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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 Controlling Board Monday unanimously approved using nearly \$56 million in federal funds to create a new fund aimed at addressing the state's opioid crisis. The Ohio Department of Mental Health and Addiction Services (OhioMHAS) requested the creation of the fund to use \$55.8 million each year from the federally awarded State Opioid Response grant.

### **AGING**

State Rep. Steve Arndt (R-Port Clinton) recently introduced legislation with Rep. Dorothy Pelanda (R-Marysville) that would establish dementia training requirements for long-term services and providers. The goal of HB732 is to ensure that all who care for Ohioans diagnosed with Alzheimer's or dementia are properly trained to do so, according to the representatives.

## **AFFORDABLE CARE ACT**

The Kaiser Family Foundation (KFF) held a web briefing Friday to highlight changes in the insurance landscape and federal policy ahead of the open enrollment period for obtaining coverage through the federal Affordable Care Act (ACA) marketplaces. Open enrollment on [www.healthcare.gov](http://www.healthcare.gov) opened Thursday, Nov. 1 and runs through Saturday, Dec. 15.

Now that the ACA open enrollment period is underway -- the time during which consumers can shop for health plans or renew existing coverage -- the Kaiser Family Foundation (KFF) has updated and expanded its searchable collection of more than 300 Frequently Asked Questions about open enrollment, the health insurance marketplaces and the ACA. It can be found at <https://tinyurl.com/ycmzzuxn>.

## **ARTS, SPORTS AND ENTERTAINMENT**

The Ohio Supreme Court said a lower court judge acted hastily in rejecting a former football player's high-profile claims against the National Collegiate Athletic Association (NCAA) and University of Notre Dame that links repeated concussions to the onset of Alzheimer's and chronic traumatic encephalopathy (CTE) over three decades later. Justice Judith French said Wednesday that Cuyahoga County Common Pleas Court Judge Deena Calabrese's two-sentence dismissal of the suit filed by former Notre Dame receiver and running back Steven Schmitz, now deceased, had wrongly preempted full legal discovery of his knowledge of injuries prior to the two years running up to Oct. 20, 2014, when he sued the university and NCAA for negligence, fraudulent concealment, breach of express and implied contract, loss of consortium and, added later, constructive fraud.

## **ATTORNEY GENERAL**

Attorney General (AG) Mike DeWine's Sobriety, Treatment and Reducing Trauma (START) Program for families battling substance abuse is expanding to more than a third of Ohio, even as some areas of the state hardest hit by the opioid epidemic have dropped out of the adult recovery and child intervention initiative. The AG's office announced Tuesday that START, which launched as a pilot project in March 2017, will combine \$3 million from the federal Victims of Crime Act (VOCA) with federal State Opioid Response (SOR) funding from the Ohio Department of Mental Health and Addiction Services (OhioMHAS) approved this week by the state Controlling Board to add 17 counties to the program, for a total of 34 counties representing all regions of the state.

## **ECONOMIC DEVELOPMENT**

Over half of the \$17 million-plus in job creation tax credits announced by Gov. John Kasich Monday will go to Kohl's Department Stores and to Ohio-based Crown Equipment Corp. Assistance to 13 private projects will retain more than twice as many jobs in Ohio as they actually create, spurring \$119 million in new payroll and \$889 million in capital investments statewide. Projects recommended by JobsOhio and approved Monday by the Ohio Tax Credit Authority are expected to keep 5,633 jobs in the state and to create another 2,793 positions.

## **EDUCATION**

New faces and new leadership are coming to the State Board of Education following November's election, a further shakeup of the 19-person body that's already seen more than half its members join

within the past two years. Neither of the board's two leadership positions will be held by the same person come January. President Tess Elshoff, one of Gov. John Kasich's first appointees to the board, is term-limited. Vice President Nancy Hollister, meanwhile, declined to run for re-election.

Ohio voters will consider 176 school funding issues on the Tuesday, Nov. 6 ballot, according to a database compiled by the Ohio School Boards Association (OSBA). The majority of the requests are property tax levies for school operations, but the list also includes two-dozen plus school income tax issues, as well as bond issues and combination requests for school construction, renovation, maintenance and permanent improvements.

