BALLOT BOARD APPROVES CONGRESSIONAL REDISTRICTING PROPOSAL AS SINGLE ISSUE

Organizers of a ballot effort to revamp the congressional redistricting process are clear to gather signatures after the Ballot Board on Tuesday confirmed the proposal as a single issue.

The five-member board unanimously approved the proposal from the Fair Districts = Fair Elections coalition without discussion or questions.

The move officially gives organizers the go-ahead to canvass the state in an effort to collect 305,591 signatures - 10% of total votes cast in the last gubernatorial election. The group must collect the equivalent of 5% of the gubernatorial vote in at least half the state's 88 counties.

"We are looking forward to ramping up our effort and collecting many, many signatures," said Catherine Turcer of Common Cause Ohio. "This is exciting because this is where we get to hit the pavement and talk to voters about ending gerrymandering."

Their proposal would amend the state constitution to hand congressional mapmaking to the bipartisan Ohio Redistricting Commission that was created in 2015 to oversee legislative redistricting. Backers are planning to have the ballot issue ready for a November 2018 vote.

The effort is spearheaded by Common Cause, the League of Women Voters of Ohio, and the Ohio Environmental Council. The groups officially launched their effort last year after months of legislative inaction on the subject.

LWVO Executive Director Carrie Davis said in a statement the board's approval puts the group "on our way to giving Ohio voters an opportunity to vote on fair congressional representation across the state." And OEC Executive Director Heather Taylor-Miesle said the group is "eager to get to work" gathering signatures.

The campaign was initially dealt a setback in April after Attorney General Mike DeWine did not certify the petition. But the campaign quickly modified the proposal, raised an additional 1,000 signatures, and resubmitted it. Mr. DeWine then certified the plan, forwarding it to the Ballot Board for consideration.

Ms. Turcer said in an interview that the speed in which the group was able to gather those new signatures bodes well for the effort moving forward.

"Clearly, voters really want fair elections and they are intrinsically tied to making sure those districts are fair," Ms. Turcer said. "There is a level of enthusiasm that hasn't been present before. I think there's a really clear understanding about how this process that happens every 10 years behind closed doors affects elections and how we really need to take this into our own hands."

The coalition has been taking donations as well as training volunteers to circulate petitions and conduct audits of eventual signatures. The group also has established a "speakers bureau" of sorts in which volunteers will visit communities to raise awareness of the proposal, Ms. Turcer said.

"Ohioans have waited too long for fair districts, this is our opportunity and I'm so happy we have direct democracy," she said.

DRUG PRICE ISSUE SUPPORTER SAYS MARKET NOT ENOUGH TO LIMIT PRICES

A former Veterans Affairs medical professional said Tuesday that a ballot issue limiting what the state can pay for prescriptions to the VA price would give taxpayers more leverage in negotiating drug prices.
Dr. Robert Ruff, the former national director for neurology at the VA’s Veterans Health Administration, said the issue would allow the state to keep pharmaceutical companies from charging exorbitant prices for needed drugs.

“I am not anti-industry, I am not anti-free enterprise, but the problem with drug pricing as it exists now is that the pricing is totally based on what the drug companies can get,” he said in a conference call with reporters hosted by Ohio Taxpayers for Lower Drug Prices. “It’s not based on the cost of manufacturing the product, it’s not based on the amount of research that went into developing the product, it’s really based on the market, what they can get.”

Dr. Ruff said pharmaceutical companies are not currently functioning in a free market the way other industries do. They are able to raise prices arbitrarily because consumers who need a certain drug often aren’t able to shop around for it.

“It's somewhat akin to a mugger confronting an innocent person on the street,” he said. “They either pay or they suffer the consequences of not paying, which can be death due to untreated illness or severe consequences of undertreated or improperly treated chronic illnesses.”

He said the so-called Ohio Drug Price Relief Act, by mandating a maximum rate the state would pay, would restore some balance to the market.

Opponents of the proposal have said the issue could end up costing veterans more for prescriptions.

While federal law mandates discounts for the VA, there are also other negotiated discounts, said Dale Butland, a spokesman for Ohioans Against the Deceptive Rx Ballot Issue.

