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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 latest figures from the Centers for Disease Control and Prevention (CDC) show an intensification of annual drug overdose deaths in Ohio amounting to almost triple the national average, which is likely related to the state's ongoing opioid crisis. According to the National Vital Statistics System's recently released Provisional Drug Overdose Death Counts report, 5,232 drug overdose deaths were reported between July, 2016 and July 2017, up significantly from the 3,763 overdose deaths reported for the same period the previous year for a 39 percent increase.

AGRICULTURE

Reps. Steve Hambley (R-Brunswick) and Martin Sweeney (D-Cleveland) Tuesday introduced the Ohio Proud Craft Beer Act. HB509 has 25 cosponsors and would grant "Ohio Proud Craft Beer" certifications to craft beer and cider that are brewed using Ohio-grown ingredients. In addition, the bill would allow craft brewers to sell one-ounce tastings and a limited amount of finished product for off-site consumption.

The Ohio Farmers Union (OFU) and the Organization for Competitive Markets (OCM) charged the Ohio Department of Agriculture (ODAg) and Ohio Beef Council Thursday with "serious abuses" of an \$800,000 state beef "check-off" fund that OFU says is being illegally used to fund lobbying activities and political campaign interests at the state and national level. ODAg denied the accusations, saying it takes oversight of commodity check-off programs seriously and employs third-party auditors as part of that.

ATTORNEY GENERAL

Ohio Attorney General Mike DeWine has responded to Purdue Pharma's announcement that it intends to cease marketing opioids to doctors. "Purdue Pharma's announcement that they will no longer send out sales reps to promote OxyContin to doctors is a victory for everyone. But, it's too little, too late. It is a decision that should have been made years ago and should be now made by all other makers of opioid pain medications," DeWine said in a statement Sunday, noting Purdue's place among the big pharmaceutical companies being sued for promoting addictive painkillers.

AUDITOR OF STATE

Auditor Dave Yost on Thursday shared the results of a review showing nearly \$128,000 in unjustified Medicaid payments to a Scioto County personal care aide. The auditor report shows that Joseph Poole requested reimbursement and received \$158,000 from the Ohio Department of Medicaid (ODM). Auditors determined that Poole was ineligible to receive 81 percent, or \$127,901, of that payment due to non-compliance with Medicaid requirements.

BALLOT ISSUES

The Ohio Attorney General's (AG) Office Friday certified a petition for a proposed amendment to the Ohio Constitution regarding standards and payment requirements for kidney dialysis services. On Jan. 30, 2018, the Ohio Attorney General's Office received a written petition to amend the Ohio Constitution, entitled "Kidney Dialysis Patient Protection Amendment," from legal counsel for the petitioning committee. The petition was certified as containing both the necessary 1,000 valid signatures from registered Ohio voters and a "fair and truthful" summary of the proposed amendment.

FY19-20 CAPITAL APPROPRIATIONS BUDGET

Senate President Larry Obhof (R-Medina) told *Hannah News* Monday that he expects a capital appropriations bill will be introduced by the end of February. It will be smaller than in years past, with Obhof saying he expects to have about 10 percent less funding available than in the 131st General Assembly.

House Speaker Cliff Rosenberger (R-Clarksville) said Wednesday that funding to upgrade voting machines will not be included in the forthcoming capital budget, but will be considered in separate legislation. He said there are a number of issues that need to be worked out regarding voting machine funding.

BUSINESS/CORPORATE

Secretary of State Jon Husted Thursday announced 10,075 new entities filed to do business in Ohio throughout the month of January. The secretary of state's office said January's filings are an increase of 42 when compared to the same month in 2017.

EDUCATION

Aiming to streamline Ohio's education-to-workforce pipeline, House Republicans announced legislation Wednesday that would significantly alter the state's public education system and the departments that oversee it. Under HB 512, sponsored by Rep. Bill Reineke (R-Tiffin), the Ohio Department of Higher Education (ODHE), the Governor's Office of Workforce Transformation and much of the Ohio Department of Education (ODE) and State Board of Education would be combined under a new, cabinet-level agency, the Ohio Department of Learning and Achievement.