More Ohio school districts want court permission to become parties in a lawsuit seeking to recoup money from Electronic Classroom of Tomorrow (ECOT) founder William Lager and others. After Attorney General Mike DeWine filed suit against Lager, other ECOT officials and affiliated companies, two Ohio school districts sought to intervene, arguing DeWine's political history with Lager and his record on charter school enforcement make him ill-suited to represent their interests. DeWine's office disputed that assertion, saying it's been aggressive in pursuing charter school cases. The Dayton and Logan-Hocking boards of education initially filed the request to intervene in late September. Since then, Springfield City, Lake Local and Toledo City schools have filed, with Toledo joining late last week.

Franklin County Common Pleas Court added East Cleveland Schools' challenge to its new Academic Distress Commission to the docket this week, after a Cuyahoga County judge agreed earlier in October with the state's request to transfer the case.

## **ELECTIONS 2018**

The U.S. Sixth Circuit Court of Appeals Wednesday ordered the state to continue to allow certain voters who had been purged through the state's supplemental process to cast a provisional ballot in the upcoming Nov. 6, 2018 General Election as the court considers a challenge to the notification that is sent to purged voters.

Two new polls released one week out from the November election show U.S. Sen. Sherrod Brown continuing to hold a lead over U.S. Rep. Jim Renacci in the Senate race, while a thin margin separates Democrat Richard Cordray and Republican Mike DeWine in the governor's race. The polls were released by Baldwin Wallace University's (BWU) Community Research Institute and Emerson College. In the U.S. Senate race, BWU found 51.2 percent of respondents supporting Brown, while 31.7 percent are backing Renacci, with 17.1 percent unsure. The governor's race showed a tight matchup. Cordray gets 38.8 percent to DeWine's 39.4 percent when Libertarian Travis Irvine and Green Constance Gaddell-Newton are included.

Secretary of State Jon Husted announced that as of Friday, Oct. 26, an estimated 1,211,557 absentee ballots had been requested and 737,157 had been cast statewide -- outpacing absentee voting in 2014 at this same point when more than 881,000 absentee ballots had been requested and more than 477,000 ballots had already been cast.

Gov. John Kasich is throwing his full support behind Republican gubernatorial nominee Mike DeWine in the final days, appearing in a campaign ad on DeWine's behalf and attending a rally for DeWine in Columbus. Kasich appears in a new ad launched by DeWine's campaign on Tuesday titled "It's About People." In the ad, Kasich says that DeWine "promised me that he will protect

those with pre-existing conditions," a line that seeks to defend DeWine against Democratic attacks on health care.

President Donald Trump will be returning to Ohio the day before Election Day to hold a rally in Cleveland, according to his presidential campaign. The campaign said Trump will be holding a rally at 3 p.m. at IX Center, 1 I-X Center Drive, Cleveland. It is his first of three rallies the president has scheduled for the final day of the campaign, with later stops in Indiana and Missouri.

Former Vice President Joe Biden was in the state on Monday, campaigning for Richard Cordray and other Democrats and plans to return to the state on Saturday, Nov. 3.

The last campaign finance reports before the election show a number of Democrats seeking to flip suburban districts currently held by Republicans are outraising their opponents. Thursday was the deadline for pre-general election reports, and reports for Ohio House and Senate candidates show a flurry of fundraising and spending in and around Franklin, Montgomery, Cuyahoga and Summit counties.

While four contenders for two seats on the Ohio Supreme Court were scheduled to participate in a public forum at Capital University Law School, only Democratic candidate Melody Stewart appeared before voters at a recent event. Stewart, currently a judge on the Eight District Court of Appeals in Cleveland, said she wanted to help restore balance to the Court, which is currently under complete Republican control.

Bobby Mitchell, the Republican nominee for the 20th House District, held a press conference on the Statehouse steps Monday criticizing an investigation into his voter registration, saying he has sent a letter to the U.S. Department of Justice claiming racial discrimination.