Those additional discounts could be eliminated if the VA’s pricing mechanism is expanded to states, Mr. Butland said in an interview.

Mr. Butland pointed to a letter from former Secretary of Veterans Affairs Anthony Principi saying the issue could put low prices at risk.

“For veterans, it is a risky scheme that could result in higher prescription drug copays and reduced access to medicines for Ohio’s 866,000 veterans and potentially 21 million veterans nationwide,” Mr. Principi wrote.

Dr. Ruff said he didn’t think the issue would drive up the cost of medication or limit access.

“I don’t believe that the Drug Price Relief Act is going to raise the cost of medication. I think it’s going to do the opposite,” he said.

The group supporting the issue also released a statewide television ad featuring former Administrator of Veterans Affairs Max Cleland.

“I know, as a wounded veteran and the former administrator of Veterans Affairs, drug companies don’t know sacrifice. But you and I do,” he says in the ad.

**POTENTIAL SOLUTIONS TO OPIOID EPIDEMIC DISCUSSED AT FORUM**

Improved data collection and sharing could be key factors in addressing the rapid rise of opioid addiction and related deaths in the nation, a health specialist told attendees of a Statehouse forum Tuesday. The comments from Dr. Joshua Sharfstein came during an event hosted by One Ohio Now and Advocates for Ohio’s Future, two groups concerned with the danger of widespread opioid use in the state, that focused on potential solutions to the epidemic.

Rep. Ryan Smith (R-Bidwell), chair of the House Finance Committee, gave the opening remarks and expressed the urgency of combatting the epidemic.

"When I came here in 2012, I realized quickly the number of grandparents who were raising grandchildren because of the opioid epidemic,” he said. "Business owners couldn’t find people to work. And it has gotten worse over time.”

Rep. Smith said Ohio has tried to be proactive in its response to the crisis. He listed the different programs in which the state has invested to ease the problem, such as child protection, treatment programs, and mental health centers.
Dr. Sharfstein, associate dean for public health practice and training at the Johns Hopkins Bloomberg Schools of Public Health, was the featured speaker. He divided his proposed solutions into four categories - prevention, resuscitation, treatment, and recovery - centered around the improvement of data collection and leadership.

By sharing data across the states, Dr. Sharfstein said, officials can become more aware of the number and locations of overdose resuscitations. Knowledge of such occurrences is important for saving lives because “almost dying of something is a pretty big risk factor for dying of something,” he said.

To prevent drug addiction from beginning, Dr. Sharfstein encouraged responsible prescription of opioid pain medication. He said, however, that the increase in such prescriptions in the past twenty years is not every doctor's fault.

“A very small number of doctors is responsible for a very large amount of pain prescriptions,” he said. Assessment and intervention for the irresponsible doctors would help prevent the creation of new addicts.

Dr. Sharfstein also proposed some innovative strategies to keep drug users safe in the midst of the crisis.

He suggested establishing a drug checking service, which would test individuals' drugs for the dangerous compound fentanyl, an unwanted and often lethal component of manufactured opioids. To prevent individuals from dying from an overdose because they were alone, he also proposed creating supervised consumption areas, with staff on hand to resuscitate those who overdose.

These facilities would also offer voluntary treatment resources, but their immediate purpose would be to save lives. Dr. Sharfstein acknowledged that "you're not helping them long-term, but you first have to keep them alive so they can receive treatment."

Wednesday, May 31, 2017
PROPOSITIONS TOUT OVEC COST RECOVERY BILL AS CHAIRMAN EYES JUNE COMMITTEE VOTE
A House committee could vote the week of June 20 on a bill to permit cost recovery for utilities with ownership stakes in the Ohio Valley Electric Corporation, according to its chairman, Rep. Bill Seitz (R-Cincinnati) elaborated on his envisioned timeline Wednesday, shortly after the House Public Utilities Committee concluded its second hearing on the bill (HB 239) which aims to permit investor-owned utilities to recoup prudently-incurred costs spent operating OVEC.

