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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

Columbus Public Health will get \$14,250 to expand its Project DAWN (Deaths Avoided with Naloxone) program, and Equitas Health will get \$18,000 to start a new Project Dawn program, the Ohio Department of Health (ODH) said Wednesday. The money comes from a \$2 million appropriation in the biennial budget, HB49 (R. Smith), for expanding access to naloxone, an opioid overdose-reversal drug.

AGING

The panel created to study the effects of malnutrition on adults aged 60 or older finalized its report on Monday. The Malnutrition Prevention Commission unanimously approved its findings during its last meeting at the Ohio Department of Health (ODH), making 16 recommendations to the governor and the General Assembly. The panel, created in 131-HB580 (T. Johnson), ceases to exist following the submission of the report.

AGRICULTURE

The Ohio Department of Agriculture (ODAg) has announced it's now accepting nominations for the 2018 Conservation Farm Family Awards. The Conservation Farm Family Award program has recognized Ohio farm families since 1984 for their efforts in managing natural resources while meeting both production and conservation goals, according to a news release from the agency. Nomination forms can be obtained from local county soil and water conservation districts or by visiting ODAg's website at www.agri.ohio.gov.

The estate of the 18-year-old who died on the Fire Ball ride at the 2017 Ohio State Fair has asked the Franklin County Probate Court to approve a partial settlement of \$1.27 million, according to court documents. The parents of Tyler Jarrell would receive approximately \$870,000 as a result of the deal, with around \$317,000 going to law firm Kitrick, Lewis & Harris, according to the proposed settlement, which is scheduled to be considered by the court on Wednesday, April 18.

BALLOT ISSUES

In a rare meeting by conference call, the Ohio Republican Party's State Central Committee endorsed Issue 1, the congressional redistricting reform issue that will appear on the May primary ballot. Senate President Larry Obhof (R-Medina) and House Speaker Cliff Rosenberger (R-Clarksville) told committee members that the issue is much better than what they could have faced in a ballot issue pushed by activists and said they wanted to get ahead of efforts that are spreading around the country in the form of ballot issues and court cases.

CENSUS

U.S. Census Bureau estimates released Thursday show Ohio has grown by 1.1 percent overall between April 2010 and July 1, 2017, with county data showing substantive growth in Central and Southwest Ohio and steep declines in parts of northern Ohio.

A Cleveland-based research firm and think tank shared concerns Tuesday regarding news that the U.S. Department of Commerce will seek to re-add a question on U.S. citizenship to the 2020 decennial census. Late Monday, the department announced it would be reinstating a question on legal status in response to a December 2017 request from the Department of Justice that the question be added to help seek out potential violations of the Voting Rights Act. Groups in Ohio and elsewhere in expressed concerned that this might discourage some minority groups from participating in the census.

CIVIL RIGHTS

Ohio is just one of three states in the U.S. that do not allow the gender marking on a birth certificate to be changed. That policy is being challenged by a lawsuit filed Thursday that seeks to eliminate a barrier that supporters say stops transgender individuals from accessing services and opportunities that can't be accomplished with just a driver's license, passport or other legal document. The American Civil Liberties Union (ACLU) of Ohio, national ACLU and Lambda Legal are suing the Ohio Department of Health (ODH) on behalf of four transgender individuals in the U.S. South District of Ohio federal court, arguing that the practice is discriminatory, creating both practical and emotional challenges for transgender people.

ECONOMIC DEVELOPMENT

Gov. John Kasich announced Monday's approval of publicly funded tax credits for three projects expected to create 105 new jobs and retain 139 jobs statewide. The Ohio Tax Credit Authority reviewed economic development proposals from JobsOhio and its regional partners. Collectively, the projects are expected to result in more than \$8 million in new payroll and spur more than \$1 million in investments across Ohio.

EDUCATION

A recent national study that ranked Ohio highly for the share of school funding directed toward high-poverty districts is flawed because it does not reflect Ohio's use of districts as pass-throughs for charter school funding, according to the Ohio Education Policy Institute (OEPI). OEPI's Howard Fleeter was commissioned to analyze the "Funding Gaps 2018" study from Education Trust by the Ohio School Boards Association (OSBA), Ohio Association of School Business Officials (OASBO) and Buckeye Association of School Administrators (BASA).

