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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

Attorney General Mike DeWine turned to Congress in the fight against the opioid epidemic Monday as he called on lawmakers to pass stiffer penalties on "irresponsible" manufacturers of pain medication as part of the Comprehensive Addiction and Recovery Act (CARA) 2.0, introduced by U.S. Sen. Rob Portman (R-OH). DeWine and Washington Attorney General Robert Ferguson are leading a bipartisan coalition of 39 state and territorial attorneys general to urge leaders of the U.S. Senate Health, Education, Labor and Pensions Committee to move CARA 2.0, contained in S2456. DeWine and Ferguson also are promoting passage of the Comprehensive Addiction Reform, Education, and Safety (CARES) Act, S2440.

The Joint Study Committee on Drug Use Prevention Education, a creation of legislative leaders and Attorney General Mike DeWine, reviewed Thursday a draft of its 2018 report, which will follow up on last year's report on key prevention strategies with suggestions for how schools can put drug use prevention strategies into action.

AGRICULTURE

The Ohio Department of Agriculture announced it would be spraying treatments using low-flying aircraft to combat Northern Ohio's invasive gypsy moth populations during mid-May in Fulton, Lucas, Marion, Morrow, Sandusky, Seneca and Wyandot counties.

Satisfied by a slate of amendments to HB506 (Hill), legislation governing high volume dog breeders, Humane Society of the United States legislative counsel Tom Pappas told the Senate Agriculture Committee Tuesday that the society is prepared to suspend efforts toward a constitutional amendment should the bill pass as it was reported out.

BUSINESS/CORPORATE

Supporters of legislation seeking to prevent the installation of unsafe used tires on motor vehicles called on the House to pass SB223 (LaRose) as soon as possible to protect Ohio drivers. The Senate version of the bill was reported out of the House Government Accountability and Oversight Committee in February, while companion bill HB42 (Sprague-DeVitis) was reported out of the House Economic Development, Commerce and Labor Committee a year ago. The Senate passed SB223 by a vote of 31-1 in December 2017.

CRIME AND PUNISHMENT

A bill aiming to keep violent offenders in prison longer to reduce the risk of another person's being attacked by a recently-released inmate was reported out of the House Criminal Justice Committee on Tuesday on a 10-1 vote. HB365 (Hughes-Boggs), also called the "Reagan Tokes Act," was introduced in response to the rape and murder of an Ohio State University student by Brian Golsby, who had been paroled three months earlier and was under GPS monitoring.

DISABILITIES

Ohioans with disabilities who receive help from state programs will have a better chance at being matched up with technology to improve their quality of life under an executive order signed by Gov. John Kasich on Thursday. The order launches the "Technology First" initiative to assist Ohioans with developmental disabilities. The Kasich administration noted that Ohio is a leader in the use of technology with those who have disabilities, and the executive order will take that further, creating a program similar to the "Employment First" initiative the governor launched in 2012 aimed at helping those with developmental disabilities to find living-wage jobs in real workplaces.

EDUCATION

With lawmakers wanting more information and a cancelled floor session sapping urgency, the House Education Committee backed off plans Wednesday to vote on a broad school deregulation measure, though members did agree to several changes. In addition to adopting 11 amendments to SB216 (Huffman), the committee also previewed possible changes to HB591, Rep. Mike Duffey's (R-Worthington) proposal to overhaul state report cards.

Sen. Stephanie Kunze (R-Hilliard) gave sponsor testimony before the Senate Education Committee on her SB289 which provides schools additional tools to respond to threatened acts of violence on

their premises. She said parents, school officials and students are becoming "increasingly frustrated" with students who make verbal and social media threats that close schools.

According to a study from education think tank Child Trends, homogenous black middle and high schools (more than 75 percent black students) are more likely than homogenous white middle and high schools (more than 75 percent white students) to have full-time, in-school security personnel. Child Trends analyzed recently released data from the 2015-2016 federal Civil Rights Data Collection to determine that 54.1 percent of homogenous black middle and high schools had at least one school-based law enforcement officer or security officer on campus, compared to 32.5 percent of homogenous white middle and high schools.

