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RH RESOURCES

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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.

ABORTION

The last abortion clinic in Dayton is once again asking the Ohio Supreme Court to consider its appeal. The Court declined to hear Women's Med Center of Dayton's (WMCD) appeal by a vote of 4-3 last month. The clinic is arguing that the Ohio Department of Health (ODH) unlawfully revoked its ambulatory surgical facility license. The center's attorney filed a motion for reconsideration earlier this month.

Planned Parenthood Southwest Ohio Region said Monday it will close its Springdale and Western Hills Health Centers in Cincinnati, blaming "relentless state and federal attacks against reproductive health care." The announcement follows Planned Parenthood of Greater Ohio's decisions to withdraw from the federal Title X family planning program because of a new rule from the U.S. Department of Health and Human Services (HHS) barring funding recipients from referring patients to abortion services.

ADDICTION/SUBSTANCE ABUSE

Ohio Attorney General Dave Yost applauded the U.S. Chamber of Commerce and 13 other states Monday for joining his U.S. 6th Circuit appeal as friends of the court supporting the position that states and not municipalities or counties are the proper jurisdiction to sue opioid manufacturers. The chamber and attorneys general cited the master settlement agreement with big tobacco as the template for addressing the current drug crisis while avoiding massive legal costs and ensuring recovery for those injured.

Ohio is one of the states expected to join an agreement with Oxycontin maker Purdue Pharma to settle claims related to ongoing opioid litigation.

AGRICULTURE

Horses from select counties in seven states are barred from Ohio, including the All-American Quarter Horse Congress in Columbus next month, because of a disease outbreak, the Ohio Department of Agriculture (ODAg) said Monday. The counties in Colorado, Nebraska, New Mexico, Oklahoma, Texas, Utah and Wyoming have confirmed or suspected cases of Vesicular Stomatitis or VSV, according to the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service.

ATTORNEY GENERAL

Ohio and other states' attorneys general announced plans Monday to expand the anti-trust probe of social media giant Facebook to online gatekeeper Google. A bipartisan group led by Texas and joined by 49 states pointed to possible "anti-competitive behavior" by Google that harms digital consumers. Meanwhile, New York Attorney Letitia James is leading the Facebook investigation and released a statement of her own. James' leadership team includes Yost and attorneys general from Colorado, Florida, Iowa, Nebraska, North Carolina, Tennessee and the District of Columbia.

FY20-21 BUDGET

Ohio collected \$62.5 million more in tax revenue than expected in August, according to preliminary figures from the Office of Budget and Management. Tax receipts of \$2.13 billion were 3 percent ahead of expected collections of \$2.07 billion.

CRIME AND PUNISHMENT

The bail bond industry came out in force Tuesday against the Ohio Supreme Court's proposed move away from cash bail to a "default" system of release on personal recognizance. Gathering outside the Court, opponents said a defendant's promise to return during a standardized pretrial conference would saddle taxpayers with release costs

currently born by the accused, erode judicial discretion, and cede public safety to underqualified pre-trial officers.

Forthcoming companion legislation would align Ohio with 36 other states and federal standards by providing testimonial privilege to qualified advocates in sexual assault, human trafficking, domestic violence and stalking cases, sponsors and advocates said Thursday during a Statehouse press conference. Sen. John Eklund (R-Chardon) is reintroducing legislation substantively similar to his previous 132-SB41, while Reps. Dick Stein (R-Norwalk) and Tavia Galonski (D-Akron) will sponsor a House version.

DEATH PENALTY

The U.S. 6th Circuit Court of Appeals on Wednesday struck down a lower court finding that Ohio's three-drug method of lethal injection risks "serious pain" and "needless suffering" in violation of the 8th Amendment to the U.S. Constitution. The appeals court agreed, however, with the U.S. District Court in a unanimous opinion denying Warren Henness a stay of execution.

EDUCATION

Ahead of a hearing this week on academic distress commission reforms, Sen. Peggy Lehner (R-Kettering) said Monday the Senate might complete work on its version of the legislation before September ends.

