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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.

AGRICULTURE

The Ohio State Fair saw its attendance numbers increase in 2018 following the event's 15-year low at the 2017 fair, during which an 18-year-old man died when an amusement ride broke apart on opening day. Attendance at the 2018 Ohio State Fair was 908,306, up 13 percent from last year's turnout of 801,031, according to Ohio Expositions Commission spokesperson Alicia Shoults.

ATTORNEY GENERAL

Ohio Attorney General Mike DeWine announced Thursday that his office is launching a statewide system to increase transparency in the collection, submission and analysis of sexual assault kit (SAK) evidence. The "SAK Tracking System" -- backed by new legislation from Sen. Stephanie Kunze (R-Hilliard) and Rep. Dorothy Pelanda (R-Marysville) -- will allow rape survivors who have undergone forensic examination to track the status of their rape kit evidence online.

FY18-19 BUDGET

Tax receipts held close to projections in July for the first month of FY19, with a small dip in personal income tax collections and a modest bump in sales tax collections versus forecasts. Preliminary revenue reports from the Office of Budget and Management (OBM) show tax receipts ahead of estimates by \$11.6 million, or 0.7 percent, reaching \$1.67 billion for the month. Since it's the first month of FY19, those are the relevant figures for year-to-date revenues as well.

CIVIL RIGHTS

The Ohio Department of Administrative Services (DAS) is now accepting award nominations for the 2019 Rev. Dr. Martin Luther King, Jr. Commemorative Celebration. The Ohio Dr. Martin Luther King, Jr. Holiday Commission, housed in DAS's Equal Opportunity Division, is sponsoring the award ceremony for individuals and organizations that carry on the legacy of Dr. King. Nominations are due at the commission by Sunday, Sept. 30. The award ceremony is scheduled for Thursday, Jan. 17, 2019 at Trinity Episcopal Church in downtown Columbus.

EDUCATION

The Ohio Department of Education (ODE) and the Governor's Office of Workforce Transformation this week announced that 11 new credentials have been approved for students seeking to use the industry-recognized credential option to receive a high school diploma in the 2018-2019 school year.

Ohio law allows the Ohio Department of Education (ODE) to use log-in duration data to determine enrollment and funding levels for online charter schools, the Ohio Supreme Court ruled Wednesday, ratifying lower court decisions in the lawsuit filed by Electronic Classroom of Tomorrow (ECOT). The decision follows a two-year saga involving the now defunct ECOT, which closed in January. The Educational Service Center of Lake Erie West pulled the plug on the school as its cash dwindled because the state was garnishing monthly funding to recoup past overpayments.

Attendees to a Wednesday afternoon session of the American Legislative Exchange Council (ALEC) annual meeting were told "often the simplest solution is the most effective" for school safety, with panelists suggesting that schools should include classroom doors that lock from the inside and require teachers to lock those doors once classes start.

ELECTIONS 2018

Democratic gubernatorial nominee Richard Cordray announced Friday that his campaign will begin airing its first ad of the general election. The 30-second spot, titled "Jobs," features Cordray talking about his record of public service while standing in front of where he said his first job was -- the McDonalds in Grove City.

Election Protection, a voter rights group led by the Lawyers' Committee for Civil Rights Under Law, in cooperation with the ACLU Ohio, All Voting is Local, Common Cause Ohio, the League of Women Voters of Ohio and the Ohio Voting Rights Coalition, said Friday that Ohio voters had been receiving text messages with misleading and inaccurate information in the days leading up to the special election for the 12th Congressional District.

Even if Franklin County Recorder Danny O'Connor comes up short in his bid for the open 12th Congressional District seat against Sen. Troy Balderson (R-Zanesville), there will be plenty for Democrats to be happy about, Ohio Democratic Party (ODP) Chairman David Pepper said Friday.

The Governor's Office of Workforce Transformation would be refocused to prioritize workers under his administration, Democratic candidate Rich Cordray told reporters Monday, though businesses would not be left out. He and lieutenant governor candidate Betty Sutton unveiled their "Better Skills, Better Jobs" plan in a press call, saying that it would increase access to the middle class, support employers, and target the fastest-growing industries.