Rep. Seitz said the committee will field all remaining testimony on the bill next week. The group will then take a week off with a fourth hearing expected the following week. He's also awaiting a revised fiscal analysis from the Legislative Service Commission which he said should more accurately reflect the contents of the bill.

The recently released analysis - which estimates the bill would increase state and local governments’ electricity costs by $1.6 million a year - failed to account for any revenues received and included a rate of return not provided for in the bill, according to Rep. Seitz.

"We get everything in a row, we get all the amendments straightened out, we see where the committee is and I'm looking tentatively to have a vote on the week of June 20," he said.

Both Rep. Seitz and cosponsor Rep. Rick Carfagna (R-Westerville) said they haven't been notified of any strong opposition to the bill.

"The people have raised various concerns I said we'll work on those concerns," Rep. Seitz said. "I've told people, 'Hey, we're not looking to cause a lot of problems here.'"

Potential opponents at first wondered whether the cost recovery bill was similar in nature to controversial bills to subsidize FirstEnergy's two nuclear plants through zero-emission nuclear credits - or ZEN.

But proponents argue that OVEC's ownership structure and the fact Ohio utilities are prevented from leaving the agreement without a unanimous vote among the entity's shareholders present a different set of circumstances. The bill's provision requiring any excess revenue under the system to be credited back to ratepayers has also helped mute some concerns, sponsors said. Rep. Seitz said he believes interested parties now understand the differences between the bills.
“People who might otherwise be opponents, like that legion of opponents to ZEN...those same folks I’m saying if you knew what’s good for you you’d keep your mouth shut about this because this is a sui generis, unique situation,” he said.

Dayton Power & Light and Duke Energy Ohio, which own shares of OVEC alongside FirstEnergy Solutions and AEP Ohio, testified Wednesday in support of the bill. As did Ohio’s Electric Cooperatives, which also owns stakes.

Amy Spiller, deputy general counsel for Duke Energy, sought to distance the bill from the ZEN legislation. Unlike FirstEnergy, which has said the plants may shutter with or without the ZEN bill, OVEC utilities have no choice but to remain operating under the current contract.

"To be clear, the electric utilities are not seeking cost recovery to keep uneconomic generating units running," she said.

"Put simply, the coal-fired OVEC units will continue to operate as they have done in the past and Duke Energy Ohio will continue to fulfill its contractual commitment," she continued. "All this will happen without consequence to the state’s support of electric generation competition and customer choice."

Dayton Power & Light Commercial Operations Director David Crusey called the bill a "sensible path to recover the net of our costs and revenues."

"This legislation balances the interests of customers with the co-owners of OVEC by providing stability for continued operation of this important national security generation resource," he said.

Rep. Mark Romanchuk (R-Mansfield) said plenty of national security assets have been decommissioned or shut down in the past. Why are these plants any different, he asked.

Mr. Crusey responded that they are a "legacy resource" and that the entity’s operating structure prevents it from being shut down prior to 2040 when the agreement ends. Reiterating arguments from other proponents, he said the companies are trapped in the agreement unless all parties agreed to disband OVEC - an unlikely scenario given the regulated environment in other states in which operators reside.

Responding to further questions from Rep. Romanchuk, Mr. Crusey acknowledged that it is possible the plants will never be profitable again and that consumers would therefore be paying each year until the agreement ends. But he repeatedly stressed he can’t see the future when it comes to the energy markets.

Ohio Electric Cooperatives President Patrick O’Loughlin, who is also a member of the board of directors for OVEC, said failure to enact the bill "could result in stranded costs for our consumers and economic distress for the communities surrounding the Kyger Creek generating station in Gallia County."

Rep. Robert Cupp (R-Lima) questioned what would happen if FirstEnergy Solutions went bankrupt, as the company’s parent FirstEnergy has repeatedly foreshadowed.

"If they were to go bankrupt, their portion of the cost responsibility would go through bankruptcy court, and any remainder would go back to OVEC and OVEC owners,” Mr. O’Loughlin said. “So that’s something that we’re very concerned about today."