Ohio's career technical education system and dropout prevention and recovery schools have some common ground, members of the State Board of Education's Dropout Recovery and Prevention (DRP) Workgroup heard at Monday's meeting. Brian Bachtel, director of career technical education at Kent City Schools, joined the group at the Ohio Department of Education (ODE) to talk about the common challenges he has faced running two dropout-related programs: career-based intervention (CBI) and graduation realities and dual-role skills (GRADS), the latter a program designed to engage pregnant students and the expecting fathers.

A school turnaround expert with experience in Massachusetts and New York City told the Senate Education Committee Tuesday that a draft academic distress proposal reflects some of the successful approaches he's seen in action but said it will be a challenge for any policy framework to compel the local partnership and commitment that's essential to long-term improvement. School management, teachers' unions and education reform groups also weighed in on the new substitute version of HB154 (Jones-J. Miller). The committee adopted a substitute version of HB154 Tuesday, over the objections of committee Democrats and Sen. Nathan Manning (R-North Ridgeville), who represents one of the districts under a distress commission now, Lorain City Schools. Manning noted the sub bill resets the clock for other districts that have accrued at least one F on

state report cards and said he dissented because districts under commission control don't get the same treatment.

Ohio schools got their second round of state report cards with overall A-F grades Thursday, with a few more districts at the top of the scale, substantially fewer at the bottom and dozens more in the middle of the pack with a C. Though a moratorium on new distress commissions blunted some of the consequences of this latest round of grades, a drop from 14 districts earning F grades last year to four this year diminished the overall threat of new state takeovers.

The Broadcast Educational Media Commission (BEMC), the state entity that provides the technical backbone to Ohio's 11 public television stations and 17 public radio stations, as well as broadcasting educational content to all public schools in Ohio, met Thursday to welcome a new chairman into the ranks. Robert Smith, appointed in May as chair of the commission, led Thursday's meeting alongside BEMC Executive Director Geoffrey Phillips and Putnam County Educational Service Center Director Jan Osborn, who was quickly re-elected vice chair of the group.

ELECTIONS

Secretary of State Frank LaRose issued a directive Friday instructing county boards of elections to begin cancelling the registrations of inactive voters identified under the state's Supplemental Process but laid out a few exceptions that include errors that had been identified in the lead up to the purge.

Secretary of State Frank LaRose announced Tuesday that his office is making changes to state campaign finance rules and is backing legislative changes after an investigation into a disparity in U.S. Rep. Steve Chabot's (R-Cincinnati) campaign finance reports exposed a loophole in federal law that LaRose said exists in Ohio law as well. LaRose said in a statement Tuesday that while the investigation into Chabot's campaign is a federal issue, it has exposed a federal loophole that allows a person to be listed as campaign treasurer without his permission in order to maintain autonomous and secret control over campaign funds without any accountability. The secretary of state said a similar loophole can be found in state law, where campaign treasurers aren't even required to sign their own name.

Rep. Bride Rose Sweeney (D-Cleveland) said Thursday that her office has discovered a number of Ohio voters who had their voter registrations cancelled for moving within the same county, even though Secretary of State Frank LaRose had directed county boards to leave them on the rolls.

ELECTIONS 2020

The following endorsements were made over the week:

- Ohio Senate District 18 Republican candidate Jerry Cirino announced the endorsements of Mentor City Council members Bruce Landeg, Janet Dowling, Scott Marn, and Ray Kirchner; Willoughby Hills City Council members Laura Pizmoht and Janet Majka; and Concord Township Trustee Carl Dondorfer.

EMPLOYMENT/UNEMPLOYMENT

The nation added 130,000 jobs in August, according to the U.S. Bureau of Labor Statistics (BLS), and the national unemployment rate remained unchanged at 3.7 percent over the month. BLS said employment in federal government rose, largely reflecting the hiring of temporary workers for the 2020 Census. Notable job gains also occurred in health care and financial activities, while mining lost jobs.

Employment is expected to grow at an annualized rate of 1.15 percent over the next six months, according to the latest leading indicators economic report for July from the Ohio Department of Job and Family Services (ODJFS). The June report, released last month, projected a 1.35 percent annualized rate.