Education officials added millions Monday to the total of student funding overpayments they're seeking to recover from the shuttered Electronic Classroom of Tomorrow (ECOT), one day before the Ohio Supreme Court hears arguments on the school's enrollment reporting dispute with the state. At a sparsely attended meeting, State Board of Education members voted 15-0 to accept the report of a hearing officer who agreed with the ODE finding that ECOT could not substantiate 18.5 percent of its reported 2016-2017 enrollment. The resolution on the hearing officer's report directs ODE to seek recovery of \$19,234,109.11.

Schools with a higher proportion of students at risk of not graduating on time are seeing the students take advantage of new diploma options created for the class of 2018, ODE officials said Tuesday. Department staff shared results of a survey sent to 156 schools across 45 districts to gauge how the new diploma options are being used, which is meant to help State Board of Education (SBOE) members with their long-term discussions of whether and how to overhaul the graduation system. About half of the schools responded to the survey.

ECOT student records have been delivered to all but two school districts -- Beavercreek City in Greene County and Triway Local School District in Wayne County -- according to interim master Myron Terlecky. Terlecky, assistant master for compliance Richard Kruse and attorneys for ECOT and its sponsor, Educational Service Center of Lake Erie West (ESC), appeared before Franklin County Common Pleas Judge Michael Holbrook at an emergency status conference he convened Friday.

The beleaguered Electronic Classroom of Tomorrow (ECOT) had its latest day in Court Tuesday, when counsel for the e-school and ODE debated whether it would be an "absurd result" to argue that an online school should receive full student funding from the state for the entire academic year if a student logs onto the website a couple of minutes every month. The answer to that question is an emphatic yes, said attorney Doug Cole, arguing for ODE. Attorney Marion Little, representing ECOT, contradicted that view, saying e-schools and other charters are no different than traditional public schools in that respect.

ODE is seeking comments on its proposed updates to Ohio's Learning Standards in Science and Social Studies - Extended. All Ohioans can share their thoughts about the standards through a survey accessible online at <https://www.ohio-k12.help/standards/>. The deadline for comments is Monday, March 12.

ELECTIONS

A left-leaning group released a report this week finding that most state election systems have vulnerabilities to hacking and other interference by foreign governments bent on disrupting elections. The Center for American Progress (CAP) said it conducted research and interviewed election officials as part of its report, assigning grades to all 50 states and the District of Columbia on what it said was adherence to best practices in seven categories: minimum cybersecurity standards for voter registration systems; voter-verified paper ballots; post-election audits that test election results; ballot accounting and reconciliation; return of voted paper absentee ballots; voting machine certification requirements; and pre-election logic and accuracy testing.

ELECTIONS 2018

Ohio Attorney General Mike DeWine got the nod he was looking for Friday when the Ohio Republican Party's Central Committee voted 59-2 to endorse him in the gubernatorial primary over Lt. Gov. Mary Taylor, who was critical of the process. Members also endorsed U.S. Rep. Jim Renacci (R-Wadsworth) for U.S. Senate and all leading candidates for attorney general, auditor, secretary of state and treasurer. The committee went on to endorse all U.S. House Republican incumbents and Ohio Senate President Larry Obhof's (R-Medina) and House Speaker Cliff Rosenberger's (R-Clarksville) recommended candidates.

Saying it is time for Democrats to come together and unite, former Rep. Connie Pillich dropped her gubernatorial bid Wednesday and threw her full support behind Richard Cordray. Pillich was joined by running mate and Marion Mayor Scott Schertzer at an event at Cordray's German Village campaign headquarters, along with Cordray and his running mate, Betty Sutton. Pillich said she decided to drop out over the weekend and had not spoken to Cordray before making her decision. Afterward, she called Cordray and offered her support.

Democratic gubernatorial candidate Dennis Kucinich and his running mate, Tara Samples, Thursday outlined their proposed criminal justice platform, calling for the closing of the state's private prisons, a reduction in prison sentences for non-violent offenders, more training and equipment for police officers and treatment for those with mental health issues.

Rep. Kristin Boggs (D-Columbus) has to run for re-election as a write-in candidate for the May primary because she did not properly sign her petition forms, the *Columbus Dispatch* reports.

The following endorsements were made over the week:

- The Ohio Right to Life PAC Monday announced it was endorsing Ohio Attorney General Mike DeWine for governor in 2018.

ENVIRONMENT

Provisions of the Trump administration's proposed budget cutting Great Lakes restoration efforts are "out of touch with reality" and "dead on arrival in Congress," advocates told reporters in a call Thursday. Healing Our Waters-Great Lakes Coalition Campaign Director Todd Ambs criticized the budget cuts in those terms, and Policy Director Chad Lord voiced similar opposition. The group plans to work with "bipartisan champions" in Congress, Ambs said.