A new poll released the day before voters in the 12th Congressional District voted on a successor to former Republican U.S. Rep. Pat Tiberi showed the race is in a dead heat.

The congressional seat formerly held by Pat Tiberi appeared to remain in Republican hands Tuesday as Sen. Troy Balderson (R-Zanesville) pulled out a close victory over Democrat and Franklin County Recorder Danny O'Connor. Unofficially, Balderson won with 50 percent to O'Connor's 49 percent, with Green Party candidate Joe Manchik getting less than 1 percent. The vote difference between Balderson and O'Connor was 1,754 votes on Tuesday night, but on Wednesday Franklin County announced that an audit found uncounted votes from a Worthington polling site that cut Balderson's lead by 190 votes. Thousands of provisional and absentee ballots remain to be counted as well.

Republican gubernatorial nominee and Attorney General Mike DeWine Tuesday unveiled a plan he said his administration will implement aimed at reducing the costs of health care for state government employees and adults in the Medicaid expansion population. DeWine made the announcement with running mate Jon Husted and health care professionals at the Cleveland Clinic. The DeWine plan is modeled after a Cleveland Clinic well-being initiative that the campaign said saved over \$250 million in three years.

Ohioans for a Healthy Economy, a 501(c)4 nonprofit corporation affiliated with the Ohio Chamber of Commerce, announced recently that it has launched a statewide digital media advertising campaign to raise awareness about the role and importance of the Ohio Supreme Court.

While a number of media outlets have yet to declare a winner in the 12th Congressional District race from Tuesday, a panel at the Columbus Metropolitan Club (CMC) said Wednesday that Democrats have a lot to like in the narrow results.

State Board of Education Vice President Nancy Hollister will not seek reelection to the State Board of Education (SBOE), according to candidate filings in Stark County. Wednesday was the filing deadline for nonpartisan candidates in five regional districts to appear on ballots in November, with incumbents appearing in four of those races. Notably, in the eighth district, returning candidate Kathleen Purdy will run against former Rep. John Hagan, father of Rep. Christina Hagan (R-Alliance).

The Franklin County Board of Elections ruled that Libertarian Matthew O'Connor has not collected enough valid signatures to appear on the ballot in the 12th Congressional District in November.

The Ohio Supreme Court ruled Wednesday a Columbiana County woman did not show by clear and convincing evidence that Secretary of State Jon Husted abused his discretion when he ruled Heaven Guest was ineligible to run for the Columbiana County Court of Common Pleas as an independent.

Democratic gubernatorial nominee Richard Cordray and Republican nominee and Ohio Attorney General Mike DeWine will appear at the Vote for Ohio Kids Leadership forum that will be held on Thursday, Sept. 27, Vote for Ohio Kids said.

The following endorsements were made over the week:

- The re-election campaign of Rep. Dave Greenspan (R-Westlake) announced the endorsement of ACT Ohio - Affiliated Construction Trades.
- The American Federation of Government Employees endorsed Richard Cordray and Betty Sutton for governor and lieutenant governor.

EMPLOYMENT/UNEMPLOYMENT

The nation added 157,000 jobs in July and the unemployment rate fell to 3.9 percent from 4 percent in June, according to new numbers released Friday by the U.S. Bureau of Labor Statistics (BLS).

ENERGY

Supporters and detractors of the proposed Lake Erie wind farm will have another six weeks to prepare for the state's hearing on the four-acre facility targeted 8-10 miles offshore from Cleveland, where staff of the Public Utilities Commission of Ohio (PUCO), Ohio Environmental Protection Agency (EPA) and Ohio Department of Natural Resources (ODNR) have given a qualified thumbs-up to the Norwegian project.

American Wind Week is in full sail as supporters of wind-powered energy promote the nation's largest renewable source. More than two dozen events scheduled around the country include American Wind Energy Education Day on Friday, Aug. 10 at the Cuyahoga County Fair. Proponents say wind power is an affordable, reliable and rapidly growing segment of the U.S. electric supply supporting jobs in all 50 states. They point to popular support for wind power on the ground and on social media, along with proclamations from governors and mayors in a total of 15 states.