**GAS TAX STILL PREVALENT BUT OTHER LONG-TERM SOLUTIONS NEEDED, PRESENTATION INDICATES**

The long-term effectiveness of gas taxes was questioned in a presentation to the Senate Ways and Means Committee on Wednesday. Sean Slone, director of transportation policy at the Council of State Governments, sought to inform the committee on of the disadvantages of taxing gas.

"Like most taxes on consumption, gas taxes are regressive," he said. Lower-income individuals pay a disproportionate amount, and the tax becomes less effective over time.

Despite the problems, many states continue to use gas taxes as a primary means of funding transportation infrastructure. Mr. Slone admitted that the tax is easy to administer, and there is a recognizable link between gas taxes and transportation funding. However, he said, the situation is unsustainable.
It's not enough to raise the tax a few cents and leave it be for twenty years," he said. "The gas tax can be better designed with a long-term outlook."

Some states have made attempts to diversify their revenue streams. Georgia instituted a hotel tax to fund transportation improvements, and other states have increased licensing and registration fees. These are helpful ways to supplement the gas tax, Mr. Slone said.

The taxation of hybrid and electric cars is another method of supplementation in use by some states. Mr. Slone said it was an attempt at parity; states want to make sure that the drivers of such vehicles are paying their fair share.

Several senators asked the director about the use of tolling to raise transportation funds. Mr. Slone acknowledged that many people have a strong aversion to tolling, but "it has to be one of the tools in the toolbox." With the implementation of electronic tolling, he said, tolls have become potentially more palatable.

Sen. Lou Terhar (R-Cincinnati) asked if the council has any new ideas for raising transportation revenue. Mr. Slone said the CSG celebrates any innovative ideas that come out of the states, but "there isn't a lot new under the sun."

"States keep going back to the well of the gas tax and reshaping it to make it more sustainable in the medium term," the director said. "But there could be better ideas."

SEITZ MOVES TO HOUSE LEADERSHIP AS PELANDA LEAVES POST
Republican Rep. Bill Seitz of Cincinnati was appointed majority floor leader in the Ohio House on Wednesday after Rep. Dorothy Pelanda resigned her leadership post to focus on a run for statewide office. Ms. Pelanda (R-Marysville) has announced her candidacy for Secretary of State.

"It has been a tremendous honor to be elected Majority Floor Leader by my colleagues in the House, and it will be an opportunity that I will always cherish," she said. "However, after careful consideration, I have decided to step down from my leadership role as I run for the office of Secretary of State."

"This is not a decision I reached lightly, but I feel it is in the best interest of our members and the institution that we have someone who can continue to devote full energy and attention to this important role within our caucus."

House Speaker Cliff Rosenberger (R-Clarksville) said he asked Mr. Seitz, who is also serving as the caucus policy chair, to serve as majority floor leader.

He said Rep. Pelanda has been a key part of the leadership team. "Her input and perspective will remain an integral part of our caucus, and I know she will continue to do what is best for her constituents and the state of Ohio," the speaker said.

Ms. Pelanda faces Sen. Frank LaRose (R-Hudson) in the GOP primary for Secretary of State. Rep. Kathleen Clyde (D-Kent) is the only announced Democratic candidate for the office.

Mr. Rosenberger also on Wednesday endorsed Ms. Pelanda for secretary of state.

"Anyone who has had the pleasure of working with her sees the passion, tenacity and knowledge she puts into all her work," he said. "Ohio will be well-served under the tremendous leadership of Dorothy Pelanda."

"I know that she will make a great Secretary of State, and continue Ohio down the path to more fair, open and accountable elections all while also making sure that this state is able to attract new businesses, both big and small, to make Ohio the best place to live, work and raise a family."