FEDERAL

After a night of 11th hour deliberations lasting till dawn, a five-hour long government shutdown ended Friday morning when President Trump signed into law a budget agreement lauded by U.S. Sens. Rob Portman (R-Ohio) and Sherrod Brown (D-Ohio) for including \$6 billion aimed at fighting the nation's opioid addiction crisis.

GENERAL ASSEMBLY/STATEHOUSE

In one of the first new pieces of artwork commissioned by the Capitol Square Review and Advisory Board (CSRAB) in 59 years, the painting "Greeting Lincoln" portraying a speech given by President-elect Lincoln to a joint session of the 54th Ohio General Assembly was unveiled outside of the Ohio House chambers on Tuesday.

During its voting session on Wednesday, the House agreed with Senate amendments to HB79 (Rutherford-Hagan), sending the bill to Gov. John Kasich for his signature. The legislation allows trained tactical medical professionals to carry firearms while on duty with special weapons and tactics (SWAT) teams. The House also voted 89-3 to pass HB370 (Perales), which would add a depiction of Wilbur and Orville Wright's first piloted airplane, the Wright Flyer, to the Great Seal of the state of Ohio and to Ohio's Coat of Arms.

The House also passed SB144 (Burke), creating the Opportunities for Ohioans with Disabilities (OOD) Council to replace the current OOD Commission, Consumer Advisory Committee and the Governor's Council on People with Disabilities. The vote was 90-0. The bill now heads back to the Senate for agreement on amendments. In addition, the chamber unanimously passed HB359 (Stein), which creates a ceremonial procedure for retiring an Ohio state flag.

In other legislative action, the House Energy and Natural Resources Committee reported out HB422 (Ginter-Rogers) which deals with the acquisition of municipal waterworks and sewage disposal system companies; the House State and Local Government Committee reported out HB314 (Schaffer) which provides a tax credits for law enforcement officers who purchase their own safety equipment; and HB453 (Greenspan) which addresses the rights of charter county hospitals; and the House Transportation and Public Safety Committee reported out highway designations bills HB372 (Romanchuk) and HB346 (West) and license plate bills HB429 (West) and HB445 (Riedel).

GOVERNOR

Gov. John Kasich Monday ordered all public flags in Ohio be flown at half-staff to honor of the lives and service of Westerville Police Officers Eric Joering and Anthony Morelli until their interments. "The finest among us are those who risk it all every day for our safety, and Officers Anthony Morelli and Eric Joering were those people. Their deaths are a terrible tragedy for my hometown of Westerville and all of Ohio," Kasich wrote on Twitter shortly after the officers were killed on Saturday, Feb. 10.

Appointments made during the week include the following:

- James W. Sheppard III of Worthington (Franklin County) has been appointed to the State Board of Education for a term beginning Feb. 9, 2018, and ending Dec. 31, 2020.

- Rochelle W. Hall-Rollins of Holland (Lucas County), Lori Kershner of Springboro (Warren County), Jill R. Radler of Delphos (Allen County), James F. Plasencia of Bucyrus (Crawford County), and Victor A. Wilson of Columbus (Franklin County) reappointed to the Ohio Developmental Disabilities Council for terms beginning Feb. 12, 2018, and ending Dec. 31, 2020.
- Brenda Brandon of Oak Harbor (Ottawa County), Morgan E. Gattermeyer of Hamilton (Butler County), Rhonda J. Rich of Troy (Miami County), Michael E. Denlinger of Cincinnati (Hamilton County), Matt A. Harrison of Greenville (Darke County), and Michael E. Richards of Greenfield (Highland County) to the Ohio Developmental Disabilities Council for terms beginning Feb. 12, 2018, and ending Dec. 31, 2020.
- John J. Lynch of Cleveland (Cuyahoga County) to the Real Estate Appraiser Board for a term beginning Feb. 13, 2018, and ending June 30, 2020.

HEALTH AND HUMAN SERVICES

On Wednesday, HB345, the Multistate Compact Cure Bill sponsored by Rep. Jim Butler (R-Dayton), was reported out of the House Health Committee on a bipartisan vote. Notably, however, the bill was opposed by committee Chairman Rep. Stephen Huffman (R-Tipp City) who was joined in opposition by Reps. Niraj Antani (R-Miamisburg) and Darrell Kick (R-Loudonville).

