fill workplace hours if an employee that is scheduled to work less than 35 hours is available. Requires 14-day schedules and sliding-scale pay for any cancellation, with increased payments with less notice. Dictates similar sliding-scale for on-call workers. Requires employers to provide leave benefits for part-time workers if offered to full-time. Requires employee retention to a successor employer and creates a penalty scheme for non-compliance. NFIB believes scheduling, and employment decisions remain with the employer/employee relationship and should continue to do so, so long as no labor laws are violated.

Status: Introduced February 15, 2023. Pending before the Ohio House Commerce & Labor Committee.

[House Bill 42](#)

EMINENT DOMAIN REFORM – House Bill 64 – Sponsored by Representatives Darrel Kick (R – Loudonville) and Rodney Creech (R – West Alexandria)

To amend the law regarding eminent domain.

NFIB Position: Interested Party

Analysis: The bill makes several changes, in favor of property owners, to Ohio's eminent domain laws. These include allowing property owners to sue known as inverse condemnation, requires an initial

offer to be the floor and never be reduced below that amount, gives indefinite timelines for appeal of decision in the bill, reduces legal burden on property owner while increasing burden standard for taking entity (local government or utility), allows for attorney's fees to be recouped, and eliminates recreational trail from public use taking. NFIB will continue to monitor this bill as we have historically engaged in support of private property owners. Opponents indicate this will allow one property owner to stymie economic development projects and cause investment to leave the state.

Status: February 21, 2023. Pending before the Ohio House Civil Justice Committee.

[House Bill 64](#)

RETAILERS MUST PROVIDE CASH OPTION – Senate Bill 38 – Sponsored by Senator Bill Blessing (R – Cincinnati) and Catherine Ingram (D – Cincinnati)

To require retail merchants to give customers the option to pay by cash.

NFIB Position: Opposed

Analysis: The bill requires nearly all retailers to provide a cash payment option for customers. There are exemptions for online retailers and several others. The bill also creates a cause of action under the consumers sales practices act. NFIB does not believe government should dictate how a business accepts payments for goods and services. Options exist for individuals to obtain a payment method outside of cash. Further, the right to remedy under the consumers sales practices act sets up small business owners for potential litigation and fines by the state.

Status: Introduced January 31, 2023. Pending before the Ohio Senate Small Business and Economic Opportunity Committee.

[Senate Bill 38](#)

E-APPLICATION FOR OCCUPATIONAL LICENSE – Senate Bill 44 – Sponsored by Senator Andrew Brenner (R – Delaware)

To require a state occupational licensing agency to accept electronic license applications.

NFIB Position: Support

Analysis: The bill requires occupational licensing agencies to allow for electronic filing of applications. They may still have a mail in option. NFIB likes the efficiencies associated with e-filing and the quicker turn around to allow individuals to have faster licensing approval.

Status: Introduced February 7, 2023. Pending before the Ohio Senate Government Oversight Committee.

[Senate Bill 44](#)

PROHIBIT TANNING UNDER 18 – Senate Bill 59 – Sponsored by Senator Terry Johnson (R – McDermott)

To prohibit the provision of sun lamp tanning services to individuals under age 18.

NFIB Position: Interested Party

Analysis: The bill prohibits anyone under the age of 18 from using a tanning service. The bill will limit operators of such facilities potential customer pool. NFIB believes parental consent should be a consideration and not an outright ban.

Status: Introduced February 16, 2023. Pending before the Ohio Senate Health Committee.

[Senate Bill 59](#)

DIGITAL RIGHT TO REPAIR – Senate Bill 73 – Sponsored by Senator Bill Blessing (R – Colerain Township)

To enact the Digital Fair Repair Act.

NFIB Position: Interested Party

Analysis: The bill requires manufacturers of certain digital electronic equipment to provide documentation, tools, and parts to independent repair providers and owners as necessary for diagnosis, maintenance, and repair of that equipment. The bill is based in the premise that if you purchase something you own it and should be able to repair it or take it to someone to repair not have the manufacturer maintain a monopoly on repair.

Status: Introduced February 28, 2023. Pending before the Ohio Senate Financial Institutions & Technology Committee.

[Senate Bill 73](#)

ELECTRONIC LABOR LAW POSTERS – Senate Bill 96 – Sponsored by Senators George Lang (R – West Chester) and Steve Wilson (R – Maineville)

To allow employers to post certain labor law notices on the internet.

NFIB Position: Support

Analysis: The bill permits employers to fulfill the requirements for posting of certain labor law posters by doing so on the internet. This does not eliminate the requirement to allow employees to know their rights. It will be advantageous to those employers with remote workers.

Status: Introduced March 28, 2023. Pending before the Ohio Senate Workforce & Higher Education Committee.