INTRODUCED IN THE HOUSE

**HB 251** SUBDIVISION INVESTMENTS (Greenspan, D.) To increase from five to ten years the maturity period of other political subdivision's bonds and obligations eligible for investment of a subdivision's interim moneys. Am. 135.14

**HB 255** TOWNSHIP OFFICERS (Hambley, S.) To authorize a township officer who serves a population of greater than 5,000 to make arrests for specified traffic offenses on interstate highways within and adjacent to the officer's territory and to prohibit townships from using traffic law photo-monitoring devices on interstate highways. Am. 2935.03, 4511.093, and 4513.39
HOUSE COMMITTEE HEARINGS
State & Local Government

HB 168 CEMETERY REGISTRATION (Stein, D.) To modify duties of the Division of Real Estate in the Department of Commerce regarding cemetery registration, to specify cemetery owners must reasonably maintain cemeteries, to establish the Cemetery Grant Program, and to make an appropriation. (REPORTED-AMENDED (No testimony); 4th Hearing-All testimony-Possible amendments & vote)

Rep. Steve Hambley (R-Brunswick) amended the bill with language he said would allow the investigation of unregistered cemeteries, among other things. The amendment passed without objection and the bill was unanimously reported.

HB 207 PHOTO MONITORING (Patton, T.) To prohibit a municipal corporation or township that does not operate either a fire department or an emergency medical services organization from utilizing traffic law photo-monitoring devices. (CONTINUED (No testimony); 2nd Hearing-Proponent)

HB 208 PHOTO MONITORING (Patton, T.) To prohibit a local authority with a population of 200 or fewer from utilizing traffic law photo-monitoring devices. (CONTINUED (No testimony); 2nd Hearing-Proponent)

HB 209 PHOTO MONITORING (Patton, T.) To prohibit a local authority, in any year, from issuing a total number of traffic tickets based on the use of traffic law photo-monitoring devices that exceeds two times the population of the local authority. (CONTINUED (No testimony); 2nd Hearing-Proponent)

HB 210 PHOTO MONITORING (Patton, T.) To prohibit a local authority from deriving more than 30 per cent of the total annual revenue of the local authority from the issuance of tickets for traffic law violations based on evidence recorded by traffic law photo-monitoring devices. (CONTINUED (No testimony); 2nd Hearing-Proponent)

SB 37 POLICE CHIEF TRAINING (Hite, C.) To require the Ohio Peace Officer Training Commission to develop and conduct a chief of police training course for newly appointed village, city, and township chiefs of police. (CONTINUED (No testimony); 3rd Hearing-All testimony)

Government Accountability & Oversight

HB 218 PARK DISTRICTS (Seitz, B.) To expand a probate court’s powers and duties with regard to a park district. (CONTINUED; 1st Hearing-Sponsor)

Sponsor Rep. Bill Seitz (R-Cincinnati) said the need for the legislation arose because state law does not explicitly provide a probate court judge authority in the case of a dispute over a park district.

The issue came to a head in Geauga County where a complaint was filed alleging tax dollars used to fund a park district had been mismanaged. As a result of the complaint, Rep. Seitz said, more than $100,000 was spent on the legal battle.

The case eventually made its way to the Ohio Supreme Court, which ruled that a probate court does not “patently and unambiguously” lack jurisdiction to issue the orders where the township trustees eliminated funding from the township park, which hampered the park board’s ability to operate the park district.

But lower court interpretations of the decision have “created uncertainty and conflicts among courts in Ohio,” Rep. Seitz said.

“This legislation will codify and clarify the Ohio Supreme Court’s ruling, and save taxpayer money avoiding judicial involvement,” he said.

Rep. Seitz also said the bill is different from an amendment he submitted for the state’s two-year operating budget that stirred opposition among Geauga County political leaders.

“It is necessary, now, to ensure the judicial and constitutional framework is in place to protect Ohio parks and those that are entrusted with its daily operations,” he said.

HB 226 FIREWORKS (Seitz, B., Sweeney, M.) To establish a fireworks study group to review and make recommendations regarding the Fireworks Law, to extend to July 1, 2020, the moratorium on issuing fireworks manufacturer and wholesaler licenses, to eliminate, beginning January 1, 2021, the moratorium on geographic transfer of fireworks manufacturer and wholesaler licenses, and, beginning July 1, 2020, to impose a fee on the retail sale of consumer grade fireworks in this state and to expand the ability of
individuals to obtain 1.3G display fireworks and obtain and use 1.4G consumer fireworks. *(CONTINUED; 2nd Hearing-Proponent)*

Ken Sprague, president of the Ohio State Pyrotechnics Association, said every state surrounding Ohio, with the exception of Pennsylvania, allows the use of the full line of consumer fireworks.