The Ohio Legislative Black Caucus (OLBC) kicked off a seven-day bus tour Tuesday heading into the Nov. 6 General Election, gathering Democrats in downtown Columbus to remind voters what's at stake in the mid-terms: all statewide offices and scores of state legislative and congressional races in Ohio.

Republican Robert Sprague said Monday that he sees the Ohio treasurer's job as getting the best investment and return for the taxpayers as possible. Democrat Rob Richardson sees it a different way, wanting to use the power of the office to not only be fiscally responsible, but socially responsible as well.

The two nominees for state treasurer differed on their plans for the office and their responsibilities should they be elected during a debate at the University of Findlay on Monday.

According to the Ohio Supreme Court, November's general election includes 164 judicial seats at the state, appellate, common pleas, and county court levels and nearly 240 candidates vying for those seats. Included are two openings on the High Court itself.

Sarah Topy, the campaign manager for Democrat Aftab Pureval's congressional bid, resigned Wednesday, according to media reports.

As the state looks to upgrade its voting equipment thanks to new funds appropriated by the Ohio General Assembly earlier this year, a new type of "hybrid" voting machine has led Secretary of State

Jon Husted to seek clarity from Attorney General Mike DeWine's office on where those machines fit into Ohio law.

Currently, there are two options for casting an in-person ballot in the state: a precinct count optical scan system where a voter goes to the poll, fills out a paper ballot, and then casts the ballot by feeding it through an optical scanner. The second, a direct recording electronic (DRE) machine, utilizes a touch screen with a voter verified paper audit trail where a voter makes the selection on the screen, with the results recorded on that machine. The new machine combines features of both these systems.

Following a six-hour debate, the Ohio Elections Commission (OEC) fined 1st Congressional District Democratic candidate Aftab Pureval \$100 for improperly paying a photographer with funds from his Hamilton County clerk of courts campaign, but a procedural quirk rendered moot what could have been a much larger issue over spending \$16,000 of county campaign funds on a poll assessing his viability for his current congressional race.

Also on the ballot on Nov. 6 are a number of local human service-related levies: 13 counties will see a behavioral health levy; 17, a children services levy; 16, a developmental disabilities services levy; and 13 counties and two local communities, a senior services levy.

Common Cause President Hobert Flynn said Thursday her organization is seeing no major polling problems heading into the General Election, though state leaders of the group did report irregularities including switched votes in several states and a suspicious case of misleading, unsolicited text messages.

The following endorsements were made over the week:

- The *Plain Dealer* endorsed Ken Harbaugh for the 7th Ohio Congressional District and Phil Robinson and Casey Weinstein for Ohio House.
- The *Canton Repository* endorsed Mike DeWine for governor and Anthony Gonzalez for Congress.
- The *Columbus Dispatch* endorsed Anne Gonzales, Hearcel Craig and Louise Valentine for Ohio Senate and Mary Lightbody, Beth Liston, Allison Russo and Erica Crawley for the Ohio House.
- The *Plain Dealer* endorsed Nathan Manning for Ohio Senate.
- The *Warren Tribune Chronicle* endorsed Mike DeWine for governor.
- The *Toledo Blade* endorsed Sherrod Brown for U.S. Senate.
- The *Youngstown Vindicator* endorsed Richard Cordray for governor; and Michael Donnelly and Mary DeGenaro for Ohio Supreme Court.
- The League of Conservation Voters (LCV) Action Fund endorsed Ken Harbaugh for Congress.
- The *Findlay Courier* endorsed Bob Latta for Congress and Robert Sprague for treasurer.

- The *Toledo Blade* endorsed Steve Dettelbach for attorney general.

## **ENVIRONMENT**

A Cleveland-area dry cleaning business received financing approval for up to \$110,000 from the Ohio Air Quality Development Authority (OAQDA), the agency announced Monday. Esteem Cleaners of Parma Heights will use the financing from OAQDA's Clean Air Resource Center (CARC) program to purchase equipment that will help it become a clean air facility, the agency said. The company will replace its current dry cleaning equipment with a new solvent dry cleaning machine and a wet cleaning machine.