ENVIRONMENT

Enbridge Nexus has been hit with a violation from the Ohio Environmental Protection Agency (Ohio EPA) for inadvertently spilling 20,000 gallons of drilling fluid into a tributary of the Maumee River while building part of its 255-mile natural gas pipeline.

GAMING/GAMBLING

Total adjusted gross revenue (AGR) for Ohio's four casinos was \$69.7 million in July 2018, a small dip from July 2017's AGR of \$69.9 million, according to the Ohio Casino Control Commission (OCCC). July racino net revenues were \$88.9 million, up significantly from \$84.5 million in July 2017, according to video lottery terminal (VLT) numbers released by the Ohio Lottery Commission (OLC). The month's revenues were also up from June, which totaled \$87.4 million.

GENERAL ASSEMBLY/STATEHOUSE

The Controlling Board Monday deferred a request from the Ohio EPA to spend more than \$15 million for emissions reduction projects out of funds the state is receiving as a part of a settlement with Volkswagen Corporation. Sen. Bill Coley (R-West Chester) held the item on Monday's agenda, complaining that the Ohio EPA is asking for money up front without giving the Legislature the chance to weigh in on the projects that the money is going toward.

Senate President Larry Obhof (R-Medina) shrugged off Gov. John Kasich's latest statements on gun policy, saying Monday, "He's going to get more gun bills before the end of the year, and he can either sign them or not sign them."

Ohio whistleblowers need more protection from retaliation, Reps. Kathleen Clyde (D-Kent) and Jack Cera (D-Bellaire) said Thursday, and while a bill that would provide it has limited time to move this session, they think there may be bipartisan potential. Clyde and Cera joined Innovation Ohio Policy Fellow Steve Dyer in discussing the issue with reporters. The two came together on the bill after starting independently, Cera said, and it should be introduced in the near future.

GOVERNOR

Gov. John Kasich's office announced his Friday, Aug. 3 veto of changes to administrative rulemaking procedures in SB221 (Uecker), saying it gives the Joint Committee on Agency Rule Review (JCARR) "open-ended, undefined powers" that would create regulatory uncertainty. Kasich also declined to sign SB81 (Terhar), which waives concealed carry license fees for service members and veterans, in order to make a statement about lack of action on gun law reforms he endorsed earlier this year in the wake of a Florida school shooting. In addition, Kasich signed the following bills:

- HB347 (Kelly-Dever), a road-naming omnibus.
- SB220 (Hackett-Bacon), a cybersecurity measure that provides businesses liability protection if they institute certain practices and programs.
- HB34 (Hambley-Ryan), allowing use of ordinary mail rather than certified mail for certain official notices.
- HB312 (Schuring-Greenspan), regulating local governments' use of credit and debit cards.
- HB336 (Barnes-Greenspan), creating a driver's license reinstatement fee debt reduction and amnesty program.
- HB87 (Roegner), governing the return of money recover after a charter school enrollment audit, requiring the creation of standards on learning management software for online charter schools and making other education law changes.
- HB318 (Patterson-LaTourette), setting standards for school resource officers and limiting the use of suspension and expulsions for children in third grade and below, among other education law changes.
- SB216 (Huffman), a deregulatory measure for K-12 schools.
- HB254, requiring the POW/MIA flag to be displayed on certain days.

Appointments made during the week include the following:

- Kyle D. Bergen of West Chester (Butler County) to serve as a student member on the University of Toledo Board of Trustees for a term beginning Aug. 7, 2018 and ending July 1, 2020.

HEALTH AND HUMAN SERVICES

The American Cancer Society Cancer Action Network (ACS CAN) released its annual "How Do You Measure Up?" report Thursday, saying Ohio continues to fall short on implementing policies and passing legislation to reduce cancer rates and deaths.

State data from a report released recently from the Food Research and Action Center (FRAC) showed that food insecurity in Ohio is higher than the national average. According to a Gallup survey that interviewed 336,690 households between 2016 and 2017, 16.2 percent of Ohio households in 2017 said there had been times in the past 12 months when they did not have enough money to afford food for themselves or their families, compared to 15.7 percent of households nationwide.