[Senate Bill 96](#)

HEALTHCARE

BIOMARKER TESTING MANDATE – House Bill 24 – Sponsored by
Representatives Andrea White (R – Kettering)

To require health benefit plan and Medicaid program coverage of biomarker testing.

NFIB Position: Opposed

Analysis: The bill requires fully-insured health insurance plans and Medicaid to provide coverage for biomarker testing. The bill is being touted as the new standard for early detection of cancers. NFIB and their members want the best health outcomes for employers and employees and their families. We are working to ascertain the true cost implications of this bill. We believe, like most health insurance mandates, this legislation will put upward pressure on premiums.

Status: Introduced February 15, 2023. Pending before the Ohio House Insurance Committee.

[House Bill 24](#)

HEALTHCARE TRANSPARENCY – House Bill 49 – Sponsored by
Representatives Ron Ferguson (R – Winterville) and Tim Barhorst (R – Fort Loramie)

Regarding the availability of hospital price information.

NFIB Position: Interested Party

Analysis: The bill requires hospitals to provide a list of services and the costs associated with those services by January 1, 2025. Sets up a fine scheme for noncompliance based upon size of hospital. Permits individuals who have been sent to collections for not paying bills due to hospital not complying with list of services under the bill to be reimbursed for any payment, not have to complete the payment, and have collections removed from credit report.

Status: Introduced February 15, 2023. Pending before the Ohio House Insurance Committee.

[House Bill 49](#)

EMERGENCY SERVICES – House Bill 99 – Sponsored by Representative Susan Manchester (R – Waynesville)

To regulate the practice of reducing benefits related to emergency services if a condition is determined, after the fact, to not be an emergency.

NFIB Position: Opposed

Analysis: The bill prohibits health insurance plans from reducing or denying an emergency claim if the plan determines it was not an emergency, including if a prudent layperson with an average knowledge of health and medicine would have reasonably expected the presence of an emergency medical condition. Sets up a review process prior to denial or reduction in claim reimbursement. NFIB is concerned that this bill could exacerbate emergency room utilization which is very costly care. Our members will ultimately incur higher health insurance premiums to offset increased plan payouts for these claims.

Status: Introduced March 9, 2023. Pending referral to committee in the Ohio House.

[House Bill 99](#)

PRIOR AUTHORIZATION EXEMPTIONS– House Bill 130 – Sponsored by Representative Kevin Miller (R – Newark)

To establish an exemption to prior authorization requirements.

NFIB Position: Interested Party

Analysis: The bill would allow an exemption from prior authorization requirements a service, device, or drug that has been approved at least 80 percent of the time. The exemption shall last no less than 12 months. NFIB is working to understand what impact this may have on the cost of healthcare. Prior authorization is used to ensure that services, devices, and drugs are necessary and consistent with courses

of treatment. Giving a blanket approval may lead to unnecessary, excessive services, devices, and drugs being distributed leading to higher healthcare costs.

Status: Introduced March 23, 2023. Pending before the Ohio House Insurance Committee.

[House Bill 130](#)

PROHIBIT GREATER COST SHARING – House Bill 141 – Sponsored by Representatives Jeff LaRe (R – Violet Township) and Monica Robb Blasdel (R – Columbiana)

To restrict cost sharing requirements with regard to occupational and physical therapists.

NFIB Position: Interested Party

Analysis: The bill restricts a health insurance plan from requiring a greater cost share (co-pay) from participants for occupational or physical therapists than what would be charged for office visit to primary care or osteopathic physicians. NFIB is waiting to see the cost and real impacts of such legislation. While such cost sharing prohibitions may seemingly reduce out of pocket to individuals, they will be incurred through increased premium. NFIB is extremely sensitive to policies that will cause premium impacts.

Status: Introduced March 28, 2023. Pending referral to committee in the Ohio House.

[House Bill 141](#)

PANDAS MANDATE – House Bill 142 – Sponsored by Representatives Bob Young (R – Green) and Tom Young (R – Kitts Hill)

To require health plan issuers and the Medicaid program to cover treatments and services related to Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal Infections and Pediatric Acute-onset Neuropsychiatric Syndrome.

NFIB Position: Opposed

Analysis: The bill is a health insurance mandate. NFIB is opposed to passage of state-imposed health insurance mandates, not on the coverage or provider contemplated but that any mandate is only applicable to fully-insured plans. Self-insured plans are exempt and thus these mandates impact plans purchased by small businesses and individuals. Further, with the limited applicability significant gaps in coverage will arise. NFIB believes that the state should pay for the costs associated with such coverage for all Ohioans.

Status: Introduced March 28, 2023. Pending referral to committee in the Ohio House.