The U.S. Environmental Protection Agency's (EPA) implementation of a federal law meant to reduce emissions, protect wildlife habitats and reduce water pollution may be driving the opposite effect, according to a petition filed with the agency by various environmental conservation groups Tuesday.

The Energy Independence and Security Act (EISA) of 2007 was intended to limit the areas in which crops like corn and soybeans could be grown and harvested for biofuel to areas that were already being farmed prior to 2007. Carrie Apfel, attorney with Earthjustice, told reporters that the agency is instead using an "aggregate compliance" rule -- only requiring that the same total amount of land be used for production anywhere in the U.S. -- and skirting the restrictions placed in the law.

Columbus and Cincinnati were among the most recent winners of former New York City Mayor Michael Bloomberg's American Cities Climate Challenge, with each receiving \$2.5 million to reduce carbon pollution.

## **FEDERAL**

Saying he doesn't directly attribute the recent surge in political violence to President Donald Trump, U.S. Sen. Sherrod Brown (D-OH) called on leaders in the White House and Congress to stand up to right-wing extremists like the man who recently shot up a Pennsylvania synagogue, killing 11 people.

Gov. John Kasich has continued his media criticism of President Donald Trump on the issue of birthright citizenship, which the president claimed he can undo with an executive order. "I've never seen anything like this ... In some ways I'm just flabbergasted. I mean, it seems as though he wants to try to win an election by just creating enemies and sowing fear," Kasich said. "It's not right."

U.S. Sen. Rob Portman (R-OH) Tuesday said he sent a letter to U.S. Senate Majority Leader Mitch McConnell (R-KY) and Minority Leader Chuck Schumer (D-NY) urging the Senate pass the Department of Homeland Security (DHS) Authorization Act and to provide appropriate resources to help better protect synagogues and other nonprofit institutions around the country that are vulnerable to acts of terrorism.

## **GENERAL ASSEMBLY/STATEHOUSE**

The Senate will hold one of two sessions set for the week after the Nov. 6 election, the clerk's office said Wednesday. The Senate confirmed its voting session set for Wednesday, Nov. 14 but cancelled an if-needed session set for Tuesday, Nov. 13.

## GOVERNOR

Gov. John Kasich was among several Ohio officials who offered statements on the mass shooting that left 11 dead and six wounded at a Pennsylvania synagogue over the weekend, ordering all state flags on public grounds to be lowered until Saturday, Nov. 3. "Our hearts are heavy for the victims of today's hate-filled attack at the Tree of Life Synagogue in Pittsburgh, for their families and for all who have been affected," Kasich wrote on Twitter.

Appointments made during the week include the following:

- Guy T. Wesselkamper of Montgomery (Hamilton County) to the Real Estate Appraiser Board for a term beginning Oct. 26, 2018 and ending June 30, 2021.
- Duane D. Clark of Uniontown (Stark County) to the Technical Advisory Council on Oil and Gas for a term beginning Oct. 26, 2018 and ending Jan. 31, 2020.
- Gwendolyn J. Harshaw of Gahanna (Franklin County), Kelly L. McDonald of Mentor (Lake County) and Anthony Moye of Pataskala (Licking County) reappointed to the Ohio Statewide Independent Living Council for terms beginning Oct. 27, 2018 and ending Oct. 26, 2021.
- Joshua T. Fox of Miamisburg (Montgomery County) to the Motor Vehicle Dealers Board for a term beginning Oct. 26, 2018 and ending Oct. 4, 2019.
- Christopher J. Haydocy of Columbus (Franklin County) to the Motor Vehicle Dealers Board for a term beginning Oct. 26, 2018 and ending Oct. 4, 2021.
- Martin J. Sweeney of Cleveland (Cuyahoga County) to the State Lottery Commission for a term beginning Oct. 26, 2018 and ending Aug. 1, 2021.
- Gary W. Lake of Wadsworth (Medina County) to the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board for a term beginning Oct. 29, 2018 and ending Aug. 27, 2021.
- David Goodman of New Albany (Franklin County) to the Regional Economic Development Alliance Study Committee for a term beginning Oct. 29, 2018 and ending Aug. 1, 2019.
- Bernie R. Anderson of McConnelsville (Morgan County) to the Washington State Community College Board of Trustees for a term beginning Oct. 30, 2018 and ending Feb. 17, 2023.
- Brodi J. Conover of Lebanon (Warren County) and Jane E. Gerhardt of Cincinnati (Hamilton County) reappointed to the Ohio Humanities Council for terms beginning Oct. 31, 2018 and ending Oct. 30, 2021.
- Thomas N. Taneff of New Albany (Franklin County) and Rowena Yeager of Aurora (Portage County) reappointed to the State Cosmetology and Barber Board for terms beginning Nov. 1, 2018 and ending Oct. 31, 2023.
- Richard P. "Rick" Broderick of Springfield (Clark County), Linette R. Fout of Chillicothe (Ross County), David A. Hejmanowski of Delaware (Delaware County), Mark Mecum of Westerville

