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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

Police officers would receive qualified immunity from civil liability for issues arising from naloxone use under a new version of mid-biennium review (MBR) legislation SB 319 (Eklund) accepted by the House Finance Committee last week. Officers would receive immunity for any injury, death or loss to person or property allegedly arising from obtaining, maintaining, accessing or administering naloxone, which can reverse the effects of an opioid overdose.

AUDITOR OF STATE

State Auditor Dave Yost has released a compilation of school districts' performance audits, finding that schools offering an open enrollment option had a "range of results" when it came to their net revenues resulting from the program.

EDUCATION

Appellate judges ordered the dismissal of Electronic Classroom of Tomorrow's (ECOT) challenge to a lower court action in its dispute with the state on enrollment reviews, citing jurisdictional issues. Meanwhile, the online charter school says the Ohio Department of Education (ODE) is mistreating it in a separate administrative appeal process.

President-elect Donald J. Trump announced his intent to nominate Betsy DeVos as secretary of the U.S. Department of Education. The Trump transition office describes DeVos, a leader in the national school reform movement for more than two decades, as "a highly successful education advocate, businesswoman and philanthropist."

The Ohio Department of Education (ODE) responded to the General Assembly's mandate in HB 2 that it evaluate the "similar students measure" (SSM) for analyzing schools, determining it would be "neither valid nor useful" as part of Ohio's school accountability system. The measure was developed by the California Charter Schools Association. Lawmakers included a requirement for ODE to report by Dec. 1 in HB 2 (Dovilla-Roegner), the recent charter school reform law.

ELECTIONS 2016

Judge John O'Donnell conceded he lost his Ohio Supreme Court race to First District Court of Appeals Judge Pat Fischer.

ELECTIONS 2018

Senate Minority Leader Joe Schiavoni (D-Boardman) said last week he is setting the groundwork to run for governor in 2018.

ENERGY

Senate members and opponents of alternative energy legislation SB 320 (Seitz) recycled many of the same arguments both for and against the resumption of state mandates on renewables and energy efficiency last week. Asked to restore portfolio standards and defer counter action for further debate, Chairman Troy Balderson (R-Zanesville) of the Senate Energy and Natural Resources Committee said three General Assemblies on the topic was enough. "With all due respect, we've been having this discussion for five years," he told one of more than 60 speakers on the bill, with only three identified as interested parties and the rest as opponents.

After six hours of testimony from more than 60 witnesses, a bill cleared House committee last week that could serve as a vehicle for the long-awaited follow-up to energy "freeze" SB 310 (Balderson) -- current legislation that, according to House Speaker Pro Tem Ron Amstutz (R-Wooster), may well resolve Gov. John Kasich's concerns over a continued delay in energy efficiency and renewable energy standards. Daylong hearings on HB 554 (Amstutz) in the House Public Utilities Committee followed equally lengthy remarks on SB 320 (Seitz) in the Senate Energy and Natural Resources Committee, and by most of the same witnesses. The overwhelming majority in both cases opposed anything other than a reactivation of stalled energy standards enshrined in SB 221 (Schuler).

FEDERAL

U.S. Rep. Tim Ryan's (D-Niles) longshot bid to become the U.S. House Democratic leader did not succeed last Wednesday, as U.S. Rep. Nancy Pelosi (D-CA) was re-elected by House Democrats.

GENERAL ASSEMBLY/STATEHOUSE

Ahead of last Tuesday meeting of the Sunset Review Committee, Chair Sen. Kris Jordan (R-Powell) released a copy of the proposed report in bill form as well as a cover letter describing the proposed changes. The committee agreed unanimously by those present to send its draft recommendations on to the House and Senate amid some discussions about altering the proposal in committee.

Two Republican lawmakers are seeking to address what happens to a person's online accounts -- such as those on social media, email or banking websites -- when they die or become incapacitated. Reps. Robert Cupp (R-Lima) and Jeff Rezabek (R-Dayton) provided sponsor testimony on HB 602, telling the House Judiciary Committee that it is an important question to answer at this point in time.