"Ohio has allowed the sale of consumer fireworks for almost 40 years and has 50 licenses that are able to sell consumer fireworks, but does not permit the use of any consumer fireworks in the state. This is a dated approach to business that should be addressed," he said.

However, Mr. Sprague also warned that an immediate end to the moratorium could dramatically alter the landscape in the industry.

"Small companies, like myself, would be put out of business from one season to the next by an influx of larger companies and out of state companies that would come in and immediately secure better locations than many of us here in Ohio are currently licensed for," he said. "Many licensees would have liked to move to better, more commercially viable locations, but under Ohio's law we haven't been able to.

Establishing a study group, he said, could help to avoid such a disruption in the industry.

Danial Peart, director of government affairs for Phantom Fireworks, called the proposed study group "a rational approach to ensure that we don't find ourselves in a similar situation of dealing with antiquated fireworks laws."

"A study group made up of those in the fireworks business, and those who regulate the fireworks business seems logical and effective as a means to generate discussion between these stakeholders," he said. "The ongoing dialogue between industry and enforcement has proven to be effective in multiple states, and leads to a transparency that benefits both parties."

**Thursday, June 1, 2017**

**OBHOF EXPECTS BIGGER CUTS IN BUDGET, TALKS MEDICAID CONTROLLING BOARD PROPOSAL**

Senate Republicans are sorting through about 1,500 amendments to the budget bill (HB 49) as it prepares to adopt a substitute bill in less than two weeks, Senate President Larry Obhof said Thursday.

As the chamber looks ahead to a planned vote on the spending measure around June 21, he said larger cuts are expected.

The Medina Republican told reporters he is waiting on updated revenue estimates for June, but that he anticipates there will be more cuts than the $800 million over the biennium already discussed.

"I expect it to be larger than that," he said.

While he said the Senate is far from reaching an outcome on the issue, the president also weighed in on a House plan that would require the Department of Medicaid to go before the Controlling Board to access funding for the expansion population.

Sen. Obhof said the plan is similar to one included in the budget last year that kept money for the state share of Medicaid expansion in a separate line item that required legislative approval. He said the administration was able to fund the state share from other lines instead.

"I think several of us who are opposed to the expansion would probably like to see more controls on how money from other funds could be expended," he said. "I think when we moved that money over, our intent was this is the expansion line item, and if you want that money, come ask us for it, and it didn't happen."

"I would like the legislature to exercise as much control as possible over the process," he added.

While the House plan holds back both the state and federal shares of the money, Sen. Obhof said it's more likely the budget will end up holding back just the state share.
"I do not envision us giving the Controlling Board or any independent board that's not the legislature the ability to spend that type of money," he said. "I think that what they were trying to do was what we did two years ago, and maybe it just needs to be tweaked a little bit."

He said the issue is still being debated, and the time period in which the administration would have to request the funding - currently every six months - could change.

"We'll see where we end up," he said.

**PARTIES DISPUTE IMPACT OF FIRSTENERGY ZEN BILL**

It remains to be seen if and when a controversial Senate bill to subsidize FirstEnergy's nuclear plants might receive a committee vote, according to the chairman of the committee vetting the proposal.

The bill (SB 128) received a third hearing before the Senate Public Utilities Committee Thursday, giving opponents their first chance to weigh in on the Senate bill being pushed by FirstEnergy and local communities that say they'd be devastated should the company's two nuclear plants shutter.

Meanwhile, supporters - including Exelon, the nation's largest electric company by revenue - made their case before senators in an effort to move the bill forward after the committee's counterpart in the House suspended hearings on a companion bill last month.

Chairman Sen. Bill Beagle (R-Tipp City) said Senate hearings will continue until all witnesses have had the chance to share their thoughts. "We're going to continue down the path until everyone's been heard and probably convene and have a conversation (among members) at that point," he said.