(Delaware County) and Andrew N. Russell of Columbus (Franklin County) reappointed to the Governor's Council on Juvenile Justice for terms beginning Nov. 1, 2018 and ending Oct. 31, 2021.

- Ann Marie Frahn of Maumee (Lucas County), Rajendra R. Gaglani of Columbus (Franklin County), Justin P. Lavin of Akron (Summit County), Joan McBride of Ada (Hardin County), Robert H. Small of Columbus (Franklin County) and Teleange T. R. Thomas of Lakewood (Cuyahoga County) reappointed to the Maternity and Newborn Advisory Council for terms beginning Nov. 1, 2018 and ending Oct. 31, 2023.

## **GREAT LAKES**

Gov. John Kasich's effort to declare eight watersheds in the Western Basin of Lake Erie as "in distress" was again delayed by the Ohio Soil and Water Conservation Commission (OSWCC) Thursday, and likely won't be considered again until the new administration takes over next year. By a vote of 4-3, the commission voted to table the measure until the Ohio Department of Agriculture's (ODAg) related rules package clears the Joint Committee on Agency Rule Review (JCARR) so it can be considered alongside the "distress" executive order at the OSWCC's next meeting in February 2019.

State-funded projects to reduce harmful algal blooms (HABs) in Ohio have already yielded results, according to the "Harmful Algal Bloom Research Initiative (HABRI) Year 3 Project Update." The report was released by Ohio Sea Grant on behalf of the University of Toledo (UT) Ohio State University (OSU) and the Ohio Department of Higher Education (ODHE).

## **INSURANCE**

Ohio's mental health and substance use disorder treatment systems were among those of a few states evaluated recently by the journal *Health Affairs* in recognition of the 10th anniversary of the federal mental health parity law. The publication undertook the evaluation in response to the Parity at 10 Campaign, which seeks greater compliance by insurers and state Medicaid programs with the federal Mental Health Parity and Addiction Treatment Act of 2008. The Ohio Council of Behavioral Health and Family Service Providers, representing 150 organizations throughout the state, is the lead Ohio organizer for the national campaign. *Health Affairs* notes that while parity is a federal statute, enforcement falls to state authorities for most insurance sources. The journal looked at Ohio's enforcement efforts alongside those of Illinois, Maryland, New Jersey and New York.

## **JUDICIAL**

Chief Justice Maureen O'Connor had drawn support from five former Ohio Supreme Court justices when the 6-1 majority ruled in *Miller v. Miller* (2012) that businesses must pay the legal expenses of corporate directors even when it is the company that is suing the director. However, a realigned majority has agreed, over her objections, to revisit the issue in *Magnus v. Forster*, the appeal of a Painesville firm that accuses a co-owner and 50-percent shareholder of forging names on fraudulent distribution checks paid to his retirement account. Per *Miller*, Magnus International Group has been ordered to indemnify the co-owner's legal defense.