[House Bill 142](#)

INSULIN COST- CAP –Senate Bill 61 – Sponsored by Senators Nathan Manning (R – North Ridgeville) and Hearcel Craig (D – Columbus)

To enact section 3902.62 of the Revised Code to cap cost sharing for prescription insulin drugs.

NFIB Position: Opposed

Analysis: The bill caps the amount a health insurance plan may charge for insulin at \$35 per 30-day supply. This bill disregards the costs incurred to provide insulin from a pharmaceutical company and artificially caps costs to consumers. NFIB is opposed to this health insurance mandate as health plan purchasers (small business owners) will ultimately pay through increased premiums. Further, self-insured plans (large companies) are exempt under federal law. This bill does nothing to address the increased costs of insulin from pharmaceutical companies.

Status: Introduced February 16, 2023. Pending before the Ohio Senate Health Committee.

[Senate Bill 61](#)

LABOR

EMPLOYMENT HOURS FOR UNDER 16 – Senate Bill 30 – Sponsored by Senator Tim Schaffer (R – Lancaster)

To allow a person under sixteen years of age to be employed after 7 p.m. during the school year.

NFIB Position: Interested Party

Analysis: The bill allows minors under the age of 16 to work extended hours during the school year with approval of the parent or legal guardian. NFIB members who are unable to find workers or are limiting hours of operation is at all time highs. This bill would allow limited industries that have minor workers under 16 to elect to give this opportunity. It is mutually beneficial for workers who continue to gain skills and earn more and for employers to keep operations open.

Status: Introduced January 26, 2023. Pending before the Ohio Senate Workforce and Higher Education Committee.

[Senate Bill 30](#)

MINIMUM WAGE INCREASE – House Bill 96 – Sponsored by Representatives Dontavius Jarrells (D – Columbus) and Ismail Mohamed (D – Columbus)

To increase the state minimum wage.

NFIB Position: Opposed

Analysis: The bill would incrementally increase Ohio’s minimum wage to \$15/hour by January 1, 2028 and adjust annually based upon CPI. NFIB believes such a change distorts the market and will lead to job losses, reduction in hours and reduction of ancillary benefits.

Status: Introduced March 7, 2023. Pending referral to committee in the Ohio House.

[House Bill 96](#)

OHIO EQUAL PAY ACT – House Bill 115– Sponsored by Representatives Jessica Miranda (D – Forest Park) and Juanita Brent (D – Cleveland)

To address wage disparities in public and private employment and to name this act the Ohio Equal Pay Act.

NFIB Position: Opposed

Analysis: The bill requires any contractor seeking to work for the state to certify they are an equal pay employer through a program administered by Dept. of Commerce. Certain information is required to be reported to Commerce but is not a public record. The bill also prohibits an employer from requesting salary information to a prospective employee until such time as an offer of employment is made. The bill also prohibits any adverse action against employees that discuss their wages. Violations require remedial training for employers and multiple violations may be taken up by the Attorney General.

Status: Introduced March 14, 2023. Pending referral to committee in the Ohio House.

[House Bill 115](#)

WORKERS' COMP & UNEMPLOYMENT COMP

WORKERS' COMPENSATION BUDGET – House Bill 31 – Sponsored by Representative Jay Edwards (R – Nelsonville)

To rename the Bureau of Workers' Compensation the Department of Workforce Insurance and Safety, to rename other entities who carry out workers' compensation functions in this state, to amend the version of section 3781.10 of the Revised Code that is scheduled to take effect on December 29, 2023, to continue the change on and after that date, and to make appropriations for the Department for the biennium beginning July 1, 2023, and ending June 30, 2025, to provide authorization and conditions for the operation of the Department's programs.

NFIB Position: Interested Party

Analysis: The bill is the biennial appropriations bill for BWC operations and programs. It is a predominately appropriations bill that provides \$374.5 million in FY 2024 and \$381.2 million in FY 2025. The bill does call for changing the BWC name to the Department of Workforce Insurance and Safety. There may be statutory issues with utilizing the name “insurance” that are being explored. NFIB monitors this budget for any amendments related to policy.

Status: Introduced February 15, 2023. Pending before the Ohio House Insurance Committee.

[House Bill 31](#)

INDUSTRIAL COMMISSION BUDGET – House Bill 32 – Sponsored by Representative Jay Edwards (R – Nelsonville)

To make appropriations for the Industrial Commission for the biennium beginning July 1, 2023, and ending June 30, 2025, and to provide authorization and conditions for the operation of Commission programs.

NFIB Position: Interested Party

Analysis: The bill is the biennial appropriations bill for IC operations and programs. It is a strict appropriations bill that provides \$55.5 million in FY 2024 and \$55.6 million in FY 2025. NFIB monitors this budget for any amendments related to policy.

Status: Introduced February 15, 2023. Pending before the Ohio House Insurance Committee.

