

Week in Review
Friday, Feb. 10, 2017

ABORTION

Ohio Right to Life (ORTL) Thursday released its 2017-18 Legislative Agenda, which includes six initiatives. Topping the list is the "Dismemberment Abortion Ban." Other initiatives include the "Unborn Child Dignity Act," "Abortion-Inducing Drug Safety Act," "Down Syndrome Non-Discrimination Act," "Pregnancy and Parenting Support Act," and the "Fetal Organ Trafficking Ban."

NARAL Pro-Choice Ohio responded to the ORTL release, calling the initiatives "largely unconstitutional" and steps that "would continue to restrict access to abortion care for Ohio women."

AGRICULTURE

Stemming the "dramatic increases" in farmland taxes and compiling data on the density of livestock in the state's watersheds lead the Ohio Farmers Union's (OFU) list of public policy priorities for 2017, the organization announced.

ATTORNEY GENERAL

Ohio Attorney General Mike DeWine is asking Congress to intervene in a dispute between the U.S. Environmental Protection Agency (USEPA) and state officials over Ohio's manganese ferroalloys industry, which constitutes one of two remaining production plants in the nation. He says the push for tougher regulations threatens not only the country's ferroalloy production but the entire U.S. steel industry it supports.

BALLOT ISSUES

Attorney General Mike DeWine Friday moved forward a proposed constitutional amendment that would establish new rights for victims of crime in Ohio, certifying that the petition language was a fair and truthful statement of the amendment's language. Then on Wednesday, the Ohio Ballot Board certified it as one issue. That clears the way for backers of "Marsy's Law" to collect signatures to put the issue on the November ballot. Specifically, the measure would give crime victims and their families the right to notification of all criminal proceedings as well as be guarantee they'd be heard at every step of the process.

FY16-17 BUDGET

State revenues continued running behind estimates in January, coming in nearly \$91.6 million below estimates for the month and taking the shortfall for the year to \$388.1 million or 2.9 percent, according to preliminary figures from the Office of Budget and Management (OBM). A total of nearly \$2.1 billion was collected in January, with a total of nearly \$12.9 billion brought in since the fiscal year began July 1, 2016.

FY18-19 BUDGET

Budget Director Tim Keen gave further explanation Friday of the administration's proposals for education funding, assistance to counties for lost Medicaid sales tax revenues and a shift in Local Government Fund (LGF) distribution based on local revenue capacity. At a roundtable with reporters at the Office of Budget and Management (OBM) offices, Keen stressed repeatedly the argument that schools with "appreciable" reductions in student headcount should not keep getting paid the same amount. At the same time, he also shared analyses showing many of the districts' losses to be minimal. Because of that phenomenon, as well as the parameters developed for the proposed reductions, Keen expressed confidence the proposal would fare better than previous administration attempts to cut into funding guarantees.

Superintendent Paolo DeMaria testified to lawmakers Tuesday to offer more specifics about the K-12 education policies in the FY18-19 executive budget, while Budget Director Tim Keen returned to the House Finance Committee alongside him to field more questions on the school funding formula. Keen stressed the intent of the funding formula to drive more state aid to lower-wealth districts, and its basis in a "pupil-centered approach," explaining again the administration's view that districts with substantial losses in student population should see changes in funding as a result.

Lawmakers focused on college costs and affordability Tuesday as Chancellor John Carey explained the Kasich administration's budget proposals for higher education in the House Finance Committee. In his testimony, Carey highlighted the budget's proposal for a continued freeze on tuition and a requirement that colleges and universities include textbooks in the cost of tuition. Another cost-saving element of the budget is a requirement to form regional compacts for institutions of higher education to reduce

duplication, share resources and find other savings.

Ohio Department of Transportation (ODOT) Director Jerry Wray faced lawmakers once again on Tuesday, explaining some of the proposed motor fuel tax changes in the transportation budget, while deferring to Ohio Department of Taxation [ODT] Director Joe Testa on others.