Senate President Larry Obhof (R-Medina) said Monday he's resistant to the State Board of Education's call to extend graduation flexibility to the classes of 2019 and 2020, saying special rules created for the class of 2018 were supposed to be a temporary solution.

Lawmakers will make changes to graduation requirements before breaking for summer but are unlikely to simply adopt the State Board of Education's recent recommendations, House Education Committee Chairman Rep. Andrew Brenner (R-Powell) said Tuesday. "One way or the other the question will be answered," Brenner said.

Charles Froehlich of Avon Lake will move from his local school board to the State Board of Education after an appointment from Gov. John Kasich. Froehlich replaces Kathleen McGervey, who resigned her Second District seat earlier this year.

Ahead of an inaugural meeting Wednesday, U.S. Education Secretary Betsy DeVos released details of a federal school safety commission the president named her to lead, saying other cabinet-level officials with jurisdiction on school safety matters would comprise the panel's membership. DeVos will be joined on the commission by U.S. Attorney General Jeff Sessions, U.S. Health and Human Services Secretary Alex Azar; and U.S. Homeland Security Secretary Kristjen Nielsen.

Ohio education leaders are drawing attention to new options for earning a high school equivalency credential, with two additional tests joining the GED this school year in getting state recognition. According to the Ohio Department of Education (ODE), nearly 11 percent of Ohioans over the age of 18 do not have a high school diploma or equivalent. Just before the start of the 2017-2018 school year, ODE approved HiSET and TASC as two additional equivalence exams students can pursue beyond the GED, which remains an option.

The Ohio Manufacturers' Association (OMA) said Thursday its board discussed and has decided to endorse a legislative proposal backed by Gov. John Kasich and many House Republicans to merge the Ohio Department of Education, the Ohio Department of Higher Education and the Governor's Office of Workforce Transformation.

ELECTIONS 2018

Former Ohio Attorney General Richard Cordray and former U.S. Rep. Dennis Kucinich are tied for the Democratic nomination for governor in a new poll conducted by SurveyUSA on behalf of WOIO in Cleveland. Both would lose in head-to-head matchups with Attorney General Mike DeWine.

Democratic gubernatorial candidate Richard Cordray announced his plans as governor to combat the opioid epidemic, including declaring a statewide public health emergency. He said his administration would bring together public sector, private sector and nonprofit leaders at all levels to find proven solutions.

Republican state treasurer candidate Robert Sprague has released his first television ad, his campaign said Monday.

U.S. Rep. Steve Chabot (R-Cincinnati) Wednesday put to rest any rumors that he may retire before November, saying in his weekly blog that there is "not a chance" he would leave, and said he never hinted that he was considering it. Chabot responded after the Democratic Congressional Campaign Committee had put Chabot on a retirement watch list, suggesting he may leave rather than face a tough reelection battle.

Secretary of State and lieutenant governor candidate Jon Husted said Wednesday that the next administration under Mike DeWine and himself would use the successes of the Third Frontier to create the next generation of programs to support entrepreneurs in the state. Husted spoke on a panel discussion in Columbus at Rev1, a stop that was also expected to include DeWine, who is seeking the Republican nomination for governor, but DeWine had to bow out due to a conflict.

The Ohio Supreme Court Thursday denied a writ of mandamus to put Jonathan Heavey and his running mate Adam Hudak on the Democratic primary ballot, saying the candidates have not shown by clear and convincing evidence that they have a legal right to have their names put on the May 8 ballot. Heavey, a physician at the Cleveland Clinic, had made waves in the gubernatorial race when he announced he was running and put \$1.5 million of his own money into his campaign. But despite filing more than 2,000 signatures, Secretary of State Jon Husted's office ruled Heavey did not meet the minimum threshold of 1,000 valid signatures.