GAMING/GAMBLING

Ohio's four casinos and seven racinos saw higher revenue in August 2019 compared to August 2018, according to numbers released by the Ohio Casino Control Commission (OCCC) and Ohio Lottery Commission (OLC). The casinos brought in \$71.4 million in August 2019, up from \$70.3 million in August 2018. Video lottery terminals (VLT) at the state's racinos raked in \$93 million in August 2019, up from \$87.4 million in August 2018.

GENERAL ASSEMBLY/STATEHOUSE

Gov. Mike DeWine's push for more psychiatric bed space supporting gun reforms gained legislative backing Tuesday when the Senate Judiciary Committee filled out the placeholder version of SB58 (Gavarone) with a substitute bill that would ensure care to Ohioans needing in-patient state hospitalization. As the governor noted in his August press conference on proposed gun reforms (see *The Hannah Report*, 8/6/19), Ohio's six state psychiatric hospitals do not currently serve those who need them most but rather a disproportionate majority of individuals under competency orders in preparation for an eventual trial, Gavarone said.

Rep. Tavia Galonski (D-Akron) moved unsuccessfully Tuesday to have U.S. Rep. Jim Jordan (R-Urbana) subpoenaed to appear before the House Civil Justice Committee to

answer questions regarding former Ohio State University (OSU) physician Richard Strauss, as Jordan was an assistant coach on the wrestling team during part of Strauss' tenure. After having the committee stand at ease to confer with legal counsel, Chair Steve Hambley (R-Brunswick) said the motion was out of order and affirmed that decision despite Galonski and Rep. Michael Skindell's (D-Lakewood) arguing a vote of the committee was needed on her challenge to his decision.

With Congress and the Trump administration once again facing an impending budget deadline without a deal, the state's House Health Committee heard testimony Tuesday on legislation that would borrow money from Ohio's Rainy Day Fund to continue the operation of certain anti-poverty programs in the event of a federal government shutdown. "Congress has 18 working days until Tuesday, Oct. 1, the beginning of the next fiscal year. If there is no appropriations deal or a continuing resolution, then it is deja vu all over again," Rep. Adam Miller (D-Columbus) said during sponsor testimony on HB44, referring to the most recent federal government shutdown ending in late January 2019 after 35 days.

Placing more women in leadership positions is a cultural and economic boon, a bipartisan group of legislators said Wednesday in announcing a new House concurrent resolution to encourage the hiring of women. "With this resolution, we are urging private and public companies to do better and to make progress on this issue once and for all. It is time. Research shows there is a distinct link between gender diversity and better corporate performance. This resolution shows Ohio is taking a major step forward in showing that gender diversity can make Ohio a better place to live, work and retire," Rep. Thomas West (D-Canton) said.

Members of the Senate Republican majority urged Tuesday that Congress ratify the United State-Mexico-Canada Act (USMCA), a trade deal meant to replace the North American Free Trade Agreement. The caucus cited a report from the International Trade Commission (ITC) asserting the deal could add \$68.2 billion to the U.S. economy and lead to 176,000 new jobs.

Senate President Larry Obhof (R-Medina) said more action on sentencing reform emerged as a shared goal of House and Senate leaders during the recent Ohio Chamber of Commerce policy conference at Salt Fork State Park, so the topic will likely figure into the chamber's fall plans. After Wednesday's non-voting session, Obhof also said the chamber will be looking at priority bills that came over from the House before the summer break, particularly HB2 (Cross-Lepore-Hagan), which promotes workforce credential attainment and HB7 (Ghanbari-Patterson), a water quality measure.

The House State and Local Government Committee heard testimony from the State Board of Education and Ohio Athletic Commission Wednesday regarding those agencies' occupational licensing requirements. Under 132-SB255 (McColley), legislative committees are assigned to periodically review licensure requirements.

All three House sessions on next week's calendar -- an if-needed session for Tuesday, Sept. 17 and sessions set for Wednesday, Sept. 18 and Thursday, Sept. 19 -- are cancelled, the clerk's office announced. The following week's calendar includes an if-needed session Tuesday, Sept. 24 and sessions Wednesday, Sept. 25 and Thursday, Sept. 26.