Magnificat High School, a college-preparatory girls' school sponsored by Sisters of the Humility of Mary in Rocky River OH, is among dozens recognized across the U.S. for achieving "Green Ribbon" status, the U.S. Department of Education's (USDOE) program for recognizing schools' efforts to reduce environmental impacts and utility costs, improve health and wellness, and ensure effective environmental education.

The U.S. Department of Education's (USDOE) Office for Civil Rights (OCR) announced recently the launch of a new technical assistance initiative to assist schools, districts, state education agencies, libraries, colleges and universities in making their websites and online programs accessible to individuals with disabilities.

ELECTIONS

A little more than two weeks after Ohio voters approved Issue 1 to change the way congressional districts are drawn in Ohio starting after the next census, the American Civil Liberties Union of Ohio (ACLU) announced it has filed a federal lawsuit challenging Ohio's current congressional map, saying it is an unconstitutional partisan gerrymander. The ACLU said its lawsuit will seek to replace the map with one that accurately reflects the will of voters and complies with the U.S. Constitution. The lawsuit, *Ohio A. Philip Randolph Institute v. Kasich*, was filed in U.S. District Court in Cincinnati.

ELECTIONS 2018

More than a dozen county sheriffs joined Democratic gubernatorial candidate Rich Cordray Friday in attacking Attorney General Mike DeWine's response to the opioid epidemic, saying Cordray's Republican challenger and Gov. John Kasich have both fumbled badly in heading off the crisis. Announcing "Sheriffs for Cordray," the former state attorney general called the opioid scourge a "five-alarm fire" under DeWine's watch, leaving local law enforcement out in the cold when it comes to funding and other resources.

The Controlling Board Monday approved the use of state funds to send an unsolicited absentee ballot application to every registered voter of Ohio on behalf of Secretary of State Jon Husted, though one member said he has concern over whether that mailing could be used to bolster Husted's campaign for lieutenant governor.

A poll conducted by Public Policy Polling (PPP) and released by the Ohio Democratic Party Thursday shows Rep. Kathleen Clyde (D-Kent) leading Sen. Frank LaRose (R-Copley) in the secretary of state's race.

The following endorsements were made over the week:

- The NFIB OH PAC, the political action committee of the National Federation of Independent Business in Ohio, endorsed Dave Yost for attorney general.
- The Ohio Education Association Fund for Children and Public Education endorsed Richard Cordray for governor.
- United Auto Workers endorsed Richard Cordray for governor.
- The state auditor campaign of Zack Space announced the endorsements of the Ohio Association of Professional Fire Fighters, the Ohio State Association of Plumbers & Pipefitters, and the International Brotherhood of Electrical Workers.

EMPLOYMENT/UNEMPLOYMENT

U.S. and Ohio unemployment rates continued to trend down in April, falling to 3.9 and 4.3 percent respectively, but the gap between the nation and the Buckeye State's rates increased by 0.1 percentage points. Ohio's unemployment rate was 4.4 percent in March, while the U.S. rate was at 4.1 percent. The Ohio Department of Job and Family Services reported the state unemployment rate decreased by 0.8 percent and 43,000 jobs compared to April 2017, while the U.S. unemployment rate fell by 0.5 percent over the 12-month period.

ENERGY

Conservatives for a Clean Energy Future delivered over 4,000 signed letters Tuesday to 10 members of the Ohio House as a representative sample of lawmakers who are considering legislation proposing shorter wind turbine setbacks. The bills -- SB238 (Dolan), HB114 (Blessing) and HB604 (Strahorn) -- would return the setback to what it was before mid-biennium review (MBR) 130-HB483 (Amstutz). The required distance is currently 1,125 feet from the nearest property line, which under the proposed bills would be measured instead from the nearest habitable residential structure.

Ohio Senate Ways and Means Committee Chairman John Eklund (R-Chardon) announced an "extraordinary" end to the interagency debate on HB430 (Schaffer) among the Ohio Department of Taxation (ODT), Ohio Environmental Protection Agency (Ohio EPA) and Ohio Department of Natural Resources (ODNR) Wednesday concerning the sales and use tax-exempt status of oil and gas drilling operations.