Greg Moody, director of the Governor's Office of Health Transformation (OHT), led a team of administration officials Wednesday in providing the House Finance Committee a deeper look into the proposed changes in the state's Medicaid program that are contained in the FY18-19 biennial budget, HB49 (R. Smith).

Tax Commissioner Joe Testa delved into greater detail on the administration's budget proposals Thursday, debating the efficacy of income tax reductions to drive business growth and fielding questions on consumption tax changes in the House Finance Committee. Testa also reiterated a message Gov. John Kasich used in debuting the biennial budget proposal two weeks ago: There are billions in tax expenditures to comb through for lawmakers who don't like the offsets Kasich chose to pay for his lower, flatter income tax proposal.

CONSTITUTIONAL MODERNIZATION COMMISSION (OCMC)

The Bill of Rights and Voting Committee of the Ohio Constitutional Modernization Commission (OCMC) is considering a change to Article V, Section 2a of the Ohio Constitution that would specify elections are to be held by "secret ballot," as the current wording only says "ballot."

The full OCMC met later in the day, appointing Rep. Jonathan Dever co-chair to the commission. Sen. Vernon Sykes, a founding member of the commission when he was a representative, was also added as a member in his new position as senator.

OCMC's Legislative Branch and Executive Branch Committee Thursday continued its discussion, started in January, of Sections 10 and 12 of Article II, which deal with rights and privileges of members of the General Assembly, and whether those privileges should also be extended to staff.

CRIMINAL JUSTICE

Rep. Teresa Fedor (D-Toledo) wants to further strengthen Ohio's Safe Harbor Act by treating all trafficked children under the age of 18 as victims rather than criminals, and she believes she has the support of key Republicans to get it done.

The Ohio Criminal Justice Recodification Committee (OCJRC) on Thursday approved more than a third of all amendments considered for its final report. The prosecutors' association was able to restore tougher gun laws softened under previous committee proposals, and to return kidnapping to the current, harsher penalty of a first-degree felony (F1). Not approved were attempts by the Ohio Public Defender's Office (OPD) to lower penalties for compelling prostitution when the victim is under the age of 16, and to lower penalties for promoting prostitution.

EDUCATION

The Ohio Department of Education (ODE) is looking for nonprofit groups to sponsor or host meal service this summer for students who rely on school breakfasts and lunches during the academic year. Potential sponsors can complete a survey to indicate interest by Friday, March 3 at <http://tinyurl.com/hyhjgc5>.

The application window for four state scholarship programs -- the Jon Peterson Special Needs Scholarship, Cleveland Scholarship, EdChoice Scholarship and income-based EdChoice expansion program that assist with the costs of attending private schools -- has opened. The application deadline is April 15 for the Peterson program and April 30 for the others. The two EdChoice programs will have a second application window in July.

The Ohio Department of Education (ODE) will award new grants for afterschool programs in FY18, after initially planning not to do so to await guidance on the federal Every Student Succeeds Act. Afterschool programs had urged the department to reconsider its plans for the 21st Century Community Learning Centers (CCLC) grants.

U.S. Sen. Rob Portman (R-OH) said Tuesday that while he appreciated the input of his constituents, he ultimately decided to vote for the confirmation of Betsy DeVos as secretary of Education because when he looked at the details of her positions, he believed she would be good for Ohio. DeVos was confirmed Tuesday by a vote of 51-50, with Vice President Mike Pence casting a tie-breaking vote in a first for a cabinet nominee.

The Electronic Classroom of Tomorrow (ECOT) maintains its 14-year-old agreement with the state should still govern how the Ohio Department of Education (ODE) calculates its enrollment for funding purposes, according to recent legal filings from the online charter school.

Mark Smith, president of Ohio Christian University (OCU) and former member of the Ohio Board of Education, was selected as president of Columbia International University (CIU) in South Carolina by a vote of the CIU board of trustees.

ELECTIONS

Secretary of State Jon Husted said Friday that he has filed an appeal with the U.S. Supreme Court to overturn an appeals court decision that found parts of Ohio's supplemental process for cleaning voter rolls violated the National Voter Registration Act (NVRA) of 1993.

