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**Week in Review**  
Monday, January 11, 2016

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.

**ATTORNEY GENERAL**

A finding of the Ohio Attorney General could shape the future application of Ohio laws on the appointment process for county commissioners' posts vacated by elected officers who switch political parties during their tenure. In a new legal opinion, Attorney General Mike DeWine concludes that, similar to statute and case law on mayoral appointments in Ohio Revised Code section 733.08, R.C. 305.02 stipulates that the political affiliation of county commissioners who vacate office early is their status at the time of departure, not election.

## **FY16-17 BUDGET**

State tax revenues for the first half of FY16 are precisely on target, bringing in a total of nearly \$10.965 billion compared to the estimated level of \$10.963 billion for a variation of zero percent. This is according to preliminary revenue figures released by the Office of Budget and Management (OBM).

## **CENSUS**

The U.S. Census Bureau estimated that Ohio has gained 16,425 residents in 2015 and remains the seventh largest state in the nation, according to numbers released before the holidays.

## **EDUCATION**

The Ohio Department of Education (ODE) recently announced its framework for the revamped evaluation system for charter school sponsors, following key recommendations of an advisory panel that it be transparent, aligned to the state report card, and weigh academic portions by student enrollment. As recommended by the three-person panel Superintendent Richard Ross appointed to help develop the new framework, the new system also explicitly states all schools except those specifically exempted in law must be included in a sponsor's review.

## **ELECTIONS**

Secretary of State Jon Husted told county boards of elections to take a second look at petitions submitted for an initiated statute which would require the state to buy prescription drugs at a price no higher than what the U.S. Department of Veterans Affairs pays for the same drug. Supporters of the proposed "Ohio Drug Price Relief Act" submitted 116,015 signatures before the end of last month to put the issue before lawmakers. If 91,677 of those signatures are certified by Husted, the Ohio General Assembly would have four months to act on the measure. If it doesn't, supporters could collect another 91,677 signatures to put it before voters.

In response, backers of the "Ohio Drug Price Relief Act" filed a lawsuit in the Ohio Supreme Court against Secretary of State Jon Husted. The lawsuit argues that Husted does not have the power to order a new review of the petitions, saying a "re-review" is "not contemplated by the Ohio Constitution or Ohio law." It also said that a challenge to the validity of the petitions must go through the Ohio Supreme Court.

## **ELECTIONS 2016**

Endorsements made over the week include the following:

- Sen. Chris Widener (R-Springfield) endorsed Bob Hackett for the 10th Senate District and Chris Wallace for the 74th House District.
- The Clermont County Republican Party endorsed John Becker for the 65th Ohio House District.

## **ENVIRONMENT**

The Ohio Environmental Protection Agency (Ohio EPA) has issued the final 2016 program management plan for the Water Pollution Control Loan Fund (WPCLF). Ohio EPA spokesperson Dina Pierce said there were no significant changes made from the draft version of the plan. No witnesses testified during an agency hearing on the program in November 2015.

## **FEDERAL**

U.S. Sen. Rob Portman (R-OH) listened to a roundtable discussion of women who had struggled with drug addiction and found recovery through a Columbus treatment center and those advocating for addiction services. Portman recapped his own federal legislation that would provide funds and incentives to similar programs, looking for the reintroduced Comprehensive Addiction and Recovery Act of 2015 to pass Congress this year.

## **GAMING**

The Permanent Joint Committee on Gaming and Wagering issued its report over the holiday break last month, urging the General Assembly to consider a number of issues ranging from promotional gaming credits used by casinos and racinos, to daily fantasy sports games and so called "Queen of Hearts" games. The committee, chaired by Sen. Bill Coley (R-West Chester), recommends the General Assembly examine taxing promotional gaming credits, which are offered by gaming operators as an enticement to visit the establishment.