ENVIRONMENT

The Ohio Environmental Protection Agency (Ohio EPA) will consider funding proposed projects worth approximately \$473 million through the 2019 Drinking Water Assistance Fund (DWAF), the agency announced. Loan funds are available to all applicants that meet the program requirements, Ohio EPA said, noting two public hearings on the draft program management plan will take place on Tuesday, June 19. Program year 2019 runs from July 1, 2018 through June 30, 2019. The fund provides financial and technical assistance for a variety of projects that help improve or protect the quality of Ohio's drinking water.

Community health departments and similar entities across the state are set to receive \$673,630 for mosquito control grants, according to the Ohio Environmental Protection Agency (Ohio EPA) and Ohio Department of Health (ODH).

GAMING/GAMBLING

Sports gamblers could legally place bets at Ohio casinos and racinos under legislation soon to be introduced by Sen. Joe Schiavoni (D-Boardman). "Since states are now permitted to allow sports betting, Ohio should take advantage of the opportunity to drive revenue growth," Schiavoni said. The U.S. Supreme Court recently ruled that the federal prohibition on sports gambling is unconstitutional.

GENERAL ASSEMBLY/STATEHOUSE

Six leading statewide business organizations issued a public letter Tuesday calling on the House Republican Caucus to "set aside differences and preferences and focus on the needs of our great state" by promptly selecting a House Speaker to serve the remainder of the 132nd General Assembly. The letter was signed by leaders of the National Federation of Independent Business-Ohio, Ohio Business Roundtable, Ohio Chamber of Commerce, Ohio Farm Bureau, Ohio Council of Retail Merchants and Ohio Manufacturers' Association. Former U.S. Rep. Pat Tiberi, now the president and CEO of the Ohio Business Roundtable, was among the signers.

However, on Wednesday, House Speaker Pro Tempore Kirk Schuring (R-Canton) cancelled the Wednesday and Thursday voting sessions because he didn't have "absolute assurances" that 50 Republicans would support Rep. Ryan Smith's (R-Gallipolis) speaker bid.

Also later on Wednesday, House speaker candidate Rep. Ryan Smith (R-Bidwell) held a news conference, expressing frustration with the situation. He also denied he is being investigated by FBI, calling the allegations one component of a bullying strategy being employed by Rep. Larry Householder (R-Glenford) and his allies.

House Democrats weighed in on the speaker battle on Thursday with Rep. David Leland (D-Columbus) saying internal quarreling over who should manage the Ohio House Republican Organizational Committee (OHROC) is the main reason the House still doesn't have a speaker. "It's all about the control of that \$4 million." Minority Leader Fred Strahorn (Dayton) said most Democrats are opposed to supporting any speaker candidate on the Republican side at this point, noting they don't necessarily have any specific problems with Reps. Ryan Smith (R-Gallipolis), Andy Thompson (R-Marietta) or Larry Householder (R-Glenford). "We really don't understand the nature of the investigation or who's involved in the investigation. I think there's a concern that they might be on record supporting someone who somehow could be connected to what's happening."

Senate President Larry Obhof (R-Medina) led his chamber through a slate of legislation in unanimous fashion Wednesday. In comments following session, he sought to distance members from the House leadership crisis. The Senate passed the following bills with no debate: public record exemptions for minors in HB8 (Hambley-Rezabek), 29-0; charter school enrollment and funding accountability in HB21 (Hambley), 31-0; drug treatment program licensing and psychiatric nurse practitioner committing authority in HB111 (Carfagna), 31-0; abandoned oil and gas well reporting in HB225 (Thompson), 31-0; state residency requirements for tax purposes in HB292 (Scherer); medical transplant rights of the disabled in HB332 (Antani), 31-0; school district-education service center (ESC) affiliation in HB438 (Hambley-Kick), 31-0; public reporting requirements on health insurers in SB227 (Huffman), 30-0; and membership qualifications for convention and visitors' bureau boards of trustees in SB252 (Peterson), 30-0.

The House Economic Development, Commerce and Labor Committee reported out HB504 (Pelanda) following acceptance of a substitute bill and three hours of conflicting testimony from architects and interior designers Tuesday.