The following endorsements were made over the week:

- The gubernatorial campaign of Richard Cordray announced the endorsement of the Ohio Association of Public School Employees (OAPSE/AFSCME Local 4).
- The U.S. Senate campaign of Jim Renacci announced the endorsement of the Lake County Republican Party.
- The congressional campaign of Melanie Leneghan announced the endorsement of Ohio Value Voters.
- The Ohio Chamber of Commerce Political Action Committee endorsed Dave Greenspan, Stu Harris, Jonathan Dever, Fred Strahorn, Niraj Antani, Derek Merrin, Larry Moliterno, Scott Lipps, Kris Jordan, Larry Householder, Ron Hood, Jim Hoops, Tracy Richardson, Riordan McClain and Shane Gunnoe for Ohio House; and Rob McColley, Steve Wilson, Nathan Manning and Andrew Brenner.
- The congressional campaign of Troy Balderson announced the endorsement of Rep. Mark Romanchuk (R-Mansfield).

EMPLOYMENT/UNEMPLOYMENT

Ohio's unemployment rate fell to 4.5 percent in February, down from 4.7 percent in January. Unemployed workers numbered 262,000 last month, 9,000 less than in January. Non-agricultural wage and salary employment increased 13,400, from a revised 5,553,000 in January to 5,556,400 in February. The U.S. unemployment rate for February was 4.1 percent, unchanged from January and down from 4.7 percent in February 2017.

ENERGY

The Lake Erie wind energy project is hoping for a breath of fresh air from the Ohio Power Siting Board (OPSB) after years of preparation at the proposed site eight miles offshore of Cleveland. The Lake Erie Energy Development Company (LEEDco) is asking the state to restart the permitting process for the six-turbine demonstration project - what would be the country's first freshwater wind installation if approved by OPSB.

The United States Department of Energy (USDOE) announced recently its rollout of \$30 million in grants geared towards small business research and development nationwide, including \$1.5 million for nine Ohio small businesses.

GENERAL ASSEMBLY/STATEHOUSE

House Speaker Cliff Rosenberger (R-Clarksville) is looking into allegations of sexual conduct lodged by a woman running in the primary against Rep. Rick Perales (R-Beavercreek), a House Republican spokesperson said. Rosenberger spokesperson Brad Miller said the speaker first learned of the situation recently, when the *Dayton Daily News* published a story in which Jocelyn Smith, who's running in the 73rd District GOP primary, said Perales kissed and choked her. Perales told local media he did exchange flirtatious and inappropriate text messages with Smith, but denied her other allegations.

GOVERNOR

Gov. John Kasich announced the appointment Friday of Magistrate Kathleen J. Bartlett of North Jackson (Mahoning County) to serve as a judge on the 7th District Court of Appeals. Bartlett will assume office on Monday, April 9, 2018. She must run in this November to retain the seat for the full term commencing Saturday, Feb. 9, 2019. Bartlett replaces former 7th District Judge Mary DeGenaro, whom the governor appointed to the Ohio Supreme Court.

Gov. John Kasich asked Monday that President Donald Trump issue a federal disaster declaration for 20 Southern and Eastern Ohio counties that faced heavy rains and flooding in February. The counties Kasich is seeking federal assistance for are Adams, Athens, Belmont, Brown, Clermont, Columbiana, Gallia, Hamilton, Hocking, Jackson, Lawrence, Meigs, Monroe, Noble, Muskingum, Perry, Pike, Scioto, Vinton and Washington.

Appointments made during the week include the following:

- Marcia Ballinger of North Ridgeville (Lorain County) to the Co-op/Internship Program Advisory Committee for a term beginning March 23, 2018 and ending Jan. 21, 2021.