Joint Medicaid Oversight Committee (JMOC) members quizzed Kasich administration officials Thursday on whether claims data for the first few weeks of a behavioral health billing overhaul offer any warning signs about care access or the health of the provider network. Ohio Department of Medicaid (ODM) Director Barbara Sears told the committee that 433 out of 636 providers had submitted claims, and 94 percent of those providers had received some payment for claims. The claims rejection rate is running about 25 percent, versus a pre-redesign rate of about 11 percent.

HOUSING/HOMELESSNESS

The Ohio Development Services Agency (DSA) awarded \$5.5 million in grants to 22 local organizations to help low-income Ohioans complete home repairs and provide homebuyer counseling. Local organizations can use the grants to complete health and safety home repairs, improve handicapped accessibility and provide down payment assistance and homebuyer counseling.

INSURANCE

A program established to collect past due taxes from insurance agents has surpassed the \$20 million threshold, Ohio Department of Insurance (ODI) Director Jillian Froment announced. Through a partnership established in 2011 with the Ohio Attorney General's Office and the Ohio Department of Taxation, ODI, on an annual basis, determines if agents are compliant with Ohio laws.

JUDICIAL

The Ohio Supreme Court Wednesday addressed whether cities and other political subdivisions can be held liable for damages when foliage obstructs traffic control devices, leading to auto accidents. The case, *Pelletier v. City of Campbell et al.*, had drawn friend-of-court briefs from the Ohio Municipal League, Ohio Township Association, County Commissioners Association of Ohio, County Engineers Association of Ohio, Ohio Association of Civil Trial Attorneys, city of Canton, other municipalities and townships and additional parties.

The Ohio Supreme Court will accept public comment until March 14 on proposed rule amendments addressing the designation or election of an administrative judge in a multi-division municipal court. In Ohio, each court or division of a court has an administrative judge with various powers and duties, including controlling the docket, assigning cases and administering personnel policies.

JUVENILE JUSTICE

Sponsors of legislation that would ban "sexting" by teenagers said the bill will give prosecutors, judges and defense attorneys the ability to determine who is pandering obscene material of minors and who is just a teenager "making a bad choice." Reps. Jeff Rezabek (R-Dayton) and Brian Hill (R-Zanesville) said HB355 would give a second chance to teens who have engaged in the distribution of sexually explicit digital material, or "sexting."

MARIJUANA

The Ohio Department of Commerce's (DOC) medical marijuana cultivator application scores cannot be trusted because of deficiencies in the agency's information technology (IT) system, according to Auditor of State Dave Yost.

PEOPLE

Rebecca Everman of Westerville has been named senior executive assistant and assistant secretary to the Board of Trustees for the Ohio Farm Bureau Federation (OFBF).

The County Commissioners Association of Ohio (CCAO) will recognize Brad Cole's over 31 years with the organization at an open house luncheon at the Statehouse on Wednesday, Feb. 21. Cole, CCAO's managing director of research, retires effective Thursday, March 1.

The Ohio Restaurant Association (ORA) announced the hiring of Tod Bowen as managing director of sales and growth. In his new position, Bowen will be responsible for member and vendor sales, recruitment, Mid-America Restaurant Expo sales, sponsorship sales and major events. He began working at ORA on Jan. 28.

POLITICS

Former U.S. Attorney General Eric Holder is scheduled to deliver the keynote address at the 2018 Ohio Democratic Party (ODP) Legacy Dinner, ODP Chairman David Pepper said Wednesday. Holder, who chairs the National Democratic Redistricting Committee (NDRC), plans to "fire up" attendees ahead of the Tuesday, May 8 primary election to support congressional redistricting proposal SJR5 (Huffman-Sykes) and to campaign for Democrats running for offices across the state in the general election, Pepper told reporters on a conference call.

TAXATION

Sen. Bob Peterson (R-Sabina) presented sponsor testimony on his SB22 Tuesday, legislation which was originally introduced a year ago to conform Ohio's tax code to the federal tax code for the 2016 filing year but will now be amended to conform state law to the federal tax code for the 2017 filing year.

TELECOMMUNICATIONS

Legislation resolving differences between local governments and wireless companies on the deployment of small cell technology passed the House 76-15 on Wednesday. "A coalition of over 90 municipalities negotiated over the past three months with representatives from the wireless industry. The product of that hard work is substitute HB478 (LaTourette-R. Smith)," Rep. Sarah LaTourette (R-Chesterland) said.

