

County \_\_\_\_\_

## INITIATIVE PETITION

**To the Attorney General of Ohio:** Pursuant to Ohio Revised Code §3519.01(A), the undersigned electors of the State of Ohio hereby submit to you AN INITIATED STATUTE PETITION and the full text of a proposed law and a summary of the same.

### TITLE

No Taxation Without Representation Act

### SUMMARY

The “No Taxation Without Representation Act” would amend the Ohio Revised Code Section 3701.13, which currently provides for emergency powers for the Ohio Department of Health, to ensure that the Ohio General Assembly’s constitutional duties are not abrogated by the Department of Health or by the Governor. Among other things the Act would:

1. Provide the Ohio Department of Health the power to call an emergency joint session of the Ohio General Assembly, when authorized by the Governor, when the Governor declares a public health emergency.
2. Provide that when a public health emergency is declared the Ohio Department of Health has the power to submit legislative and appropriation bills during an emergency joint session of the Ohio General Assembly to resolve the public health emergency.
3. Require the Ohio General Assembly to vote on public health emergency legislative bills submitted by the department of health within twenty-four hours from introduction in an emergency joint session of the Ohio General Assembly.
4. Provide either or both chamber[s] of the Ohio General Assembly a mechanism to end the Governor’s emergency declaration.
5. Provide a penalty to the Ohio State government for usurping the constitutional powers of either chamber of the Ohio General Assembly for more than fourteen days by suspending the imposition of State Tax for Ohioans during such usurpation.
6. Provide a mechanism to determine when the Ohio House of Representatives or the Ohio Senate have had their constitutional powers usurped and when they have been restored.
7. Repeal unilateral powers of the Ohio Department of Health during a public health emergency to create and enforce orders for the preservation of life, quarantine, or isolation.
8. Repeal the ability of the Ohio Department of Health to make and enforce orders in local matters or reassign substantive authority for mandatory programs from a general or city health district to another general or city health district when an emergency exists, or

when a local or regional board of health refuses to act, or when a local or regional board of health does not exist.

9. Repeal the ability of the Ohio Department of Health to set a condition precedent for local and regional boards of health to receive funding and removes any requirement that a local or regional board of health must apply for accreditation or be accredited by the Ohio Department of Health or another accreditation body.
10. Remove the requirements for past evaluation by the director of the Ohio Department of Health of local and regional boards of health.

### The Act would **not**:

1. Grant powers to any individual or organization to circumvent the Ohio Constitution.
2. Violate the separation of powers afforded by the Ohio Constitution.
3. Prevent the Governor from declaring a public health emergency.
4. Prevent the Ohio department of health from giving timely information and advice to Ohio legislators.
5. Repeal any emergency mandates imposed by the governor without a vote in either chamber of the Ohio General Assembly.

### **COMMITTEE TO REPRESENT THE PETITIONERS**

The following persons are designated as a committee to represent the petitioners in all matters relating to the petition or its circulation:

1. Conrad Allen 941 E. 6th St., Ottawa, Ohio 45875
2. Kelly Kohls 4255 Nicholson Rd. Clarksville, Ohio 45113
3. Thomas R. Zawistowski, 2549 Canfield Road, Akron, Ohio 44312 - Summit County
4. Kirsten Hill 44905 N Ridge Amherst, Ohio 44001
5. Edward M. Dean 7594 Mapleway Drive Olmsted Falls, Ohio 44138

**NOTICE**

**Whoever knowingly signs this petition more than once: except as provided in section 3051.382 of the Revised Code, signs a name other than one's own on this petition; or sign this petition when not a qualified voter, is liable to prosecution.**

**MUST USE THE MOST RECENT ADDRESS ON FILE WITH THE BOARD OF ELECTIONS**  
*(Sign with ink. Your name, residence, and date of signing must be given)*

Signature	County	Township	Rural Route or Other Post Office Address	Mo/Day/Yr
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(Voters who do not live in a municipal corporation should fill in the information called for by headings printed above.)  
 (Voters who reside in municipal corporations should fill in the information called for by headings printed below.)

