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Week in Review

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As a service to the clients and friends of Governmental Policy Group, Inc. and RH Resources we would like to extend the following weekly update of events happening around Capitol Square.

ADDICTION/SUBSTANCE ABUSE

The federal Centers for Medicare and Medicaid Services (CMS) approved Ohio's waiver request to expand treatment options under Medicaid for substance use disorder (SUD), Gov. Mike DeWine's office announced Tuesday. The administration requested the Section 1115 demonstration waiver to expand inpatient and residential treatment access as part of a continuum of services for SUD. Federal regulations on Medicaid managed care that limit use of such treatment settings otherwise would have prevented this expansion, according to Ohio's waiver request.

AFFORDABLE CARE ACT (ACA)

The number of enrollees in the individual health insurance market fell by 5 percent in 2019 following the repeal of the Affordable Care Act (ACA) individual mandate penalty, according to a recent analysis of federal health insurance data from the Kaiser Family Foundation (KFF). In quarter one of this year, there were 13.7 million enrollees in the total individual market, including people

enrolled in off-exchange plans, which fell from a total 14.4 million enrollees in quarter one of 2018, amounting to a decline of about 651,000 customers over the year.

AGRICULTURE

The Ohio Department of Agriculture (ODAg) honored the following five winners of the 2019 Conservation Farm Family Awards, presented at the recent Farm Science Review in London: Kurt Farms of Hardin County, Rick and Janice Brill of Lorain County, Doug and Beth McConnell of Muskingum County, Timothy and Lynn Miller of Logan County and Fred and Kristy Walters of Hocking County.

The Ohio Department of Agriculture (ODAg) has confirmed the first two positive cases of West Nile Virus (WNV) in Ohio horses for 2019. A horse in Stark County confirmed with WNV was vaccinated once in the spring but did not receive a booster, ODAg said, adding that the second horse's county of origin and vaccination history are not yet known. Then on Wednesday, the Ohio Department of Health (ODH) announced the first human WNV death, a 68-year-old Lucas County man. He had been hospitalized with encephalitis.

CENSUS

Members of the Ohio Census 2020 Complete Count Commission provide "vital components" to the effort to ensure as many Ohioans are counted as possible, commission chair Lydia Mihalik said at the group's first meeting Wednesday. Gov. Mike DeWine also told reporters the members represent a cross-section of Ohio and will be "ambassadors" in the effort. DeWine said the census numbers will affect Ohio's number of representatives in Congress and federal funding for the state and local governments.

EDUCATION

Should an ideal report card for Dropout Prevention and Recovery (DRP) schools measure a given school's climate and culture? If so, how? Those were two of the central questions facing members of the State Board of Education's Dropout Prevention and Recovery Workgroup Monday, as they crafted a list of priority changes they would like to see made to the state report card.

Upgrades and additional training resources are completed or in the works for the Education Management Information System (EMIS) to adopt recent recommendations of an advisory group, Ohio Department of Education (ODE) staff told members of that advisory group Monday. The EMIS Advisory Council met to review progress toward the 13 recommendations it submitted to Superintendent Paolo DeMaria in June. The council was created in 132-HB21 (Hambley) as a successor to the EMIS Advisory Board.

The Senate Education Committee called off plans Tuesday for a hearing to consider more changes and possibly vote on HB154 (Jones-J. Miller), which would change the state's academic distress law. The committee had released two substitute bill drafts Monday that added an emergency clause and shifted the funding source for school turnaround efforts, but committee chair, Sen. Peggy Lehner (R-Kettering), said those two matters are far from the only issues to be resolved as senators continue to raise additional questions.

Reports, issue briefs and other work produced by staff of the Joint Education Oversight Committee (JEOC) will be kept by the Legislative Service Commission as a resource for legislators, JEOC Chairman Rep. Bob Cupp (R-Lima) said Wednesday at the panel's final meeting. The biennial budget, HB 166 (Oelslager), shuttered the committee, effective next month. The committee operated for about four years after its creation in a previous budget bill.

ELECTIONS

Secretary of State Frank LaRose said Tuesday that he's directed county boards of elections to send his office all 88 final lists of voters purged during the state's Supplemental Process so a statewide list can be made public. "We are consolidating that list. ... Our hope is to put that on the website and say, 'These are the registrations that on or around Sept. 6 were removed from the voter rolls.' That means we need to get out and get them registered, right?" LaRose told reporters during a press event at the Franklin County Board of Elections. The secretary of state and local elections officials were promoting National Voter Registration Day 2019.