EMPLOYMENT/UNEMPLOYMENT

The nation added 227,000 jobs in January while the national unemployment rate rose to 4.8 percent, up from 4.7 percent in December, according to the U.S. Bureau of Labor Statistics (BLS). BLS said the number of unemployed was relatively unchanged in January, going from 7.52 million in December to 7.63 million last month. The labor force participation rate rose from 62.7 percent in December to 62.9 percent January. The number of discouraged workers, or those who gave up looking for a job because they did not believe they could find one, rose from 426,000 to 532,000. Job gains over the month came in the retail trade, construction and financial activities sectors of the economy, BLS said.

ENERGY

Ohio's largest solar electric installation is now online in northwest Ohio, where the Bowling Green Solar Facility will generate 20 megawatts (MW) for members of American Municipal Power Inc. (AMP), the company announced Friday.

A state tribunal has once again struck down an effort by landowners in Crawford and Richland counties to block construction of the proposed Black Fork Wind farm under its original 2012 permit and to impose larger wind turbine setbacks enacted in 2014 by mid-biennium review (MBR) 130-HB483 (Amstutz). The Ohio Power Siting Board (OPSB) said its 2016 decision granting Black Fork two more years to commence construction did not constitute a substantive amendment requiring the permit process to start over under newer, tougher requirements.

FEDERAL

U.S. Sens. Rob Portman (R-OH) and Sherrod Brown (D-OH) said Friday that they will recommend President Donald Trump appoint Greg Hartmann as U.S. attorney and Peter (Pete) Tobin as U.S. marshal in the Southern District of Ohio.

GAMING

Ohio's four casinos saw a drop in revenues from a year before in January, according to numbers released by the Ohio Casino Control Commission. The four casinos earned \$63.9 million in the first month of the year. That is down from \$65.5 million earned in January 2016 and down from the \$66.3 million earned in December. The top monthly earner was Hollywood Casino Columbus, which brought in \$17.4 million in January. Hollywood Columbus earned nearly \$17.5 million in January 2016, and \$18.5 million in December.

GENERAL ASSEMBLY/STATEHOUSE

The House Community and Family Advancement Committee kicked off its first meeting of the 132nd General Assembly Wednesday with sponsor and proponent testimony on HB36 (Vitale), known as the "Ohio Pastor Protection Act." Rep. Nino Vitale (R-Urbana) said the bill is necessary in light of the U.S. Supreme Court's decision in Obergefell et al. v. Hodges, which overturned same-sex marriage bans in Ohio and across the country.

Explaining how he won the 32nd House District seat in an area that supported President Donald Trump in the last election, freshman legislator Glenn Holmes (D-McDonald) told Hannah News, "I'm a pro-life, gun-toting Democrat."

Rick Carfagna saw himself as a facilitator working in and around local government for many years, and he said that's the role he'd like to play again as the new representative for the 68th House District, representing Knox County and eastern Delaware County, he told Hannah News for its "Meet the Freshmen" series.

GOVERNOR

Ohio Gov. John Kasich expressed disapproval of sanctuary cities in Ohio and defended the executive budget in a speech Wednesday at the Ohio Newspapers Association (ONA) conference.

The governor made the following appointments during the week:

- Matthew Noble of London (Delaware County) reappointed to the State Fire Council for a term beginning Feb. 3, 2017 and ending

Nov. 1, 2021.