- Ann M. Frangos of Westlake (Cuyahoga County) to the Cuyahoga Community College Board of Trustees for a term beginning March 23, 2018 and ending Oct. 12, 2022.
- Harry L. Allen of Perry (Lake County) reappointed to the Ohio Lake Erie Commission for a term beginning March 23, 2018 and ending Sept. 1, 2019.
- William J. Wolf of Ottawa Hills (Lucas County) to the Ohio Lake Erie Commission for a term beginning March 23, 2018 and ending Sept. 1, 2018.
- Amanda C. Bryant-Friedrich of Toledo (Lucas County) to the Ohio Lake Erie Commission for a term beginning March 23, 2018 and ending Sept. 1, 2020.
- Chief Gary B. York of Groveport (Franklin County) to the Ohio Criminal Sentencing Commission for a term beginning March 23, 2018 and ending Aug. 21, 2018.
- Randy C. McPeek of Pataskala (Licking County) to the Ohio Private Investigation and Security Services Commission for a term beginning March 23, 2018 and ending Dec. 31, 2022.
- Carolyn Cybulski of Dublin (Franklin County) to the Small Business Stationary Source Technical and Environmental Compliance Assistance Council for a term beginning March 23, 2018 and ending July 30, 2021.
- Norman T. Lane of Columbus (Franklin County) to the State Fire Council for a term beginning March 23, 2018 and ending Nov. 1, 2022.
- Mark A. Collar of Cincinnati (Hamilton County) and Marvin D. Nellis of Athens (Athens County) reappointed to the Third Frontier Advisory Board for terms beginning March 23, 2018 and ending March 14, 2021.
- Roger E. P. Madison Jr. of Gahanna (Franklin Co.) to the Minority Development Financing Advisory Board for a term beginning March 27, 2018, and ending Sept. 30, 2019.
- Daniel Lehmann, LPN of Dayton (Montgomery Co.) to the Board of Nursing for a term beginning March 27, 2018, and ending Dec. 31, 2021.

HEALTH AND HUMAN SERVICES

A recent study from the American Lung Association's (ALA) Lung Force advocacy group indicates that Ohio is behind the curve when it comes to lung cancer prevention and treatment, and that the state's total number of lung cancer diagnoses is the 11th highest in the nation. According to the "State of Lung Cancer" report, lung cancer is one of the deadliest common cancers, with an average five-year survival rate of only 18.1 percent. The U.S. Center for Disease Control states that lung cancer is the third most common cancer diagnosis, behind only breast cancer and prostate cancer.

Ohio has room to improve in conditions for doctors, a report by personal finance site WalletHub found, as it has low rankings both nationally and compared to neighboring states. The Buckeye State was 40th in the overall rankings, and fell behind all surrounding states, which included West Virginia, 21st; Indiana, 25th; Pennsylvania, 32nd; Kentucky, 33rd; and Michigan, 35th.

Founding CEO Pam Morris will retire from CareSource in May and be succeeded by Erhardt Preitauer, the Medicaid managed care organization announced Wednesday. Morris had announced in the fall her plans to retire.

JUDICIAL

The Ohio Supreme Court said Tuesday that Ohio attorneys out of compliance with state continuing legal education (CLE) requirements for the compliance period ending Dec. 31, 2017 must complete their hours by Monday, April 2. They also must file a late compliance reporting form and submit the corresponding late fee by May 2 or risk being sanctioned, according to the Court. Lawyers whose

last names begin with A through L are required to earn their CLE hours by the end of every odd-numbered year, which encompasses the compliance period for 2016/2017.

Stopping short of labeling it the "O'Neill Rule," the Supreme Court of Ohio on Wednesday commenced public comment on a proposed rule change that would more clearly define what constitutes a judicial candidate for non-judicial office. New language would appear to influence how quickly a judge or justice resigns from office after beginning campaign activities.

LOCAL GOVERNMENT

Auditor Dave Yost released a report, "Path out of the Red: How to Escape and Avoid Fiscal Emergency," that detailed conditions that most commonly lead to fiscal emergencies and offered advice to local governments on how to stay solvent, highlighting real solutions employed by localities to remove themselves from the designation.

MARIJUANA

The Ohio Department of Commerce (DOC) is facing yet another lawsuit related to implementation of the Medical Marijuana Control Program (MMCP), this time over its handling of the administrative appeals process. Ohio Releaf LLC, which failed to receive a level-one cultivator license, is seeking a court order to force DOC Director Jacqueline Williams to schedule a Chapter 119 administrative hearing and identify the hearing examiner.

MEDICAID/MEDICAID REFORM

Ohio Attorney General Mike DeWine joined a bipartisan coalition of 48 other state attorneys general to voice support for congressional legislation that would ease federal restrictions on states' ability to investigate and prosecute abuse and neglect of Medicaid beneficiaries. Introduced by U.S. Reps. Tim Walberg (R-Mich.) and Peter Welch (D-Vt.), HR3891 would expand the authority of state Medicaid Fraud Control Units (MCFUs) -- most of which are housed within state attorney general offices -- to detect, investigate and prosecute Medicaid patient abuse in non-institutional settings.