The main problems Betty Montgomery faced when first running for political office involved funding shortages and a lack of confidence on the campaign trail, the former Ohio attorney general said Wednesday at a Columbus Metropolitan Club forum. Montgomery, currently a member of the State Medical Board of Ohio & an attorney with Mac Murray & Shuster LLP, was joined by Columbus City Councilwoman Priscilla Tyson and Kate Black, author of *Represent: The Woman's Guide to Running for Office & Changing the World*. OPR reporter Jo Ingles moderated the event.

ELECTIONS 2020

Amy Cox, a substitute teacher, announced last week that she will run for the Democratic nomination for the 43rd House District next year, according to the *Dayton Daily News*. The seat is currently held by Rep. J. Todd Smith (R-Germantown), who was appointed in 2018 and won election to keep it over Montgomery County Commissioner Dan Foley later that year.

Democratic presidential candidate Beto O'Rourke made multiple stops in Ohio this week where he met with activists, community leaders, and students to address urgent issues including gun violence, building an economy that works for all, and the need to impeach President Trump and restore moral leadership to the White House. He was in West Chester, Dayton, Columbus, Warren and Kent.

Rep. John Becker (R-Cincinnati), who previously filed to run for the 14th Senate District, said Thursday he will instead run for county commissioner. Term-limited Sen. Joe Uecker (R-Loveland) recently left the 14th District seat early to take a new position, and though Becker applied for an appointment to replace him, Senate Republicans picked former Rep. Terry Johnson instead.

EMPLOYMENT/UNEMPLOYMENT

Ohio's unemployment rate was 4.1% in August 2019, up from 4% in July, according to new data released by the Ohio Department of Job and Family Services (ODJFS), as the state added 3,700 jobs over the month, from a revised 5,588,000 in July to 5,591,700 in August 2019. The number of workers unemployed in Ohio in August was 238,000, up 3,000 from 235,000 in July. The number of unemployed has decreased by 24,000 in the past 12 months from 262,000. The August unemployment rate for Ohio decreased from 4.6% in August 2018. The U.S. unemployment rate for August was 3.7%, unchanged from July, and down from 3.8% in August 2018.

ENVIRONMENT

The petrochemical company planning to potentially build a large ethane cracker plant in Belmont County has reached a settlement agreement with three environmental groups that challenged the company's state air permits. PTT Global Chemical America LLC (PTTGCA) received its final air and water permits from the Ohio Environmental Protection Agency (Ohio EPA) in late December 2018. The company still hasn't made a final investment decision on the proposed project, PTTGCA said in a news release.

FEDERAL

Members of Ohio's congressional delegation reacted Tuesday and Wednesday mostly along party lines after U.S. House Speaker Nancy Pelosi (D-CA) announced the launch of an impeachment inquiry into President Donald Trump over remarks he made to the Ukrainian president regarding former Vice President Joe Biden, a potential 2020 rival. Trump has denied that he did anything wrong.

The U.S. Department of Agriculture's (USDA) proposed rule eliminating "categorical eligibility" would take food stamps away from millions of families currently participating in the Supplemental Nutrition Assistance Program (SNAP) and should be withdrawn, U.S. Sen. Sherrod Brown (D-OH) said Thursday.

In a letter to USDA Secretary Sonny Perdue, Brown joined a number of other senators in criticizing the proposal and saying the Trump administration didn't conduct an accurate analysis of its impact on children and families.

GENERAL ASSEMBLY/STATEHOUSE

Rep. Ryan Smith (R-Bidwell) announced Thursday that he will be resigning effective Thursday, Oct. 3, to become president of the University of Rio Grande and Rio Grande Community College. Smith is in his final term in the Ohio House and is ineligible to run for re-election due to term limits. He was elected House speaker in the 132nd General Assembly after former House Speaker Cliff Rosenberger resigned in the wake of stories of an as-yet unresolved FBI investigation into Rosenberger's travel.