Senate President Larry Obhof (R-Medina), who previously said the bill faces an "uphill climb" in the caucus, on Thursday said only that leadership will "respect the committee process."

Senate testimony so far has been much the same as in the House, with supporters saying the bill would protect jobs and tax revenue in the plants' footprint communities and maintain the state's portfolio diversity. Meanwhile, opponents argue the move would subsidize uncompetitive nuclear plants by driving up costs for consumers.

One new player to the table is Exelon, which operates the largest number of nuclear plants in the country, none of which are in Ohio. The company earlier this week announced it will close its Pennsylvania Three Mile Island plant unless that state passes similar legislation.

Executive Vice President Joseph Dominguez, who also met with lawmakers privately Thursday, told the committee "it makes no sense to allow vital assets that have not even reached the midpoint of their design life to prematurely close."

Should the Ohio plants close in a similar fashion, Mr. Dominguez said, "I think what would happen from a supply and demand standpoint is you'd immediately feel the repercussions in terms of higher prices."

But the Ohio Consumers' Counsel, represented by Jeff Jacobson, said the opposite is true. Mr. Jacobson said PJM has a 20-25% reserve margin of power available - more than enough to compensate for the 5% constituted by the FirstEnergy nuclear facilities.

"Those who suggest this would lead to higher prices are severely misguided," Mr. Jacobson said. "Not passing this is not going to lead to higher prices. Passing this absolutely leads to higher prices."

Responding to Sen. Troy Balderson (R-Zanesville), Mr. Dominguez said Exelon would not at this point be interested in buying the two FirstEnergy plants as rumors around Capitol Square might suggest.

But if policy changes were made and the plants could have a chance at a viable future, he said, "I would imagine there would be a number of buyers."

Nearly 20 witnesses submitted testimony both in person and in writing at the measure's third hearing.
Leigh Herington, testifying for the Northeast Ohio Public Energy Council, said the bill would further reduce benefits the state has experienced since 1999’s move toward deregulation.

Sen. Frank LaRose (R-Hudson), one of the bill’s sponsors, asked Mr. Herington at what cost policymakers should allow the Davis-Besse and Perry plants to close.

Mr. Herington replied that closure of uncompetitive units was always a possibility in an open, competitive market. He suggested state policymakers take the issue up with their congressional counterparts.

“I understand there’s a problem here,” Mr. Herington said. “If this is going to be a public policy, I would ask you don’t make it a public policy for a portion of Northern Ohio and go to the U.S. Congress and lobby to make it an issue that affects the entire country. If we’re going to save nuclear plants, it’s got to be a public policy out of Washington.”

Sen. Beagle said he hasn’t conducted any polls of the committee members to gauge their interest in whether to advance the bill.

“What I gather from the questions is the questions tend to be a little more skeptical than supportive,” he said. “If nothing else, there’s an understanding this is a national problem, a federal issue, and maybe we need to have a conversation about whether Ohio needs to step in and be part of that solution or not. This conversation really belongs in Washington.”

**STRONG OPPOSITION YET TO MATERIALIZE ON OVEC COST RECOVERY BILLS**

A Senate bill that allows owners of the Ohio Valley Electric Corporation to recover costs - like its House counterpart - has yet to draw strong opposition, according a committee chairman.

Senate Public Utilities Committee Chairman Sen. Bill Beagle said his office is unaware of any major opposition to the bill (SB 155), which would permit those investor-owned utilities to recover “prudently-incurred costs.”

His comment in an interview echoed words of House Public Utilities Chairman Rep. Bill Seitz who on Wednesday said much the same about the House version (HB 239).

“It seems like it’s limited at the moment,” Sen. Beagle (R-Tipp City) said of opposition. An aide said the chairman’s office to date has received notice of one opponent - an individual unaffiliated with any major groups - seeking to testify on the bill.

“If it’s interesting to see,” Sen. Beagle said, “if we don’t have a lot of opposition testimony, then there’ll be a little less to go on as a committee. We’ll have to have a conversation, but I would have thought you’d see some people opposed to the idea make themselves known and come in and give us the other side of the story.”