JUDICIAL

The Supreme Court of Ohio will determine whether law enforcement agencies and political subdivisions around the state can be held liable for the negligent hiring, training and supervision of peace officers involved in high-speed chases that end badly. The Supreme Court has accepted the appeal of the Coitsville Township Police Department and township Board of Trustees, which say the Mahoning County Common Pleas Court and 7th District Court of Appeals erred in finding Officer Donald Dudley was engaged in an improper high-speed pursuit of a fleeing suspect's car when he ran a red light and struck the vehicle of Renee McConnell, a wife and mother of four who was severely injured.

Former state lawmaker and Gov. Taft judicial appointee Amy Salerno, Republican judge on the Franklin County Municipal Court since 2005, is facing a one-year stayed suspension of her law license should the Ohio Supreme Court adopt sanctions proposed by the Ohio Board of Professional Conduct.

The Ohio Supreme Court announced Tuesday that Fairfield Municipal Judge Joyce Campbell has been elected to the National Alliance on Mental Illness (NAMI) board of directors.

The state board governing attorneys and judges announced Thursday that a law firm's web address is a form of advertising subject to the Rules of Professional Conduct and may not contain representations like "wewinallcases.com" and similarly unsupported statements. If certified, an attorney may incorporate a legal specialty into a domain name but would do better to include the firm or partner's name or initials, the Board of Professional Conduct said in its fifth advisory opinion of 2018.

LOCAL GOVERNMENT

The Ohio Municipal League (OML) and Ohio Township Association (OTA) both called Wednesday for the use of a projected state surplus for infrastructure, public safety and anti-addiction efforts, rather than additional contributions to the Rainy Day Fund or a cut in tax withholding, as Gov. John Kasich proposes. Their statements follow similar sentiments expressed Tuesday by the County Commissioners Association of Ohio.

MARIJUANA

The Ohio Department of Commerce (DOC) handed out seven provisional licenses to medical marijuana processors on Friday. Six more could still be allocated in this first round of awards, according to the DOC's announcement, as these applicants are still undergoing tax and/or background checks. A second round of review will occur for applications needing further clarification.

The Ohio Department of Rehabilitation and Correction (DRC) plans to allow inmates to consume medical marijuana in cases where the agency's medical officials decide it's appropriate, DRC Managing Director of Fiscal and Healthcare Operations Stuart Hudson told *Hannah News*. Ohio would become the first state in the country to allow prisoners to use medical marijuana, according to Marijuana Policy Project spokesperson Mason Tvert.

The Ohio Department of Commerce (DOC) has granted seven time-extension requests from provisionally licensed medical marijuana cultivators, DOC senior policy adviser Mark Hamlin said Thursday. Reminding Medical Marijuana Advisory Committee (MMAC) members that cultivators are given nine months to prepare for their state inspection to receive a certificate of operation, Hamlin said all of the extensions were granted to the smaller level-two cultivators, as they were licensed before the larger level-one cultivators.

MEDICAID/MEDICAID REFORM

A Franklin County judge agreed Tuesday to temporarily block release of information on pharmacy benefit managers' business practices. Common Pleas Judge Jenifer French set a hearing for 10 a.m. Monday, Sept. 17 for arguments and evidence on whether to issue an injunction against release on top of Tuesday's temporary restraining order.

MILITARY AFFAIRS

U.S. Sens. Sherrod Brown (D-OH) and Portman Rob (R-OH) announced appropriations in the National Defense Authorization Act (NDAA) that they said they had secured for Ohio military projects and facilities, including \$182 million for a new wing of the Wright-Patterson Air Force Base in Dayton.

NATIONAL CONFERENCE OF STATE LEGISLATURES

While President Donald Trump's approval rating has never risen above 50 percent, he has shown remarkable stability in holding an approval rate in the 40 to 45 percent range, two different elections experts pointed out at this year's National Conference of State Legislatures (NCSL) in Los Angeles. Republican pollster Kristen Soltis Anderson told her general session audience last week that, despite how "chaotic the national polling environment feels," his job approval "has been pretty stable."