The safety and security of Ohio's communities and families is very important, but proposals that might limit an individual's access to firearms need to be balanced against the constitutional rights of those who choose to own them, House Speaker Larry Householder (R-Glenford) said Tuesday. Householder was joined by House Minority Leader Emilia Sykes (D-Akron) at a press conference announcing the installation of more cameras in House committee hearing rooms, allowing meetings to be live streamed and broadcast statewide.

One current and one former House member are asking Senate Republicans for the appointment to Sen. Lou Terhar's (R-Cincinnati) soon to be vacant seat. Terhar recently announced he will retire at month's end. Rep. Lou Blessing III (R-Cincinnati) and former Rep. Jonathan Dever both applied to replace Terhar, as did Judith Boyce, a former municipal clerk who lives in the village of Cleves.

Recently sworn in House member Rep. Douglas Swearingen Jr. told *Hannah News* that conversations with constituents have brought four priority issues into focus for him to address as a legislator: water quality, infrastructure, workforce development and addiction.

GOVERNOR

Gov. Mike DeWine told reporters Wednesday he wouldn't comment on U.S. House Speaker Nancy Pelosi's (D-CA) opening of an impeachment inquiry into President Donald Trump, noting that he waited for the evidence regarding efforts to impeach former President Bill Clinton when he was a U.S. senator. He said he will do the same this time as well.

DeWine also declined to offer specific comments when asked whether foreign governments, particularly the Chinese government, are trying to take over Ohio's power grid as suggested in recent ads critical of the effort to repeal HB6 (Callender-Wilkin).

Appointments made during the week include the following:

- Avraham L. Goldstein of Columbus (Franklin County) reappointed to the Advisory Board of the Governor's Office of Faith-Based and Community Initiatives for a term beginning May 5, 2019 and ending May 4, 2020.
- Jeanne M. Bessette of Cincinnati (Hamilton County) and Larry L. Macon of Richfield (Summit County) to the Advisory Board of the Governor's Office of Faith-Based and Community Initiatives for terms beginning Sept. 20, 2019 and ending May 4, 2020.
- Elizabeth A. Poprocki of Dublin (Franklin County) to the Ohio Criminal Sentencing Commission for a term beginning Sept. 20, 2019 and ending Aug. 21, 2023.

GREAT LAKES

The U.S. Army Corps of Engineers (USACE) Buffalo District has awarded a Michigan company a \$2.1 million contract to repair the Lorain breakwater, which is located in Lake Erie in the Port of Lorain. Great Lakes Dock and Materials LLC was given the contract, and construction is scheduled to be started and completed during 2020, USACE said.

HOUSING/HOMELESSNESS

Homes sales in August lagged sales from the same month last year by 2%, but prices were higher, according to Ohio Realtors. August sales of 15,438 compare to 15,579 seen in August 2018. Year-to-date sales are half a percent behind sales for the same period last year, 103,038 vs. 103,532.

INSURANCE

U.S. employers are paying more than \$20,000 on average to cover a family with health insurance and passing more than \$6,000 of that cost on to the workers, according to the latest Kaiser Family Foundation survey of insurance costs. Roughly 153 million Americans have employer-sponsored coverage, Kaiser said. The 5 percent bump to \$20,576 for an average family plan in the 2019 survey compares to a 3.4% increase in wages and a 2% inflation rate. In the past decade, family premium

costs have increased 54% and workers' share of those costs have increased 71%, while wages grew just 26% and inflation was 20%.

JUDICIAL

A divided Ohio Supreme Court once again has struck down municipal residency requirements in *Cleveland v. State* and upheld 131-HB180's (Maag) ban on employment quotas in government contracts based on the Ohio Constitution's declaration in Article II, Section 34 that "[l]aws may be passed ... providing for the comfort, health, safety and general welfare of all employees." Leading the three-member dissent, Chief Justice Maureen O'Connor said Cleveland's scuttled mandate on government contractors "does not exclude or regulate workers" the way more general public employee residency requirements did in *Lima v. Ohio* (2009) -- an appeal to Article II, Section 34 which O'Connor had supported and former Chief Justice Tom Moyer had opposed.

Elisa Murphy has been appointed to serve as a judge on the Hamilton County Municipal Court, Gov. Mike DeWine announced. Murphy, of Cincinnati, assumed office on Monday, Sept. 23, 2019 and must run for election on Tuesday, Nov. 5, 2019 for the remainder of the term ending Jan. 2, 2024. Murphy replaced Judge Fanon Rucker, who resigned.