## **GENERAL ASSEMBLY/STATEHOUSE**

A House Democratic screening panel has recommended attorney Kristin S. Boggs to fill the vacant 18th House District seat, succeeding Rep. Michael Stinziano (D-Columbus), who resigned to take a seat on Columbus City Council. The screening panel led by Rep. Jack Cera (D-Bellaire) chose Boggs over three others. Boggs is an assistant attorney general and the daughter of Robert Boggs, a former state senator and director of the Ohio Department of Agriculture.

Secretary of State Jon Husted said that his office has sent the initiated "Fresh Start Act" statute to the General Assembly for its consideration. Lawmakers now have four months to act on it, or supporters will be able to collect more signatures and put it before voters in November. Brought by ResponsibleOhio, the group behind the failed Issue 3 marijuana legalization campaign last

November, the act would allow those with certain convictions to have those convictions expunged if the offense is no longer illegal under Ohio law.

## **GOVERNOR**

Gov. John Kasich cleared his desk of 14 bills that were sent to him by the Legislature before it broke for the year, including HB 340 (Amstutz), a bill that extended the operation of the Local Government Innovation Council that was amended to include a number of budget correction items, as well as HB 56 (Schuring-Slesnick), which prohibits public employers from including a question about prior criminal convictions on job applications, also known by supporters as "Ban the Box." The complete list of bills signed is as follows:

- **HB56 PUBLIC EMPLOYMENT-CRIMINAL RECORDS (SCHURING K, SLESNICK S)** To limit the use of criminal records in the hiring and employment practices of public employers.
- **HB71 TRANSPORTATION CONTRACTS (ROEGNER K)** To prohibit certain indemnity agreements in motor vehicle carrier transportation contracts.
- **HB124 VENEREAL DISEASES-PRESCRIPTION AUTHORITY (JOHNSON T, HUFFMAN S)** Regarding the authority to prescribe without examination a drug for a sexual partner of a patient diagnosed with chlamydia, gonorrhea, or trichomoniasis.
- **HB131 ANIMAL DISEASES LAW-PESTICIDE LICENSING (PELANDA D)** To include diseases of concern within the scope of the Animal Diseases Law, and to make changes to the laws governing weights and measures, livestock dealers, and auctioneers, the membership of the Farmland Preservation Advisory Board, and the pesticide licensing renewal process.
- **HB142 ENDOMETRIOSIS AWARENESS MONTH (HAGAN C)** To designate the month of March as "Endometriosis Awareness Month."
- **HB188 PHARMACIST CONSULT AGREEMENTS (MANNING N, HUFFMAN S)** To revise the laws governing pharmacist consult agreements and the laws governing the circumstances under which a pharmacist may dispense or sell a drug without a prescription.
- **HB237 TRANSPORTATION NETWORK COMPANIES (DUFFEY M, HACKETT R)** To regulate transportation network companies and transportation network company services.
- **HB259 CERTIFICATES OF INSURANCE (RYAN S, SEARS B)** To regulate certificates of insurance prepared or issued to verify the purchase of property or casualty insurance coverage.
- **HB340 LOCAL GOVERNMENT INNOVATION COUNCIL (AMSTUTZ R)** To extend the operation of the Local Government Innovation Council, make budget corrections and declare an emergency.
- **SB10 MILITARY HEALTH CARE BENEFITS (BURKE D, LAROSE F)** To establish a process for identifying individuals who are medical assistance recipients that may be eligible to receive federal military-related health care benefits.
- **SB11 JASON GRESKO ACT (EKLUND J, LAROSE F)** To enact the "Jason Gresko Act."
- **SB161 PROBATE JUDGE-WARRANT ISSUE (OELSLAGER S)** To authorize probate judges to issue search warrants.

- **SB190** HIGHWAY NAME DESIGNATION (GARDNER R) To designate a portion of United States Route 6 within the city of Sandusky as the "Army Specialist Charles E. Odums II Memorial Highway."
- **SB223** HEALTH COVERAGE LIMITS-EXCLUSIONS (BACON K) To make changes to the health coverage benefit limits and coverage exclusions for life and health insurance guaranty associations.