[House Bill 32](#)

TORT REFORM/CIVIL JUSTICE

NON-RECOURSE LITIGATION FINANCING – Senate Bill 19 – Sponsored by Senator Steve Wilson (R – Maineville)

To amend the law regarding the non-recourse civil litigation advance business.

NFIB Position: Support

Analysis: This bill will regulate the practice of non-recourse or third-party funding of civil litigation. The bill requires registration of entities offering such advances, disclosure to parties of presence of advance, interest rate caps for consumers and a prohibition on assignment to another party. The aim of the bill is to prevent entities that are not party to the underlying lawsuit from directing or prolonging litigation potentially driving up costs of trial and or inhibiting settlements. NFIB supports a fair, stable legal climate. This bill will protect consumers and allow parties to know when an advance is present in a lawsuit.

Status: Introduced January 11, 2023. Pending before the Ohio Senate Judiciary Committee.

[Senate Bill 19](#)

ASBESTOS OVERRIDING – Senate Bill 62 – Sponsored by Senator George Lang (R – West Chester)

To require a plaintiff in a tort action alleging an asbestos claim to file specified disclosures.

NFIB Position: Support

Analysis: The bill requires plaintiff alleging asbestos exposure(s) to provide a sworn statement with specific disclosures when naming defendants in a case. Allows a defendant to be dismissed if this process is not completed. Allows a plaintiff to have a defendant added back to case if new evidence is discovered. NFIB supports this bill because it prevents over naming of defendants who have no liability to

certain plaintiffs. It saves expenses of being dismissed from a case when an employer should not have been included initially. The bill protects those injured as it in no way precludes recovery from those liable.

Status: Introduced February 21, 2023. Pending before the Ohio Senate Insurance Committee.

[Senate Bill 63](#)

ENERGY AND ENVIRONMENT

ALLOW EDUS TO ESTABLISH CERTAIN PORTFOLIOS – House Bill 79 –
Sponsored by Representatives Bill Seitz (R – Cincinnati) and Bride Rose Sweeney (D – Cleveland)

To permit electric distribution utilities to establish energy efficiency and demand reduction portfolios.

NFIB Position: Interested Party

Analysis: The bill allows electric distribution utilities to establish renewable energy portfolios with cost recovery on residential and non-residential (commercial) plans. Default opt-in for these two classes and opt-out for industrial energy users. NFIB is monitoring to ensure any cost recovery is not borne on the backs of our members. We will work to make certain any opt-out is well advertised and simple.

Status: Introduced February 27, 2023. Pending before the Ohio House Public Utilities Committee.

[House Bill 79](#)

LEGACY ENERGY SOURCE REPEAL – House Bill 120 – Sponsored by Representatives Casey Weinstein (D – Hudson) and Sean Brennan (D – Parma)

To repeal the legacy generation resource provisions of H.B. 6 of the 133rd General Assembly and provide customers refunds.

NFIB Position: Interested Party

Analysis: The bill repeals the provision of House Bill 6 from the 134th GA which required investor-owned utility customers to pay a charge for two legacy coal plants, one in Ohio and one in Indiana. The utility companies entered an agreement to continue to pay for the legacy costs of these plants of their own volition. NFIB is monitoring to understand what consequences commercial customers may face as a result of the repeal of this statute.

Status: Introduced March 16, 2023. Pending before the Ohio House Public Utilities Committee.

[House Bill 120](#)

EDUCATION & WORKFORCE DEVELOPMENT

DEPARTMENT OF EDUCATION REFORM – Senate Bill 1 and House Bill 12 –
Sponsored by Senator Bill Reineke (R – Tiffin) and Representatives Don Jones (R – Freeport) and Dave Dobos (R – Columbus)

To rename the Department of Education as the Department of Education and Workforce; to create the position of Director of Education and Workforce; and to reform the functions and responsibilities of the State Board of Education and the Superintendent of Public Instruction.

NFIB Position: Support

Analysis: The bill removes most of the responsibilities from the State Board of Education (SBOE) to a new cabinet-level position under the auspices of the governor and the newly named Department of Education and Workforce. Additionally, two deputies for K-12 and career tech will be created and sit on the Governor’s Workforce Transformation Board. NFIB members have long expressed frustration with the current education system. Remedial scores are way up, SBOE focusing on non-educational related issues, and a convoluted line of accountability, lead 85 percent of our members to support this change. The significant focus on career tech is incredibly important to NFIB members who are struggling to find graduates ready to enter the workforce.

Status: Introduced on January 11, 2023 and February 15, 2023, in respective chambers. Pending before the Ohio Senate Education and Ohio House Primary and Secondary Education Committees.

[Senate Bill 1](#)

[House Bill 12](#)

ELECTIONS AND CAMPAIGN FINANCE