The Ohio Supreme Court announced Joseph Caligiuri as the state's new disciplinary counsel Monday, effective Sunday, Oct. 27. He replaces Scott Drexel, who declined to seek a second four-year term. Caligiuri, appointed by the Ohio Board of Professional Conduct and approved by the Supreme Court, first joined the office in 2002 and rose to chief assistant in October 2012.

The Ohio Supreme Court is repackaging the "least restrictive" bond and cash bail proposal from last year's original rule update in its latest annual rule package, doubling down on an issue that has provoked the bail bond industry. The Court announced Monday its annual publication of proposed amendments to the Ohio Rules of Practice and Procedure for public comment including changes to pretrial release in criminal Rule 46 that were removed from this year's final rule package. This year's proposed rules package can be found at <https://tinyurl.com/yyqac3tk>.

LIEUTENANT GOVERNOR

Building real relationships with neighbors and especially with struggling youth is the basis of a strong community and culture, Lt. Gov. Jon Husted said Friday morning to a gathering of volunteers who advocate for children facing abuse or neglect through Franklin County's Court Appointed Special Advocates (CASA) program.

LOCAL GOVERNMENT

Trails are an economic boon to communities and serve both recreational and transportation purposes, local officials testified in the House Civil Justice Committee Wednesday, arguing that eminent domain powers granted to local government groups are an effective but rarely-used tool to acquire land for the public good. Opponents provided testimony on HB288 (Manning), which would prohibit the use of eminent domain to appropriate land for trails. The bill, and its included emergency clause, stem from a case in Mill Creek Metro Park in Northeast Ohio, where residents have opposed turning over land for a trail. There are pending legal cases over the matter.

The County Commissioners Association of Ohio's (CCAO) Board of Directors met Friday and approved an official statement backing the effort by some counties to recover damages in litigation against drug companies over the opioid epidemic. The move comes as Attorney General Dave Yost continues to argue that state government, not county and municipal jurisdictions, should take the lead in settlement talks.

NATURAL RESOURCES

Preliminary results from samples of the Western Basin of Lake Erie indicate an "exceptional walleye hatch -- the second-highest in the history of the survey," according to the Ohio Department of Natural Resources (ODNR). The yellow perch hatch was also strong, well above its long-term average, ODNR said.

The divisions of forestry and wildlife have completed more than \$545,000 of renovations and upgrades to the Fernwood State Forest Shooting Range, the Ohio Department of Natural Resources (ODNR) announced Thursday.

NONPROFIT ORGANIZATIONS

The Ohio Legal Assistance Foundation (OLAF) Tuesday announced its official name change to the Ohio Access to Justice Foundation (OAJF), completing a rebranding effort begun in budget bill HB166 (Oelslager). Under its new charter, OAJF will award \$500,000 annually to address legal issues stemming from substance abuse among the economically challenged, among other programs. Half of that would go to military veterans.

PEOPLE

The Ohio Air Quality Development Authority (OAQDA) announced that James Simon has been elected chair of the agency. Simon succeeds Michael Keenan, who had served as chair since Jan. 1, 2013. Keenan was recently reappointed by Gov. Mike DeWine and will now serve as vice chair of the agency, OAQDA said.

Cheryl Lyman, fiscal officer in Ohio State University's (OSU) College of Food, Agriculture and Environmental Sciences, will be the next executive director of the Ohio Facilities Construction Commission (OFCC) after a unanimous vote of commission members Thursday. Office of Budget and Management (OBM) Director Kimberly Murnieks, who chairs the commission, said Lyman spent several years at OFCC's predecessor agency, the Ohio School Facilities Commission. She also has experience at Otterbein University, Columbus city government and OBM, Murnieks said.

PUBLIC SAFETY

The Controlling Board Monday approved a request from the Ohio Department of Administrative Services to waive competitive selection to award a contract worth \$9.2 million in FY20 and \$8.4 million in FY21 to Motorola to provide annual maintenance on Motorola equipment and software used by the Multi-Agency Radio Communication System (MARCS).

SECRETARY OF STATE

Ohio will now move from a county-by-county system for commissioning notaries public to a single statewide system that will also allow for individuals to have documents notarized online, Secretary of State Frank LaRose announced Friday.