UNIONS

Bemoaning what they say are sustained attacks on labor unions, two left-leaning advocacy groups released a new policy brief suggesting state lawmakers pursue a different route to address worker issues. Policy Matters' Hannah Halbert, Ohio Association of Professional Fire Fighters Communications Director Doug Stern and Wright State University economics professor Rudy Fichtenbaum decried the six "right-to-work" proposals introduced by Reps. John Becker (R-Cincinnati) and Craig Riedel (R-Defiance).

UTILITIES

In the final of five scheduled public hearings on a six-year extension and modification of its electric security plan, American Electric Power (AEP) of Ohio drew vocal support Monday for proposed smart grid technology and a job-rich solar installation expected to produce 400 megawatts (MW) of solar energy at a soon-to-be announced location in Appalachian Ohio. The hearing follows PUCO approval of modifications to AEP Ohio's current ESP last fall, when the utility agreed to replace its scuttled power purchase agreement (PPA) with a scaled-down version benefiting the Ohio Valley Electric Corporation (OVEC). In addition to the solar installation, the ESP approved on Nov. 3 also provided for 500 megawatts of wind power in the AEP portfolio; smart energy technologies including public safety micro-grids, electric vehicle charging stations and smart street lighting; replacement of aging infrastructure and "aggressive" vegetation management; and a new dispatch system and security upgrades at substations.

The Ohio Consumers' Counsel is asking state regulators to provide consumers "across-the-board savings" on their utility bills in keeping with federal tax reductions enjoyed by electric, natural gas and telephone providers. "Fair" enough, say Ohio's electric utilities, assuming any rate cut is subject to the routine ratemaking process overseen by the Public Utilities Commission of Ohio (PUCO). PUCO opened the "investigation" into the 2017 federal Tax Cuts and Jobs Act's (TCJA) impact on utilities in early January and has set a comment deadline of Thursday, Feb. 15.

The Ohio Power Siting Board (OPSB) on Thursday approved construction of two utility-scale solar farms in Brown and Hardin counties, representing two different regions of the state. Together they will produce 275 megawatts (MW) in northwest and southwest Ohio. OPSB called them the "first of their kind" to be reviewed by the board and the largest solar-powered electric generating facilities in Ohio once constructed.

LEGISLATIVE ACTIVITY:

HOUSE:

PASSED BY THE HOUSE

- HB359** OHIO FLAG RETIREMENT PROCEDURE (Rep. Dick Stein) To create a suggested ceremonial procedure for retiring an Ohio state flag.
Vote 94-0
- HB370** FIRST FLIGHT-OHIO STATE SEAL (Rep. Rick Perales) To add a representation of the Wright Brothers' first piloted airplane to the Coat of Arms and Great Seal of the State of Ohio.
Vote 90-3
- HB478** SMALL CELL WIRELESS (Rep. Ryan Smith) To modify the law regarding wireless service and the placement of small cell wireless facilities in the public way.
Vote 79-15
- SB144** STATE REHABILITATION SERVICES CONSOLIDATION (Sen. Dave Burke) To abolish the Opportunities for Ohioans with Disabilities Commission, Consumer Advisory Committee, and Governor's Council on People with Disabilities and to establish a state rehabilitation services council known as the Opportunities for Ohioans with Disabilities Council.
Vote 94-0

CONSIDERATION OF SENATE AMENDMENTS

- HB79** MEDICAL PROFESSIONAL FIREARMS TRAINING (Rep. Wes Rutherford, Rep. Christina Hagan) To provide for firearms training for tactical medical professionals; to permit such a professional who has received that training and has been authorized by the law enforcement agency to carry firearms while on duty; and to grant such a professional the same right to carry a concealed handgun in this state as a concealed handgun licensee.
House Does Concur, Vote 92-2

SENATE:

PASSED BY THE SENATE

- SB105** MONTH DESIGNATION-OHIO PRINCIPALS (Sen. Charleta Tavares) To designate the month of October as "Ohio Principals Month."
Vote 31-0
- SB226** PERMANENT SALES TAX HOLIDAY (Sen. Kevin Bacon) To provide for a permanent three-day sales tax "holiday" each August during which sales of clothing and school supplies are exempt from sales and use tax.
Vote 31-0