GOVERNOR

Gov. Mike DeWine signed two executive orders Friday, his office announced. The first order, 2019-22D, allocates nearly \$13.3 million federal Temporary Assistance for Needy Families (TANF) funding appropriated to the Governor's Office of Faith-Based and Community Initiatives. The other, 2019-23D, reauthorized the Statewide Interoperability Executive Committee, which focuses on disaster preparedness and response. Ohio must maintain such an agency as a single point of contact and coordination for emergencies to be eligible for related federal funding, according to the order.

Flags at the Statehouse and public buildings around Ohio flew at half-staff Wednesday at the direction of Gov. Mike DeWine, who ordered them to be lowered in honor of those killed in the terrorist attacks on Sept. 11, 2001, when planes hijacked by attackers crashed into the World Trade Center, the Pentagon and a Pennsylvania field. DeWine also asked Ohioans to observe a moment of silence at 8:46 a.m. Wednesday in honor of the dead.

Appointments made during the week include the following:

- Michael H. Keenan of Dublin (Franklin County), reappointed to the Ohio Air Quality Development Authority for a term beginning July 1, 2019 and ending June 30, 2027.
- Ryan A. Craig of Mount Sterling (Madison County), to the Mount Sterling Financial Planning & Supervision Commission for a term beginning Sept. 9, 2019 and continuing at the pleasure of the governor.

GUNS

In the first legislative committee hearing on a gun violence reduction measure since the mass shooting in Dayton last month, Sen. Sandra Williams (D-Cleveland) said her "red flag" gun seizure bill is a "common-sense" proposal that would protect the rights of gun owners while reducing the likelihood of dangerous individuals using weapons to harm themselves or others.

Mayors from both sides of the aisle said Wednesday that they support Gov. Mike DeWine's proposed gun reforms in concept, including better background checks and so called "red flag" laws, but said they need to see bill language before they advocate to lawmakers for passage. Lancaster Mayor David Scheffler, Findlay Mayor Christina Muryn and Bexley Mayor Ben Kessler spoke on gun laws during a Columbus

Metropolitan Club (CMC) forum Wednesday moderated by former *Hannah News* and current Ohio Public Radio Statehouse News Bureau reporter Andy Chow.

HEALTH AND HUMAN SERVICES

The Ohio Association of Community Health Centers (OACHC) announced that the U.S. Department of Health and Human Services (HHS) recently awarded nearly \$107 million in Quality Improvement Awards to 1,273 health centers across nearly all U.S. states, territories and the District of Columbia. Of those health centers, 46 are in Ohio.

The number of people without health insurance rose in Ohio and the nation as a whole from 2017 to 2018, even as the national poverty rate dropped, according to data from the U.S. Census Bureau released Tuesday. The proportion of Ohioans without health insurance coverage rose to 6.5 percent in 2018 from 6 percent in 2017. The number of uninsured Ohioans rose nearly 60,000, to 744,000, according to the Census Bureau.

The State Medical Board of Ohio (SMBO) is on track to submit its report to Gov. Mike DeWine's Richard Strauss workgroup by Tuesday, Oct. 1 and will keep the panel informed of its progress in implementing its recommendations to improve SMBO procedures regarding allegations of sexual misconduct, SMBO President Michael Schottenstein said Wednesday. "We are looking right now at 2,000-plus cases all the way back to 1979 to look at whether cases were closed permanently, and whether or not there are any indications in those cases that there was a duty to report," Schottenstein said during the board's monthly meeting. "We're doing an exhaustive review, and it could take about six months."

The federal government, particularly the U.S. Department of Health and Human Services (HHS), can and should do more to support young people going through mental, emotional and behavioral (MEB) challenges, a new report states. The National Academies of Sciences, Engineering and Medicine Wednesday released a report outlining statistics on mental, emotional and behavioral health disorders.

HIGHER EDUCATION

Both public and private universities in Ohio are partnering to standardize the process for students and faculty on campuses around the state to seek out entrepreneurs and investors who can help bring their research, technology and products to market. All 14 Ohio public universities, as well as Case Western Reserve University and the University of Dayton, have agreed to join the "Ohio IP Promise" platform, which will provide a standardized process for entrepreneurs to take research and innovation to the commercialization stage, as well as standard templates for option and license agreements so students and faculty can know the terms of their agreements before getting into the process. Each university will have a dedicated online page for this program.