STATE GOVERNMENT

It isn't hard to understand why the Minnesota State Fair is widely considered to be the best state fair in the U.S. after visiting the event for a day, Expo 2050 Co-Chair Mike Curtin said. Curtin, a former state representative, joined a group of people including Gov. Mike DeWine, Ohio Development Services Agency (DSA) Director Lydia Mihalik and Ohio State Fair General Manager Virgil Strickler in visiting the fair in St. Paul on Aug. 23. Curtin discussed a number of the key takeaways, noting DeWine's top impression was the strong emphasis on creating a family atmosphere.

Noting the importance of trade with Canada for Ohio, Gov. Mike DeWine met with Ontario Premier Doug Ford and Alberta Premier Jason Kenney Friday at the Governor's Residence, speaking on issues ranging from trade to the health of the Great Lakes. Speaking to reporters after the meeting, Ford said that Ontario does more than \$23 billion a year in trade with Ohio, calling it a great partnership. Kenney said Alberta does \$9 billion in trade with the Buckeye State and is an important energy partner. He said that with Saudi Arabia oil production affected by a recent attack, it is important for Ohio to be able to be connected to the third largest oil reserves in the world in Canada.

Cities and counties in Ohio have been awarded grants totaling more than \$44 million to identify and eliminate lead paint in residential areas, Gov. Mike DeWine announced Thursday. The U.S. Department of Housing and Urban Development's (HUD) Office of Lead Hazard Control and Healthy Homes provided the funding.

TECHNOLOGY

The first meeting of a newly empaneled advisory group to review Ohio's facial-recognition database was held Monday. In a release announcing the members, Ohio Attorney General Dave Yost said he had previously announced that the panel will advise his office on how to properly operate Ohio's facial-recognition system as an effective tool for law enforcement while protecting privacy and civil liberties.

TELECOMMUNICATIONS

There is no "silver bullet" to address the lack of broadband access in Ohio, a report by InnovateOhio and the Ohio Department of Transportation (ODOT) said Tuesday, but using rights-of-way along state-owned highways could provide "considerable value" as one of several methods. The report compiled responses to InnovateOhio and ODOT's request for information (RFI) on using those rights-of-way to expand broadband as well as findings from individual stakeholder interviews.

TRANSPORTATION/INFRASTRUCTURE

The House Finance Committee's Transportation Subcommittee was told Tuesday that the Ohio Department of Transportation (ODOT) has identified at least \$11 million in savings and efficiencies as part of a pledge the agency's director made to the General Assembly during discussions on the

transportation budget, HB62 (Oelslager). At that time, ODOT Director Jack Marchbanks said his agency would work to find \$100 million in savings over the next four years. The transportation subcommittee, continuing its hearings as part of what Chairman Dave Greenspan (R-Westlake) said is the House's oversight into transportation issues, heard from ODOT Deputy Director William O'Gorman who said that 750 ideas have been generated from all levels of ODOT, and the agency has identified and approved roughly \$11 million in savings so far.

UTILITIES

The Ohio Consumers' Counsel Governing Board has two new members in Mark Johnson, who replaces Roland "Butch" Taylor in a seat representing organized labor, and Charles Newman, who replaces Fred Cooke in a seat representing family farms.

The Public Utilities Commission of Ohio (PUCO) moved forward on determining a final billing charge to ratepayers Thursday in support of the Ohio Valley Electric Corporation (OVEC), one of three energy subsidies in HB6 (Callender-Wilkin), but delayed a decision on staff findings that the 13-state wholesale market is flush with energy without American Electric Power's (AEP) proposed solar and wind projects. All Ohio electric customers will pay the OVEC subsidy under HB6, including FirstEnergy ratepayers who have no ownership stake in the aging coal plants. PUCO has now opened a public comment period on rate design for the non-bypassable bill rider.

WORKERS' COMPENSATION

The Bureau of Workers' Compensation (BWC) released a detailed list of the amounts to be disbursed to public employers beginning Thursday, as BWC sends a total of \$1.5 billion in dividend checks to public and private employers in the coming weeks. Amounts paid to specific private employers are not being released. In total, 3,657 public employers will receive a total of \$172 million, including cities, counties, school districts and other public taxing districts. Public employers in all 88 counties will receive checks.

LEGISLATIVE ACTIVITY:

SENATE:

No legislative activity to report.

HOUSE:

No legislative activity to report.