A panel at the Legislative Summit of the National Conference of State Legislatures (NCSL) in Los Angeles last week promoted the use of E15 ethanol fuel blends in order to "increase consumer access to cleaner, healthier and cheaper fuel."

The key to helping juveniles who become involved in the criminal justice system? Make sure they avoid it in the first place. That was the message last week from a panel at NCSL's Legislative

Summit during a session on "Cornerstones of Effective Juvenile Justice Policy in the 21st Century." Their recommendations were based on a report produced by NCSL and a bipartisan work group of state legislators and experts.

NATURAL RESOURCES

The Ohio Supreme Court has declined to accept jurisdiction in *JDS So Cal Ltd. v. Ohio Department of Natural Resources*, leaving in place the 10th District Court of Appeals' decision that the state does not have to cede the Sawmill Wetlands to a private developer.

The Ohio Department of Natural Resources is coordinating special deer hunting opportunities at nine state preserves in order to control deer populations and protect native plant communities, the agency announced.

PEOPLE

The Ohio Contractors Association Tuesday announced the retirement of its longtime director of legislative and environmental affairs, Angela Van Fossen, and the hiring of Michelle Holdgreve as her replacement.

One Ohio student joined a class of 28 Giffords Courage Fellows in Washington, D.C. recently for the program's inaugural year. Named after former U.S. Rep. Gabrielle Giffords, who was seriously injured in a 2011 shooting at a constituent rally that killed six, the fellowship "will help fuel the fight to save lives from gun violence," according to the congresswoman's nonprofit. Sarah Fritz of Columbus, one of the fellows, has been civically engaged since she was 15, having worked in different political races, nonprofits and women's organizations.

TAXATION

The administration plans in November to reduce the amount of income tax withheld from Ohioans' paychecks, Gov. John Kasich and Office of Budget and Management (OBM) Director Tim Keen announced Tuesday.

For state lawmakers, there is a lot more at stake with the United States Supreme Court ruling in *South Dakota v. Wayfair* than a rush to collect revenues or provide commensurate tax cuts. "Adjusting the rate for an unknown amount of collection would be putting the cart before the horse; they [lawmakers] need to first get in line with the guidance," Steve DeBianco president and CEO of NetChoice, said. The June 21 ruling was the topic of one of the first workshops out of the gate at the 2018 American Legislative Exchange Council (ALEC) conference in New Orleans.

Reps. Niraj Antani (R-Miamisburg) and Todd Smith (R-Washington) announced Thursday that they will be introducing legislation which they said will require a vote of the people to approve a county sales tax increase. The legislators said their bill is in response to a recent sales tax increase by the Montgomery County commissioners, as well a failed referendum effort to overturn that tax.

TRANSPORTATION/INFRASTRUCTURE

At the 2018 American Legislative Exchange Council (ALEC) annual meeting, Elaine Chao, U.S. secretary of transportation, played up her agency's role in providing economic stimulus through

deregulation. "The department is a leader in addressing the problems of unnecessary and burdensome regulations that do real economic harm," Chao said. "At the beginning of the administration departments were told eliminate two regulations for every one adopted." To date, the U.S. Department of Transportation has repealed 14 regulations for every new regulation proposed -- ranking it first in the administration's de-regulation push.

UTILITIES

The Public Utilities Commission of Ohio (PUCO) joined FirstEnergy this week in opposing an Ohio Supreme Court stay of the company's proposed \$275 million bond, which FirstEnergy says the Ohio Consumers' Counsel (OCC) must pay to stop collection of the utility's three-year, \$500 million distribution modernization rider.

The Public Utilities Commission of Ohio (PUCO) moved Wednesday to expand the state's 14 area codes with a new one affecting nearly one fourth of Ohio counties, including Montgomery County/Dayton and Clark County/Springfield. Located in the west central part of the state, the 937 area code will add a 326- overlay and require all calls to include the appropriate area code beginning Feb. 8, 2020.

LEGISLATIVE ACTIVITY:

SENATE:

No legislative activity to report.

HOUSE:

No legislative activity to report.