GOVERNOR

Gov. John Kasich gave graduates of the Harvard Kennedy School a remix of his "State of the State" speech Wednesday, talking philosophy and virtues in society. He told members of the Class of 2018 that they can make change as individuals, and told them to act with virtue. He also questioned whether virtue was missing in businesses, saying too many have focused on the goal of profits. He cited those he saw as lacking virtues, such as the athletes who abuse their spouses who play on Sunday, or in Hollywood and the exposure of bad actors by the #MeToo movement.

Appointments made during the week include the following:

- Grace Moran of Columbus (Franklin County) to the Ohio AMBER Alert Advisory Committee for a term beginning May 22, 2018 and ending Feb. 6, 2019.
- James Jewell of Dublin (Franklin County) to the Underground Technical Committee for a term beginning May 23, 2018 and ending Dec. 31, 2019.
- Andrea L. Fricks of Westerville (Franklin County) to the State Board of Career Colleges and Schools for a term beginning May 24, 2018 and ending Nov. 20, 2018.

HEALTH AND HUMAN SERVICES

A Licking County child's school district is refusing to pay for out-of-state placement at a Virginia parochial correctional school, citing a decade's old opinion from the attorney general's office, prompting the county prosecutor to ask Attorney General Mike DeWine to reconsider the opinion. The child, who is in the custody of the Licking County Department of Job and Family Services, has various physical and mental/behavioral issues and no Ohio facility would accept the child because of those.

HOUSING/HOMELESSNESS

The Ohio Housing Finance Agency (OHFA) Board announced the recipients of the 2018 Housing Tax Credit (HTC) program awards that are used to fund the construction, acquisition and rehabilitation of affordable housing communities throughout Ohio. Over \$28 million/year for 10 years in federal housing tax credits were awarded to 37 developments to create 2,122 apartments serving families, seniors and individuals with disabilities.

Housing sales volume and prices increased for the month and compared to last year in April, according to the Ohio Association of Realtors. April's average price of \$179,366 represents a 5.3 percent increase from prices seen in April 2017.

JUDICIAL

The Ohio Supreme Court took up disciplinary charges against former Mahoning County Auditor Michael V. Sciortino, convicted in the Cafaro family real estate flap involving the county office of job and family services, hearing oral argument in the complaint on Tuesday, May 22.

The Ohio Supreme Court launched the rulemaking process Monday to formalize a little-remarked program that seeks to resolve conflicts among state, county and local government officials. The Court opened a public comment period on a proposal to outline the duties of the Government Conflict Resolution Services (GCRS) Program.

The Ohio Supreme Court announced the adoption of rule amendments Monday that require new magistrates to complete an orientation program within 12 months and that make changes to Continuing Legal Education (CLE) requirements for magistrates. The orientation program affects attorneys appointed as magistrates after Jan. 1, 2019 or sitting magistrates who have changed jurisdictions.

LOBBYISTS

Josh Brown has joined Graff & McGovern's Government Affairs Division, the law firm announced Wednesday. Brown, who left his position as legal counsel for Citizens for Community Values, will join lawyer and lobbyist Luther Liggett to lobby the General Assembly and local government legislative bodies.

LOCAL GOVERNMENT

A provision added to HB49 (R. Smith) addressing the rates municipalities charge for water and sewer to township residents that was later vetoed by Gov. John Kasich received its first hearing as a standalone bill Wednesday. Reps. Mike Duffey (R-Worthington) and Laura Lanese (R-Grove City) gave sponsor testimony on HB602, which they dubbed the "Clean Water Fair Pricing Act." Duffey said the legislation addresses growing concerns over the rates that municipalities will charge township residents on water and sewer, sometimes by 50 percent more or higher, even if the township resident is closer and less or the same cost to serve. He also said cities are withholding water and sewer as a means to force annexation or even forcing "pay for play" without requiring annexation but instead demanding a permanent income tax revenue share, without offering services in return.

MARIJUANA

Franklin County Common Pleas Court Judge Richard Frye issued a mixed decision Friday in a second lawsuit involving the Medical Marijuana Control Program (MMCP) cultivator dispute. He denied Ohio Releaf's bid for a preliminary injunction to stop the Ohio Department of Commerce (DOC) from proceeding with level-one licensing, but granted Releaf's request for a Chap. 119 administrative hearing.