Ohio State University (OSU) recently announced a series of milestones it has reached two years into a 50-year energy management partnership with Ohio State Energy Partners (OSEP) while it plans a major expansion set to open in 2021. In 2017, the university struck a deal with ENGIE North America and Axiom Infrastructure to form OSEP, including a \$1 billion-plus payment to OSU and a \$150 million commitment to academic priorities.

Sixteen environmental science and engineering students recently received scholarships to study at Ohio colleges and universities through Ohio EPA's Environmental Education Fund.

JUDICIAL

Chief Justice Maureen O'Connor's ninth State of the Judiciary address Thursday called for Senate passage of HB1's (Plummer-Hicks Hudson) drug sentencing reforms by year's end, state adoption of bail reforms by judicial rule, and a timely fix of Ohio's criminal data system with "uniform" reporting on background checks, arrest warrants and felony convictions across county and municipal jurisdictions. Speaking at the Ohio Judicial Conference's (OJC) annual meeting, O'Connor said the state has made progress and can do more this fall to ease the criminal stigma and collateral sanctions of drug addiction -- the goal of House-passed HB1, which seeks expanded intervention in lieu of conviction and faster record sealing.

U.S. District Court Judge Michael Watson on Thursday refused to dismiss a federal lawsuit filed by four transgender Ohioans who seek to have their sex changed on their birth certificates to reflect their current identities.

MARIJUANA/HEMP

Patient representative Robert Bridges has been removed from the Ohio Medical Marijuana Advisory Committee. House Speaker Larry Householder (R-Glenford) announced the decision in a memo dated Sept. 3 but didn't provide any explanation for the move. The memo was emailed to Bridges, Householder spokesperson Gail Crawley told *Hannah News*. Householder later appointed Christopher Stock, who served on task force that helped to devise Ohio's medical marijuana law, to the vacancy.

Consumers have spent \$24.9 million on medical marijuana since the opening day of sales (Jan. 16), according to the Ohio Medical Marijuana Control Program (MMCP). Patients have bought 2,960 pounds of plant material and 75,552 "units" of manufactured product through Sept. 8, MMCP said on its website. Patients now have 30 dispensaries at which to shop, as the Ohio Board of Pharmacy (OBP) recently awarded certificates of operation to dispensaries in Carroll, Cincinnati, Maumee and Seven Mile.

Patients suffering from anxiety disorder and autism spectrum disorder will remain unable to legally obtain marijuana to treat those conditions following the decision of the State Medical Board of Ohio (SMBO) on Wednesday. The full board voted unanimously to reject proposals to add anxiety and autism as qualifying conditions under the Ohio Medical Marijuana Control Program (MMCP).

MEDICAID/MEDICAID REFORM

Staff departures and the hectic pace of budget season idled the Joint Medicaid Oversight Committee for the past several months, but the chairman will call it back next week and has a range of issues on the panel's radar. "We had a couple starts and stops on obtaining a new executive director and assistant ... and then as soon as the budget hit, we just felt it was better to focus on the budget and leave that for a later date," JMOC Chairman Rep. Mark Romanchuk (R-Mansfield) told *Hannah News*.

NATURAL RESOURCES

The U.S. Department of the Interior (USDOJ) Land and Water Conservation Fund (LWCF) has awarded Ohio more than \$5 million for outdoor recreation and conservation projects across the state. "Ohioans depend on access to parks and public lands for outdoor recreation, community events and local jobs," U.S. Sen. Sherrod Brown (D-OH) said in a release. "This Land and Water Conservation Fund grant will support Ohio economies and protect our natural resources for future generations."

The Ohio Department of Natural Resources (ODNR) has received the Association of State Dam Safety Officials' (ASDSO) 2019 National Rehabilitation Project of the Year Award for its work on Buckeye Lake Dam. The project was finished in November 2018 - two years earlier than initially expected and more than \$40 million under budget, according to ODNR.