- Edwin J. Nagle of Perrysburg (Wood County) and H. Richard Rowe Jr. of Findlay (Hancock County) reappointed to the Owens State Community College Board of Trustees for terms beginning Feb. 3, 2017 and ending Sept. 21, 2022.
- Lewis W. Adkins, Jr. of Copley (Summit County) to the University of Akron Board of Trustees for a term beginning Feb. 3, 2017 and ending July 1, 2025.
- Jeanne M. Newkirk of Powell (Franklin County) to the Ohio Criminal Sentencing Commission for a term beginning Feb. 3, 2017 and ending Aug. 21, 2020.
- Alan A. Stockmeister of Jackson (Jackson County) to the Ohio State University Board of Trustees for a term beginning Feb. 3, 2017 and ending May 13, 2025.
- Thomas L. Shepherd of Cincinnati (Hamilton County) to the Financial Planning and Supervision Commission of the city of Norwood for a term beginning Feb. 3, 2017 and continuing at the pleasure of the governor.
- Pastor Mark D. Ford of Akron (Summit County), Deborah Givens of Columbus (Franklin County), and Rabbi Avraham L. Goldstein of Columbus (Franklin County) reappointed to the Advisory Board of the Governor's Office of Faith-Based and Community Initiatives for terms beginning Feb. 6, 2017 and ending May 4, 2017.
- Andrew D. Bowers of Blacklick (Franklin County) to the Counselor, Social Worker, and Marriage and Family Therapist Board for a term beginning Feb. 8, 2017 and ending Oct. 10, 2018.
- Daniel J. Guttman of Bexley (Franklin County) reappointed to the Ohio Thoroughbred Race Fund Advisory Council for a term beginning Feb. 8, 2017 and ending Jan. 31, 2020.

HEALTH & HUMAN SERVICES

A bill introduced in the Ohio House Wednesday will require photo identification for electronic benefit transfer (EBT) cards issued under the Supplemental Nutrition Assistance Program (SNAP), with some exceptions. Ohio Auditor of State Dave Yost announced the bill in a joint press conference with Senate President Larry Obhof (R-Medina), Sen. Matt Huffman (R-Lima) and Rep. Tim Schaffer (R-Lancaster). Schaffer sponsored HB50, while Huffman plans to introduce a similar bill in the Senate.

HIGHER EDUCATION

An organization of those involved in philanthropy in Ohio Thursday said Gov. John Kasich and the Legislature should prioritize making higher education more affordable, including by increasing the amount of funding going into the Ohio College Opportunity Grant (OCOG) program. Philanthropy Ohio released its latest education policy recommendations, noting that Ohio ranks 45th out of 50 states in college affordability. The group also observed that one of Ohio's biggest challenges is growing its intellectual capital.

The Ohio State University (OSU) Board of Trustees has approved "Framework 2.0," an update to the university's master plan, which replaces the original Ohio State Framework Plan. Some of the long-term concepts address creating a research corridor, creating an arts district around 15th and High St., a renovated Waterman Farm, several projects in the Athletics District, extending Neil Avenue to Woodruff, extending Annie & John Glenn Avenue from High St. to Cannon Dr. and realigning Cannon Dr.

The Roy Lichtenstein Foundation announced an endowed chair of art history and an endowed chair of studio art amounting to \$3 million each at Ohio State University (OSU).

The University of Toledo (UT) named Michael Harders to the position of vice president of university advancement. Harders is currently the vice president of university advancement and development for Kennesaw State University in Georgia.

INSURANCE

Ohioans for Step Therapy Reform, a group that advocates for reform of an insurance industry practice known as "fail first" or "step therapy," hosted a press conference on legislation to be re-introduced by Sens. Peggy Lehner (R-Kettering) and Charleta Tavares (D-Columbus). Reps. Terry Johnson (R-McDermott) and Nickie Antonio (D-Lakewood) will carry the companion bill in the Ohio House.

JUDICIAL

Gov. John Kasich on Friday announced the appointment of J. Gregory Howard of Middletown to serve as a judge on the Butler County Court of Common Pleas. Howard will assume office Monday, Feb. 27 and must run in the November 2018 General Election to retain the seat for the full term commencing Thursday, Jan. 3, 2019. Howard is replacing Judge Craig Hedric, who passed away.

A portrait of former Ohio Supreme Court Justice Judith Lanzinger was dedicated and will be displayed at the Ohio Supreme Court. Lanzinger ended her 12-year stay on the Court in December. She is the only person to have been elected to every level of Ohio's judiciary.

Ohio Supreme Court Justice Pat DeWine was ceremonially sworn in for a six-year term Thursday after winning election in November.