MEDICAID/MEDICAID REFORM

While one of Ohio's Medicaid waivers is currently open for comments at the federal level, a second waiver was returned to the Ohio Department of Insurance (ODI) for being incomplete. Earlier this week, the federal Centers for Medicare and Medicaid Services (CMS) informed the Ohio Department of Medicaid (ODM) that its 1115 demonstration waiver, "Group VIII Work Requirement and Community Engagement 1115 Demonstration Waiver," had cleared its preliminary review and was now posted on the CMS website for a 30-day federal comment period running until 11 p.m. on Thursday, June 14. Meanwhile, ODI is reviewing the federal response to the state's 1332 state innovation waiver to determine next steps.

NATURAL RESOURCES

The Ohio Wildlife Council tabled a rule that would've allowed limited trapping of bobcats in the state during a recent meeting finalizing regulations for the 2018-2019 hunting and trapping seasons, according to the Ohio Department of Natural Resources (ODNR). "This means that bobcats in Ohio will continue to enjoy their protections until the council considers the proposed rules again," the Humane Society of the United States (HSUS) said.

PAYDAY LENDING

Attorney General Mike DeWine Monday certified the resubmitted petition for a proposed constitutional amendment that would establish additional regulations for payday loans. The issue will now head to the Ohio Ballot Board, which must determine if the proposed amendment contains one or more issues.

PENSIONS

U.S. Sen. Sherrod Brown urged Teamster retirees Monday to put pressure on Congress to back his Butch Lewis Act or another workable proposal to stave off failure for multi-employer pension plans. Collapse of the plans threatens to leave retirees with a fraction of their expected pension benefits, and could also imperil the stability of the federal Pension Benefit Guaranty Corporation (PBGC), which is supposed to step in and take over payments when a pension plan fails. Retirees face the loss of a third or more of their benefits.

PUBLIC SAFETY

Ohio is the 19th best state for law enforcement officers, a report by personal finance site WalletHub found, but the ranks of patrol officers and investigators compared to overall population is projected to thin over the next six years. Indiana at 13th; and Pennsylvania at 15th ranked ahead of the Buckeye State, while other neighbors Michigan, 20th; West Virginia, 45th; and Kentucky, 46th, were ranked below. The report also ranked states by three sub-categories, with Ohio 22nd in "Opportunity and Competition," 13th in "Job Hazards and Protection" and 29th in "Quality of Life."

TRANSPORTATION/INFRASTRUCTURE

The Ohio Turnpike and Infrastructure Commission (OTIC) on Monday authorized the spending of an additional \$458,000 to upgrade its camera system used to monitor traffic and toll collections. New cameras are necessary to support the 16 new automated toll payment machines (ATPM) approved in November 2017, according to the resolution.

Ohio is positioned to remain a leader in transportation innovation, technology and safety as multiple entities work to keep the state on the forefront of automated driving and connected "smart" systems, according to a panel of industry experts who testified Wednesday before the House Transportation and Public Safety committee. Representatives from the Mid-Ohio Regional Transportation Commission (MORPC), Transportation Research Center, Inc. (TRC), the Ohio State University (OSU), and the city of Columbus detailed their organizations' advancements and collaborations for members of the committee during its final Autonomous and Connected Vehicles Study hearing.

VETERANS

Grief is necessary, but death is simply crossing a door to another room, Gov. John Kasich said at this year's wreath laying ceremony in advance of Memorial Day. The audience included a number of Gold Star families, as well as veterans and current military personnel. Two Ohioans who served in the U.S Army, Sergeant First Class Jeremiah Johnson of Springboro and Sergeant Cameron Thomas of Kettering, were remembered in particular as they died in the past 13 months.

"The Eyes of Freedom: Lima Company Memorial" has returned to Capitol Square. The memorial will be on display in the Rotunda of the Statehouse for a special 10th anniversary exhibition from May 21 to May 27. The exhibit was first unveiled at the Ohio Statehouse in May 2008. The display was created in memory of 22 fallen Marines and a Navy corpsman from Lima Company, 3rd Battalion, 25th Marine Regiment who lost their lives while serving in Iraq in 2005.