Columbus and its two law schools, Ohio State University and Capital University, predominate among Ohioans passing the state's 2018 July bar exam, when test-takers generally matched the previous summer's success rate. Of 863 aspiring lawyers who sat for the exam, 603 or 69.9 percent



of all candidates received passing scores. Among 712 first-time test takers, 79 percent passed. That compares to 70.9 percent and 77 percent, respectively, in July 2017.

The history of the U.S. Supreme Court is often written about through stories surrounding landmark cases and the justices that sat on the Court in those times. In recent years, U.S. Court of Appeals Judge Jeffrey Sutton says he's become increasingly concerned that too much power is being given to federal courts and the U.S. Constitution when more attention should be paid to state supreme courts and their constitutions.

The Ohio Supreme Court on Thursday alerted attorneys to a new state resource for understanding, identifying and reporting elder abuse, in keeping with their obligations before the bar. "Attorneys admitted to practice law in the state have a duty to immediately report suspected elder abuse to the county department of job and family services where the elderly adult resides. The requirement arises when an attorney has 'reasonable cause to believe that an adult is being abused, neglected, or exploited, or is in a condition that is the result of abuse, neglect or exploitation'" under R.C. 5101.63, the Court said.

## **LIBRARIES**

Voters will see 25 requests for local library funding on the Tuesday, Nov. 6, according to a summary from the Ohio Library Council (OLC). Most of the requests, 15, are for renewal levies.

## **LOCAL GOVERNMENT**

The Franklin County Auditor's Office recently became the first in the nation to facilitate property transfers using new blockchain technology, and Auditor Clarence Mingo told *Hannah News* he's just getting started. The technology company he worked with, SafeChain, is also developing products for the private sector and several other local governments in the state, as well as continuing to work with Mingo's office.

Blockchain, an electronic distributed ledger that enhances efficiency and security, was used in the auditor's sale of 36 forfeited properties as that is a more direct process than a traditional property transaction involving a host of third parties, SafeChain Chief Technology Officer Rob Zwink explained to *Hannah News*.

## **MARIJUANA**

Dispensaries operating under the Ohio Medical Marijuana Control Program will not be allowed to use the marijuana leaf for advertising purposes, Ohio Board of Pharmacy (OBP) Regional Agent-in-Charge Jesse Wimberly said Friday. "There won't be pot leaves or Spongebob Squarepants smoking a doobie. Other states do that with recreational," Wimberly told attendees of a medical marijuana workshop at the Ohio Attorney General's Law Enforcement Conference. Wimberly said the state will "hopefully" see its first operational dispensary in mid-November but said that depends on how quickly the dispensaries are ready to be successfully inspected.

## **MEDICAID**

Ohio Medicaid will now pay to treat Hepatitis C patients as soon as they're diagnosed with the condition, rather than waiting until the viral infection reaches a certain level of severity. Spread of the disease is linked to Ohio's opioid addiction crisis, a major focus of Medicaid decision makers. The Ohio Department of Medicaid (ODM) announced the policy change Wednesday, following previous action by Director Barbara Sears to take an intermediate step in lowering the level of severity necessary to gain treatment.

The Ohio Department of Medicaid (ODM) issued a "stern" warning to CVS Caremark this week after hearing from pharmacists that their reimbursements had been lowered, just two months out from when the state will prohibit use of the controversial "spread-pricing" approach used by pharmacy benefit managers (PBM). CVS Caremark, the PBM for most Ohio Medicaid managed care plans, reversed course quickly. The company initially defended the move in the *Columbus Dispatch*, which has a long-running investigative series on pharmacy pricing, but soon after told the newspaper it would increase reimbursements.

Rural areas in Medicaid expansion states saw a greater reduction in their uninsured rates than metro areas, while rural areas in non-expansion states experienced a lesser reduction in their uninsured rates than metro areas, according to a new report from the Georgetown University Center for Children and Families (CCF).

## **NATURAL RESOURCES**

More than \$4.4 million in project funding has been approved through the NatureWorks grant program to improve outdoor recreational opportunities throughout the state, the Ohio Department of Natural Resources (ODNR) announced.