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## FULL TEXT OF LAW

Be it Enacted by the People of the State of Ohio that Section 3701.13 of the Ohio Revised Code shall be amended to provide as follows:

[New language is underlined, repealed language is struck through, and unchanged language is not underlined and not struck through]

### 3701.13 Department of health - powers.

- A) When the Governor has declared a public health emergency the department of health shall have the power, when authorized by the governor by proclamation, to call a physical or electronic emergency joint session of the General Assembly for the purpose of considering legislation to resolve the public health emergency.
- B) The department of health shall have the power to introduce legislative and appropriation bills directly to the public health emergency joint meeting of the General Assembly.
- C) Bills introduced by the department of health during a public health emergency joint session of the General Assembly must be passed or defeated by both chambers of the General Assembly within twenty-four hours from introduction.
- D) At any time during a public health emergency joint session of the Ohio General Assembly, a majority vote in either chamber of the General Assembly may end the Governor's declaration of a public health emergency.
- E) Any declared public health emergency orders that usurp any constitutional powers of the General Assembly for more than fourteen days shall suspend the imposition of all state-imposed taxes incurred by Ohio residents and businesses during the usurpation. Taxation shall resume when the usurpation of the Ohio General Assembly's constitutional powers has ended.
- F) The constitutional power of the General Assembly will be deemed to be usurped when a resolution passed by both or either chamber[s] of the General Assembly declares their power to be usurped or an Ohio court has ruled that the General Assembly's constitutional powers have been usurped. The General Assembly's constitutional powers will be deemed restored when both or either chamber[s] pass a resolution declaring their constitutional power restored or the emergency and emergency orders are ended by the Governor.

~~The department of health shall have supervision of all matters relating to the preservation of the life and health of the people and have ultimate authority in matters of quarantine and isolation;~~

~~which it may declare and enforce, when neither exists, and modify, relax, or abolish, when either has been established. The department may approve methods of immunization against the diseases specified in section 3313.671 of the Revised Code for the purpose of carrying out the provisions of that section and take such actions as are necessary to encourage vaccination against those diseases.~~

~~The department may make special or standing orders or rules for preventing the use of fluoroscopes for nonmedical purposes that emit doses of radiation likely to be harmful to any person, for preventing the spread of contagious or infectious diseases, for governing the receipt and conveyance of remains of deceased persons, and for such other sanitary matters as are best controlled by a general rule.~~

G) Whenever possible, the department shall work in cooperation with the health commissioner of a general or city health district.

~~The department may make and enforce orders in local matters or reassign substantive authority for mandatory programs from a general or city health district to another general or city health district when an emergency exists, or when the board of health of a general or city health district has neglected or refused to act with sufficient promptness or efficiency, or when such board has not been established as provided by sections 3709.02, 3709.03, 3709.05, 3709.06, 3709.11, 3709.12, and 3709.14 of the Revised Code. In such cases, the necessary expense incurred shall be paid by the general health district or city for which the services are rendered.~~

~~The department of health may require general or city health districts to enter into agreements for shared services under section 9.482 of the Revised Code. The department shall prepare and offer to boards of health a model contract and memorandum of understanding that are easily adaptable for use by boards of health when entering into shared services agreements. The department also may offer financial and other technical assistance to boards of health to encourage the sharing of services.~~

~~As a condition precedent to receiving funding from the department of health, the director of health may require general or city health districts to apply for accreditation by July 1, 2018, and be accredited by July 1, 2020, by an accreditation body approved by the director. The director of health, by July 1, 2016, shall conduct an evaluation of general and city health district preparation for accreditation, including an evaluation of each district's reported public health quality indicators as provided for in section 3701.98 of the Revised Code.~~

H) The department may make evaluative studies of the nutritional status of Ohio residents, and of the food and nutrition-related programs operating within the state. Every agency of the state, at the request of the department, shall provide information and otherwise assist in the execution of such studies.

## STATEMENT OF CIRCULATOR

I, \_\_\_\_\_, declare under penalty of election falsification that I am the circulator of the foregoing petition paper containing the signatures of \_\_\_\_\_ electors, that the signatures appended hereto were made and appended in my presence on the date set opposite of each respective name, and are the signatures of the persons whose names they purport to be or of attorneys in fact acting pursuant to the section 3501.382 of the Revised Code, and that the electors signing this petition did so with the knowledge of the contents of the same. I am employed to circulate this petition

by \_\_\_\_\_

(Name and address of employer.) (The preceding sentence shall be completed as required by section 3501.38 of the Revised Code ***if the circulator is being employed to circulate the petition.***)

I further declare under penalty of election falsification in accordance with section 3501.38 of the Revised Code that I witnessed the affixing of every signature to the foregoing petition paper, that all signers were to the best of my knowledge and belief qualified to sign, and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

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*Signature of Circulator*

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*Address of circulator's permanent residence in this state. House Number and Street, Road or Rural Rt.*

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*City, Village or Township.*

*State.*

*Zip Code*

**WHOEVER COMMITS ELECTION FALSIFICATION IS  
GUILTY OF A FELONY OF THE FIFTH DEGREE.**