WORKERS' COMPENSATION

Directors for the Ohio Bureau of Workers' Compensation (BWC) reviewed an initial proposal Thursday to potentially "re-brand" and reorganize the bureau into a "world-class" insurance carrier -- a goal articulated by Administrator/CEO Sarah Morrison since the early days of her administration and reiterated Thursday by the board's Governance Committee chair, Chan Cochran.

The BWC Board of Directors also made official the \$1.5 billion employer rebate announced by Gov. John Kasich last month as part of BWC's latest "Billion Back." The transfer leaves the bureau with assets of \$9.8 billion in the final month of FY18, Audit Committee Chairman Ken Haffey said. Chief Financial Officer Barbara Ingram noted employers must pay overdue premiums and submit outstanding payroll reports before Friday, June 8 to qualify.

LEGISLATIVE ACTIVITY:

SENATE:

PASSED BY SENATE

HB8 PUBLIC RECORDS-MINORS (Rep. Steve Hambley, Rep. Jeffrey Rezabek) To exempt from the Public Records Law certain information concerning a minor that is included in a record related to a traffic accident involving a school vehicle in which the minor was an occupant at the time of the accident.

Vote 32-0

HB21 COMMUNITY SCHOOL ENROLLMENT VERIFICATION (Rep. Steve Hambley) Regarding verification of community school enrollments and community school sponsor contract specifications; regarding state assessment and graduation requirements for certain chartered nonpublic schools; eliminating the Education Management Information System (EMIS) Advisory Board in favor of a new EMIS Advisory Council; to make other education policy changes.

Vote 32-0

HB111 REGISTERED NURSES-MENTAL HEALTH (Rep. Rick Carfagna) To require all opioid treatment programs to be licensed by the Ohio Department of Mental Health and Addiction Services; to authorize certain advanced practice registered

nurses to have a person involuntarily transported to a hospital for a mental health examination; to eliminate the requirement that each physician assistant supervision agreement be submitted reviewed by the Ohio State Medical Board; regarding licensure requirements for dialysis technicians, orthotists, prosthetists and pedorthists; to make other health policy changes.

Amended on Floor, Vote 32-0, Emergency Clause Passed 32-0

HB225 ABANDONED WELL REGULATION (Rep. Andrew Thompson) To allow a landowner to report an idle and orphaned well or abandoned well, to require the Chief of the Division of Oil and Gas Resources Management to inspect and classify such a well, to require the Chief to begin plugging a well classified as distressed-high priority within a specified time period, and to authorize an income tax deduction for reimbursements paid by the state to a landowner for costs incurred to plug an idle or orphaned well.

Vote 32-0

HB292 STATE OF RESIDENCE TEST (Rep. Gary Scherer) To modify the test for determining an individual's state of residence for income tax purposes; to make various tax policy changes.

Vote 32-0, Emergency Clause Passed 32-0

HB332 TRANSPLANTS-DISABLED PERSONS (Rep. Niraj Antani) Regarding anatomical gifts, transplantation, and discrimination on the basis of disability.

Vote 32-0

HB438 ESC ANNEXATION (Rep. Steve Hambley, Rep. Darrell Kick) To permit the addition of appointed members to educational service center boards and to permit a local school district to sever its territory from one educational service center and annex that territory to an adjacent service center under specified conditions; and to modify provisions for community school grants by requiring at least three rounds of funding and specifically permitting participants to receive additional funding.

Vote 32-0

SB227 INSURANCE CLAIM INFORMATION RELEASE (Sen. Matt Huffman) To require health plan issuers to release certain claim information to group plan policyholders.

Vote 31-0

SB252 LOCAL OFFICES-OTHER POSITIONS (Sen. Bob Peterson) To authorize local elected officers that have levied a hotel lodging excise tax, or a designee of such officers to simultaneously hold the position of officer or member of the board of trustees of a convention and visitors' bureau without constituting incompatible offices.

Vote 31-0

HOUSE:

No legislative activity to report.