NATURAL RESOURCES

Gov. John Kasich has announced a three-year extension of an agreement among Ohio, West Virginia and Pennsylvania to continue efforts to maximize growth in the shale gas region and collaborate on areas critical to the success of the industry. With the extension of the agreement, first signed in 2015, the three neighboring states within the Appalachian Basin will continue to discuss ways to cooperate in marketing efforts to attract new businesses, strengthen workforce development programs, spur investments in expanding infrastructure and delivery of natural gas and liquids and encourage its academic institutions to expand and collaborate on research.

PEOPLE

U.S. Sen. Sherrod Brown (D-OH) announced that Rachael Hartford will serve as press secretary in his Washington, D.C. office beginning this week. Hartford has worked in the Senate for nearly five years, most recently as deputy national press secretary for Senate Democratic Leader Chuck Schumer (D-NY).

The Buckeye Institute Tuesday announced that Andrew J. Kidd has joined the group's Economic Research Center as a senior level economist, where the group said he will conduct and produce original economic research that looks at and analyzes the effect of state and federal policies on peoples' lives and on the economy. Tyler Shankel also joined Buckeye's Economic Research Center as an economic policy analyst.

STATE GOVERNMENT

A request from the Ohio Facilities Construction Commission (OFCC) was delayed Monday after lawmakers on the state Controlling Board complained about not having the materials to properly make a decision about the item. OFCC was requesting an increase in appropriation authority for \$2.2 million for state construction management operations, but Sen. Bill Coley (R-West Chester) held the item and raised concerns about the scoring process the agency used to select the vendors and whether it falls in line with how the Ohio Department of Transportation (ODOT) scored some of the same vendors.

The Joint Committee on Agency Rule Review (JCARR) approved all items on the agenda Monday, with three receiving discussion at the hearing regarding lead and copper service line standards, permanent rules implementing procedures for the behavioral health rewrite program and wind turbine farm operating requirements.

TAXATION

The 10th District Court of Appeals refused this week to enjoin enforcement of municipal tax laws that dozens of cities and villages are challenging as violations of home rule powers.

UTILITIES

FirstEnergy is asking the Supreme Court of Ohio to overturn the Public Utilities Commission of Ohio's (PUCO) 4 percent cost cap on the company's customer charge for energy efficiency and peak demand reduction, but the Ohio Consumers' Counsel (OCC) says the \$107 million ceiling is "just and reasonable."

Electric ratepayers will see significant billing increases if the Public Utilities Commission of Ohio (PUCO) grants Dayton Power & Light's (DP&L) request to more-than double fixed charges on residential consumers in the company's first distribution rate case in over 25 years. DP&L has been looking to update its distribution charges with PUCO since late 2015; on Tuesday, the commission ordered two days of public hearings on the issue in May.

The Supreme Court of Ohio could set a far-reaching precedent this year on whether proposed wind farms with permits predating the longer property setbacks of mid-biennium review (MBR) 130-HB 483 (Amstutz) must nevertheless meet those requirements under an extension of their five-year permit. At stake is Black Fork's 90-turbine project in Crawford and Richland counties and, potentially, EverPower's revised 50-turbine project in Champaign County.

FirstEnergy invoked a little-used provision of the Federal Power Act Thursday in asking the U.S. Department of Energy (DOE) to ensure the future of its nuclear and coal-fired plants by ordering the 13-state regional transmission organization governing Ohio, PJM Interconnection, to compensate the utility beyond what strict market commodity prices will bear. The company warned of serious

threats to the stability of the regional electric grid if FirstEnergy is forced to shutter two nuclear plants in Ohio and one in Pennsylvania within three years.

WORKERS' COMPENSATION

The Ohio Bureau of Workers' Compensation (BWC) made an official launch of its \$2 million safety awareness campaign Tuesday after last year's announcement of an encompassing, \$44 million safety effort -- itself a part of the bureau's latest "Billion Back" to employers.

WORKFORCE

The number of women enrolling in Joint Apprenticeship Training programs nearly doubled last year, from 262 in 2016 to 460 in 2017, according to Affiliated Construction Trades (ACT) Ohio.

LEGISLATIVE ACTIVITY:

No legislative activity to report this week.