GOVERNOR

The governor made the following appointments during the week:

- Dudley H.A. Wright of Johnstown (Licking County) reappointed to the State Board of Emergency Medical, Fire, and Transportation Services for a term beginning Nov. 23, 2016 and ending Nov. 12, 2019.
- Sandra Drabik Collins of Toledo (Lucas County) to the Miami University Board of Trustees for a term beginning Nov. 29, 2016 and ending Feb. 28, 2025.
- Lynn S. Stevens of Hillsboro (Highland County) to the Southern State Community College Board of Trustees for a term beginning Dec. 1, 2016 and ending May 11, 2022.

TRANSPORTATION

Regional efforts to develop a "Smart Mobility Corridor" in Central Ohio took another step forward last week with the announcement of state funding and testing of a self-driving semi-truck. Gov. John Kasich announced the state will invest \$15 million to install advanced highway technology along 35 miles of U.S. Route 33, and the truck used that route to travel from Dublin to East Liberty.

UNEMPLOYMENT COMPENSATION

The House started deliberations on the latest proposal to overhaul unemployment compensation benefits, with Rep. Kirk Schuring (R-Canton) saying he tried to strike a balanced approach in HB 620 that mirrored his past work on reforms to state pension systems. Schuring's HB 620 is mirrored by a companion, SB 374, sponsored by Sen. Bob Peterson (R-Sabina), and is based on the work of a joint reform committee that met earlier this year. The House Government Accountability and Oversight Committee had three hearings on the bill last week, while Senate Ways and Means Committee had two, with business groups voicing strong backing while labor and other policy groups lodged objections.

UTILITIES

Last Wednesday, the Public Utilities Commission of Ohio (PUCO) accepted results of Duke Energy Ohio's fourth wholesale auction that will help determine Duke's retail generation service rates through May 2018.

Sen. Bill Seitz (R-Cincinnati) told the crowd at last week's Senate Public Utilities Committee hearing that the forthcoming vote to recommend that the full Senate not approve the appointment of M. Howard Petricoff to the state's utilities commission wasn't about his qualifications or character but about his past involvement as an energy lobbyist. "I don't think there's any question that Mr. Petricoff, by his long, illustrious career, is qualified, is competent, has got a wonderful resume. I hope that the vote on this motion is not a reflection on his qualifications, because he is qualified," Seitz said. "However, there were concerns about the process by which this has come to us, and there were concerns about the number of recusals that he would have to be engaged in." Mr. Petricoff has since announced his resignation.

LEGISLATIVE ACTIVITY:

HOUSE

PASSED BY HOUSE

- HB148** CLASSROOM FACILITIES ASSISTANCE (Rep. John Patterson) To require the Ohio School Facilities Commission to provide classroom facilities assistance to a school district resulting from the consolidation of two or more school districts or from the voluntary transfer of the entire territory of a school district if specified conditions are satisfied.
Vote 79-16
- HB476** STATE AGENCY-ISRAEL DISINVESTMENT (Rep. Kirk Schuring) To prohibit a state agency from contracting with a company that is boycotting Israel or disinvesting from Israel.
Amended on Floor, Bill Vote 83-13
- HB487** STATE SEAL-BILITERACY (Rep. Sarah LaTourette, Rep. Kristina Roegner) To require the State Board of Education to establish the state Seal of Biliteracy to be attached or affixed to the high school transcripts of qualifying students.
Vote 92-3
- HB580** MONTH DESIGNATION (Rep. Terry Johnson, Rep. Stephen Huffman) To designate the month of November as "One Health Awareness Month."
Vote 90-4
- SB232** DEATH-DESIGNATION DEEDS (Sen. Kevin Bacon) To amend the law related to transfer on death designation deeds and affidavits.
Vote 94-1

CONSIDERATION OF SENATE AMENDMENTS

HB9 TAX EXPENDITURE REVIEW COMMITTEE (Rep. Terry Boose) To create a Tax Expenditure Review Committee for the purpose of periodically reviewing existing and proposed tax expenditures.

House Does Not Concur, Vote 1-95

ADOPTED BY HOUSE

HR545 TRAVEL ALLOWANCE (Rep. Cliff Rosenberger, Rep. Fred Strahorn) Relative to travel allowance.