Additionally, Kasich signed three other executive orders: one allowing the Ohio Bureau of Workers' Compensation to immediately amend rules related to the Healthcare Common Procedural Coding System, a national set of codes used in medical claims and billing to reflect the federal codes as updated for 2016; a second that allows the Ohio Department of Medicaid to immediately adopt rules to implement episode-based payments that have been developed with the input of medical care providers, health insurance plans and Medicaid Managed Care Plans to begin on Jan. 1, 2016; and a third to create a seamless transfer of administrative rules for the Agriculture Soil and Water Conservation program from the Ohio Department of Natural Resources to the Ohio Department of Agriculture in response to provisions within the recent state budget that reassigned authority of the program.

The governor made the following appointments during the week:

- Connie J. Fink of Zanesville (Muskingum County) to the Local Government Innovation Council for a term beginning Dec. 22, 2015, and ending Sept. 30, 2018.
- Heather R. McFarlin of Sandusky (Erie County) reappointed to the Ohio Developmental Disabilities Council for a term beginning Dec. 22, 2015, and ending Dec. 31, 2018.
- Dara D. Walburn of Athens (Athens County) to the Ohio Developmental Disabilities Council for a term beginning Dec. 22, 2015, and ending Dec. 31, 2018.
- Dr. Bradley D. Carman of Marietta (Washington County) to the Washington State Community College Board of Trustees for a term beginning Dec. 22, 2015, and ending Feb. 17, 2021.
- Michael G. Dineen of Worthington (Franklin County) and Kathryn A. Trent of Fayetteville (Brown County) to the Materials Management Advisory Council for terms beginning Dec. 22, 2015, and ending July 1, 2017.
- Kimberly S. McConville of Westerville (Franklin County) to the Materials Management Advisory Council for a term beginning Dec. 22, 2015, and ending July 1, 2016.
- Jenna L. Hicks of Lexington (Richland County) to the Materials Management Advisory Council for a term beginning Dec. 23, 2015, and ending July 1, 2016.
- Daniel J. Guttman of Bexley (Franklin County) to the Ohio Thoroughbred Race Fund Advisory Council for a term beginning Dec. 23, 2015, and ending Jan. 31, 2017.
- Lynn M. Mizanin of Boston Heights (Summit County) to the State Board of Career Colleges and Schools for a term beginning Dec. 28, 2015, and ending Nov. 20, 2019.
- Beth A. Calcidise of South Lebanon (Warren County) to the State Board of Emergency Medical, Fire, and Transportation Services for a term beginning Dec. 28, 2015, and ending Nov. 12, 2018.

- Bobbie J. Boyer of Clyde (Sandusky County) and C. Tamara Sullivan of Loveland (Clermont County) reappointed to the Chemical Dependency Professionals Board for terms beginning Dec. 29, 2015, and ending Dec. 23, 2018.
- Former Ohio First Lady Hope R. Taft of Spring Valley (Greene County) reappointed to the Chemical Dependency Professionals Board for a term beginning Jan. 4, 2016, and ending Dec. 23, 2018.
- Dr. Timothy L. Kolb of Delaware (Delaware County), Dianne E. Jones of Hilliard (Franklin County) and Richard L. Heston of Westerville (Franklin County) reappointed to the State Veterinary Medical Licensing Board for terms beginning Jan. 6, 2016, and ending Dec. 31, 2018.
- Eddie M. Sipplen of Akron (Summit County) to the Ohio Martin Luther King, Jr. Holiday Commission for a term beginning Jan. 6, 2016, and ending Dec. 31, 2016.
- Matthew H. Deaton of Eaton (Preble County) reappointed to the Sewage Treatment System Technical Advisory Committee for a term beginning Jan. 6, 2016, and ending Dec. 31, 2018.
- Regina S. Hanshaw of Columbus (Franklin County) reappointed to the Ohio Manufactured Homes Commission for a term beginning Jan. 6, 2016, and ending Dec. 31, 2019.
- H. Sean Fremon of Akron (Summit County) to the Financial Planning and Supervision Commission for Coventry Local School District for a term beginning Jan. 6, 2016, and continuing at the pleasure of the governor.
- Brenda K. Boggs of Germantown (Montgomery County) reappointed the Board of Nursing for a term beginning Jan. 6, 2016, and ending Dec. 31, 2019.
- Paul M. Daines of Patriot (Gallia County) to the Southern Ohio Agricultural and Community Development Foundation for a term beginning Jan. 6, 2016, and ending June 2, 2020.
- Douglas L. Steidl of Peninsula (Summit County) to the Ohio Architects Board for a term beginning Jan. 7, 2016, and ending Oct. 2, 2020.
- Lt. Kimberly Spears-McNatt of Pickerington (Fairfield County) reappointed to the Ohio Private Investigation and Security Services Commission for a term beginning Jan. 7, 2016, and ending December 31, 2020.