PENSIONS

Bad investment performance in 2018 will likely push the Ohio Police & Fire Pension Fund (OP&F) outside statutory standards for long-term stability, an independent actuary told the Ohio Retirement Study Council Thursday. But OP&F Executive Director John Gallagher disputed the prediction, and council Chairman Sen. Kirk Schuring (R-Canton) cautioned his colleagues to await the official actuarial report on OP&F's position before making conclusions. That report, from Buck Consulting, is expected in October.

POLITICS

The Ohio Republican Party's State Central and Executive Committee filled a vacancy on the committee Friday and gave authority to Chair Jane Timken to sign documents refinancing debt on the party's headquarters. The committee unanimously approved Doris

Durica to fill an open seat caused by the resignation of Candice Miller. Durica had lost to Miller in the Republican primary in 2018 after a tie vote was settled by a coin flip. Miller resigned after moving out of the district.

PUBLIC SAFETY

President Donald Trump presented six members of the Dayton Police Department with the Public Safety Officer Medal of Valor Monday in a special ceremony honoring their response to the Aug. 4 mass shooting, saying they saved many lives by preventing the shooter from entering a crowded bar.

STATE GOVERNMENT

The Controlling Board Monday approved requests that will increase cybersecurity for Ohio boards of elections and create a hemp program within the Ohio Department of Agriculture (ODA) > It also received an update on a collective bargaining agreement between Auditor of State Keith Faber's office and members of the Ohio Civil Service Employees Association (OCSEA) on his staff.

The Ohio Inspector General issued a report of investigation Tuesday after receiving a referral from the Ohio Environmental Protection Agency (Ohio EPA) alleging Division of Surface Water Environmental Specialist 2 Mohammad Asasi had performed work related to his outside employment while on state time and using state equipment.

The Ohio Facilities Construction Commission (OFCC) marked its seventh anniversary this week by touting the widespread adoption of construction contracting reforms ushered in by its creation. Lawmakers created OFCC in 2012 as a sister agency to the Ohio School Facilities Commission (OSFC), later subsumed by OFCC in 2017. The combined agency now oversees projects for school districts as well as state agencies and institutions of higher education.

TOBACCO/SMOKING

The Ohio Department of Health (ODH) announced Tuesday that it is launching new initiatives aimed at preventing and reducing youth vaping. The announcement came a day after ODH Director Amy Acton released a statement backing the U.S. Food and Drug Administration's (FDA) warning to vape manufacturer JUUL Labs, accusing the company of illegally marketing its products as less harmful than regular cigarettes.

TRANSPORTATION/INFRASTRUCTURE

The U.S. Department of Transportation awarded an Ohio team \$7.5 million Tuesday for research to develop and deploy automated vehicles for rural roads and highways. DriveOhio, the Ohio Department of Transportation's (ODOT) autonomous and connected

vehicle initiative; Transportation Research Center (TRC); Ohio State University; Ohio University; and the University of Cincinnati are partners in the project and will contribute an additional \$10.3 million, bringing the project total to nearly \$18 million.

A recent study by the AAA Foundation for Traffic Safety found that car crash fatalities involving drivers who ran red lights are at a 10-year high, according to national data on traffic fatalities. Nationwide, 939 people were killed in red light running crashes in 2017, a 28 percent increase since 2012.

UTILITIES

One Source Energy, a natural gas distributor ordered to shut down by Friday by state regulators, won a short reprieve this week to accommodate its sale to another company. Northeast Ohio Natural Gas Corp., based in the Fairfield County village of Pleasantville, filed a request Wednesday for a one-week delay in the shutdown order to enable it to acquire One Source's assets in Trumbull County and avoid interrupting service to customers.

The Public Utilities Commission of Ohio (PUCO) approved a pair of policy proposals Wednesday supporting low-income Ohioans' access to electric and natural gas service, adopting a Winter Reconnect Order and revised rates on all Ohio ratepayers in support of the Universal Service Fund (USF).

LEGISLATIVE ACTIVITY:

SENATE:

No legislative activity to report.

HOUSE:

No legislative activity to report.