Vote 96-0

SENATE

PASSED BY SENATE

SB270 PAWNBROKERS (Sen. John Eklund) To make changes to the law relating to pawnbrokers.

Vote 33-0

SB306 DAY DESIGNATION (Sen. Kenny Yuko) To designate July 8 as "Harrison Dillard Day."

Vote 33-0

SB322 CHIEF OF POLICE TRAINING COURSE (Sen. Cliff Hite) To require the Ohio peace officer training commission to develop and conduct a chief of police training course for newly appointed chiefs of police appointed on or after January 1, 2017.

Vote 33-0

SB337 HIGHWAY NAME DESIGNATION (Sen. Jim Hughes) To designate a portion of Interstate Route 270 in Franklin County as the "Hilliard Patrol Officer Sean Johnson Memorial Highway."

Vote 33-0

SB347 PRIMARY ELECTION-CIRCUMSTANCES (Sen. Frank LaRose) To expand the circumstances under which a board of elections or the secretary of state is not required to hold a primary election.

Vote 33-0

HB325 PREGNANCY-CONTROLLED SUBSTANCES (Rep. Doug Green, Rep. Sean O'Brien) Regarding encouraging pregnant women who are addicted to controlled substances to seek treatment.

Vote 32-0

HB440 DAY DESIGNATION (Rep. Marlene Anielski) To designate the Saturday before Thanksgiving as "Ohio Survivors of Suicide Loss Day."

Vote 32-0

SB195 BESTIALITY (Sen. Jim Hughes, Sen. Jay Hottinger) To prohibit a person from engaging in sexual conduct with an animal and related acts.

Vote 32-0

SB288 INCOME TAX-PASS THROUGH ENTITIES (Sen. John Eklund) To revise the law governing how taxes on income from pass-through entities is to be reported and paid by the entities and their investors.

Vote 31-0

SB314 HOSPITAL INPATIENT-AFTER CARE (Sen. Peggy Lehner) To provide for the designation of a lay person to provide after-care to a hospital inpatient and participate in discharge planning.

Vote 32-0

SB317 BANKING LAW (Sen. Jim Hughes, Sen. William Coley) For the purpose of enacting a new banking law for the State of Ohio.

Vote 32-0

SB364 STATE-OWNED REAL PROPERTY (Sen. Bob Peterson) To authorize the conveyance of, and the granting of perpetual easements to, state-owned real property.

Vote 32-0

HB185 ARSON-PROPERTY OWNERSHIP (Rep. Kyle Koehler) To eliminate lack of the property owner's consent as an element of arson when the property is abandoned real property and to make the consent of the owner of abandoned real property an affirmative defense.

Vote 26-1

SB237 FENTANYL RESTRICTIONS (Sen. Frank LaRose) To provide that five milligrams or more of fentanyl or an amount equal to or exceeding one gram of a compound, mixture, preparation, or substance that contains any amount of fentanyl and that is not in a final dosage form manufactured by an authorized manufacturer constitutes a bulk amount.

Vote 25-2

SB265 GAMING-CRIMINAL PENALTY (Sen. Bill Seitz) To specify that the criminal penalty related to casino operators and employees participating in casino gaming applies at their casino facility or an affiliated casino facility.

Vote 27-0

SB271 LAW ENFORCEMENT-POLICE DOG-HORSE (Sen. Lou Gentile) To authorize a law enforcement officer to purchase a police dog or horse for fair market value when the officer retires in good standing from a law enforcement agency and certain conditions are met, and to declare an emergency.

Vote 27-0

CONSIDERATION OF HOUSE AMENDMENTS

SB252 CARDIAC ARREST-YOUTH ACTIVITY (Sen. Cliff Hite, Sen. Tom Patton) With regard to sudden cardiac arrest in youth athletic activities.

Senate Does Concur, Vote 33-0

SB232 DEATH-DESIGNATION DEEDS (Sen. Kevin Bacon) To amend the law related to transfer on death designation deeds and affidavits.

Senate Does Concur, Vote 31-0