Two individuals, Tom Berger and Richard "Dick" Potts, and two organizations, Superior Hardwoods of Ohio Inc. and Wildlife Management Institute, have been honored with a tree planting ceremony at the ODNR Forest of Honor at Zaleski State Forest near McArthur.

## **PUBLIC SAFETY**

Attorney General Mike DeWine's office recognized the following winners of the 2018 Law Enforcement Achievement Awards at the office's annual Law Enforcement Conference: Distinguished Law Enforcement Valor Award: Sgt. David White (retired) and Patrolman Brian Duman, Uniontown Police Department; Distinguished Law Enforcement Valor Award: Ofc. James Swearingen, Miami Township Police Department; Distinguished Law Enforcement Group Achievement Award: Short North Posse Investigation and Prosecution Team; Distinguished Law Enforcement Lifetime Achievement Award: Lt. Col. Gilbert H. Jones (retired), Ohio State Highway Patrol; Mark Losey Distinguished Law Enforcement Service Award: Assistant U.S. Attorney David M. DeVillers, U.S. Attorney's Office for the Southern District of Ohio; Distinguished Law Enforcement Training Award: Patrolman Kevin R. Davis, Akron Police Department; Distinguished Law Enforcement Community Service Award: Trooper Juan "Ray" Santiago, Ohio State Highway Patrol; and Distinguished Civilian Leadership Award: Rev. Richard D. Ellsworth, Ohio State Highway Patrol.

Americans who are more than 50 years old, male and African-American or American Indian are at greater overall risk of dying due to a fire than the rest of the general population, according to a September report from the U.S. Fire Administration. The topical fire report examined the 3,515 deaths and 14,650 injuries caused by fires in the U.S. in 2016.

The Ohio Department of Public Safety (ODPS)/Bureau of Motor Vehicles (BMV) announced that, effective Oct. 29, HB95 (Hughes-Seitz) became law, enacting "a significant distracted driving deterrent and an effective tool for law enforcement to enforce dangerous driving." Specifically, HB95 addresses distracted driving by no longer requiring law enforcement officers to prove a driver was texting, only that a moving violation occurred and that the driver was distracted at the time.

## **TAXATION**

The Board of Tax Appeals (BTA) wrongly refused to consider the competing appraisal of Warrensville Heights Schools when it ruled on the valuation of Thistledown Racino, the Ohio Supreme Court ruled Tuesday. In a 5-2 decision, the Supreme Court faulted the board for rejecting the school district's appraisal on the basis of its "leased fee" analysis, noting that it had upheld such an appraisal technique in the 2009 case *Meijer Stores Ltd. Partnership v. Franklin Cty. Bd. of Revision*.

## **UTILITIES**

American Electric Power (AEP) on Monday named Raja Sundararajan president and chief operating officer of AEP Ohio, effective Monday, Jan. 1, 2019. Sundararajan is currently AEP's vice president of regulatory services. He will lead the company's electric service responsibilities and report to Paul Chodak, executive vice president of AEP Utilities. Sundararajan replaces Julie Sloat, now AEP's senior vice president of treasury and risk.

As many as 1.5 million Columbia Gas of Ohio customers will see a \$300 million-plus refund if the Public Utilities Commission of Ohio (PUCO) approves a proposed settlement of the company's federal tax bill under the Trump administration's Tax Cuts and Jobs Act (TCJA). Signed by the Ohio Consumers' Counsel (OCC), Ohio Manufacturers' Association (OMA) and other stakeholders, the proposal would simultaneously hike gas distribution charges, though by \$35 million less than the utility's original request.

The Ohio Consumers' Counsel (OCC) says a "rush to judgment" by a single Public Utilities Commission of Ohio (PUCO) staffer could lead to hundreds of billions of dollars in state-ordered subsidies for renewable power plants that OCC says should be driven by market forces. The consumers' counsel is asking the commission to stop the expedited hearing scheduled ordered by the staffer for 500 megawatts of wind energy and 400 megawatts of solar energy proposed by American Electric Power (AEP) of Ohio.

## **LEGISLATIVE ACTIVITY:**

### **SENATE:**

No legislative activity to report.

### **HOUSE:**

No legislative activity to report.