## **HEALTH & HUMAN SERVICES**

The Joint Medicaid Oversight Committee (JMOC) released the report on its review of Ohio Department of Health (ODH) Treatment Programs -- a report previewed at the Dec. 17 JMOC meeting. The report reviews the ODH treatment programs and identifies ways to integrate these programs into the formal health care system, noting that since many of them had been created, the health care industry has evolved. Specifically, "With the decoupling of Medicaid and cash assistance in 1997, the Children's Health expansion (CHIP) in 2001, and the recent Medicaid expansion for low-income childless adults, more people receive health care through the Medicaid program. Since the passage of the Affordable Care Act (ACA) five years ago, many other coverage gaps that have persisted over time have been closed" -- all affecting the demand for ODH's programs.

## **PEOPLE**

Michael Oxley, a Republican from Findlay who served 13 terms in the U.S. House, died on New Year's Day at age 71 after fighting cancer. He also served in the Ohio House from 1972 to 1981. According to his obituary, he is survived by his wife, Patricia, son, Chadd, and a grandson.

A former member of both the Ohio House and Ohio Senate, Judy Sheerer died Monday in hospice care of complications from dementia, Cleveland.com reports. Sheerer, 75, represented Shaker Heights for 16 years: 11 years in the Ohio House and five years in the Ohio Senate. In addition, she served on the Ohio Elections Commission following her retirement from the Ohio Senate.

## **PUBLIC SAFETY**

Two more people died in fires in Ohio in 2015 than the year before, as 117 people lost their lives, compared with 115 in 2014, according to the state fire marshal's office. Frank Conway, the marshal's fire prevention chief, said his agency will continue its "Safe & Sound" public awareness campaign through the winter months to stem the tide.

## **SMOKING/E-CIGARETTES**

U.S. Sen. Sherrod Brown (D-OH) and other Democrats are asking the Federal Trade Commission (FTC) to investigate liquid nicotine makers for unfair or deceptive marketing practices. Meanwhile, the General Assembly awaits the new year and renewed action on child-proofing bill SB 54 (Jones), which like federal legislation has cleared the Senate in anticipation of further action in the House.

## **STATE GOVERNMENT**

Monthly parking rates at the Statehouse garage will increase by \$10 starting July 1 after the Capitol Square Review and Advisory Board (CSRAB) approved the move. Executive Director William Carleton told board members it's the first increase since 2008 and will still keep the Statehouse competitive with other monthly parking options downtown. Carleton said the board expects about \$70,000 in additional annual revenue from the change.

Applications are now being taken by the Legislative Service Commission (LSC) for the 2017 Legislative Fellowship Program. The application deadline is Friday, April 1, for the legislative fellowship positions and Saturday, April 30, for the telecommunications fellowship positions. Application information can be found online at <http://www.lsc.ohio.gov/fellowship/application.htm>.

## **LEGISLATIVE ACTIVITY**

*No legislative activity to report.*