LOCAL GOVERNMENT

Treasurer Josh Mandel and Rep. Candice Keller (R-Middletown) on Monday announced legislation prohibiting local jurisdictions from limiting local officials' ability to work with federal authorities regarding a person's immigration status. The bill, which has not yet been introduced, would also create criminal and civil penalties for elected officials in "sanctuary cities." Local officeholders could face a fourth-degree felony for crimes committed in their city by undocumented immigrants, meaning the possibility of up to 18 months in prison and fines up to \$5,000. A victim of a crime committed by an undocumented immigrant could also file a civil action against the jurisdiction for \$1 million in compensatory damages for personal injury or \$500,000 for property damage.

Two Northeast Ohio Democrats pushed back against the proposal to prohibit and criminalize "sanctuary cities." Calling the legislation fiscally irresponsible and dangerous, Reps. Dan Ramos (D-Lorain) and Stephanie Howse (D-Cleveland) said Tuesday they plan to introduce a bill protecting sanctuary cities and ensuring immigrants and refugees feel welcome in Ohio.

NATURAL RESOURCES

Chairman Troy Balderson (R-Zanesville) of the Senate Energy and Natural Resources Committee is setting an expedited hearing schedule for the reintroduction of water quality mid-biennium review (MBR) 131-SB333, which he says ran out of time last year in the lame duck session. The strongly bipartisan SB2 (Hite) seeks to protect surface and drinking water in Lake Erie and other waterways.

The Ohio Department of Natural Resources (ODNR) said Monday that hunters checked 182,169 white-tailed deer throughout Ohio's 2016-2017 deer season. Last year, 188,329 deer were checked during the 2015-2016 season.

PUBLIC SAFETY

The Ohio Department of Public Safety's (DPS) Office of Criminal Justice Services on Monday announced that the State Fire Marshal Fire and Explosions Investigation Bureau has met the certification standards of the Ohio Collaborative Community-Police Advisory Board. The state also announced certification of the Union and Ottawa county sheriff's offices.

STATE GOVERNMENT

In a short meeting held Monday, the Controlling Board approved its agenda with only one hold and an emergency addition to replace a broken sewage pipe at an Ohio State Highway Patrol post in Canfield.

TAXATION

Routine tax conformity legislation started its early session journey through the General Assembly, passing the Senate Ways and Means Committee and the full chamber Wednesday as SB22 (Peterson) and getting a first hearing as HB11 (Scherer) in the House Ways and Means Committee. Lawmakers typically pass the legislation to conform Ohio's state tax code to the federal code, since federal adjusted gross income is used as the starting point for calculating Ohio income tax. The General Assembly must explicitly conform the codes because of a court ruling barring the state from simply tying its code to the federal counterpart in statute.

UTILITIES

Down to two voting members and lacking a quorum, the Public Utilities Commission of Ohio (PUCO) took the rare position Wednesday of allowing a request for rehearing to expire without action by the commission. PUCO further denied applications for rehearing in a number of major rate cases, though it did grant rehearing in a single matter involving Columbia Gas of Ohio.

The expansion of the electricity market into new forms of small-scale, distributed generation and onsite energy storage will draw a formal thumbs-up from the state of Ohio on Monday, Feb. 13, when the Ohio Attorney General's Office is scheduled to file comments with the Federal Energy Regulatory Commission (FERC) supporting the entry of smart technologies into wholesale markets governed by PJM Interconnection and other regional transmission organizations (RTO) across the U.S.

WORKFORCE

Recommendations from Gov. John Kasich's Executive Workforce Board to embed career learning throughout the educational system would go into effect under legislation heard Wednesday in the Senate Transportation, Commerce and Workforce Committee. Sen. Bill Beagle (R-Tipp City) explained that SB3, jointly sponsored by Sen. Troy Balderson (R-Zanesville), includes some of those recommendations, which were presented to and endorsed by Kasich in December. He said the proposal would work in tandem with other workforce and education provisions of the executive budget.