Sen. Lou Terhar (R-Cincinnati) testified before the Senate committee at the bill’s first hearing Thursday. There, he told the panel that the bill, also sponsored by Sen. Bob Peterson (R-Sabina), would acknowledge the entity’s unique ownership structure.

He emphasized the fact that none of Ohio’s investor-owned utility stakeholders - AEP Ohio, Duke Energy, Dayton Power & Light and FirstEnergy - can sell their shares without the unanimous approval of OVEC’s more than a dozen owners.

With owners in neighboring regulated states wanting to see OVEC continue in its present makeup, he said, those Ohio companies are essentially trapped at the losing end of the deal until the contract expires in 2040.

“The unique mission and circumstances that brought about OVEC, the disparity in terms of cost recovery, and the long obligations that Ohio's investor-owned utilities accepted and fulfilled, supports granting consistent and long-term cost recovery appropriate,” Sen. Terhar said.

Sen. Beagle asked the sponsor whether the legislation, if approved, would likely be the last time lawmakers have to act on an OVEC-related issue. He also questioned whether the bill adequately addresses the companies’ concerns to the degree they won’t come back seeking future assistance.

“Based on the current structure of Ohio and deregulation, I believe it does,” Sen. Terhar said.
The chairman also questioned how the bill defines the term “prudently-incurred costs.” The bill only permits those costs to be recovered, which proponents say will prevent the companies from profiting off the arrangement. The Senate bill and its House companion would charge the Public Utilities Commission of Ohio with setting that threshold.

But there’s one key difference between the two bills currently: the House version would permit the recovery of all costs due to language sponsors in that chamber have called a mistake. They say a forthcoming amendment will modify the bill to apply only to prudently-incurred costs.

COALITION BEGINS GATHERING SIGNATURES FOR CONGRESSIONAL REDISTRICTING PLAN

A coalition campaigning for changes in the way that Ohio’s congressional districts are drawn began collecting signatures Thursday with high hopes of taking the issue to voters in November. Fair Districts = Fair Elections leaders said at a Statehouse press conference that they’ll spend the next month pushing to gather hundreds of thousands more signatures than the 305,591 valid ones needed to make it on the ballot later this year.

If the goal can’t be accomplished by the July 5 deadline, they said the November 2018 election will be the target.

“We have every hope that we can do it quickly and hopefully make 2017, but the reality is we can do either one. Every signature we collect today can apply to either ballot, and so we’re going to go after it hard and fast and see where that gets us,” said Heather Taylor-Miesle, executive director of the Ohio Environmental Council.

The council is among more than 30 groups that make up the coalition that isn’t expected to hire signature collectors. Rather, leaders feel there are enough Ohioans passionate about the issue to fill petitions quickly.

“We have a lot of people who are banging down the doors,” to get involved, Ms. Taylor-Miesle said, adding that she was greeted at her office early Thursday morning by someone who was eager to sign a petition.

The Fair Districts = Fair Elections proposal would amend the state constitution to leave congressional mapmaking up to the bipartisan Ohio Redistricting Commission that was created by Issue 1 in 2015 to oversee legislative redistricting.

“Our reform addresses the big missing piece of Issue 1 and that is congressional redistricting,” said Ann Henkener of the League of Women Voters of Ohio. “Right now, there are no requirements to get a plan or map supported by members of both political parties. There is no requirement that communities remain together. There is no requirement that our congressional delegation reflect the political preferences of the voters of Ohio.”

The bipartisan changes to state legislative redistricting received 71% of votes the year it was on the ballot, winning in all 88 counties. Common Cause Ohio State Chair Sam Gresham said the coalition is looking to ride the wave of support for that proposal to make the same revisions to the congressional redistricting process. He said he’s been working for redistricting changes since 2005 and “this is the closest we’ve ever been.”

“2015 was a quiet revolution,” he said. “Let’s make 2018 a crescendo to the revolution.”

However, the path to approval won’t be as simple as it was two years ago because there will be significant opposition, Mr. Gresham predicted. Some members of the coalition were behind a similar redistricting plan on the 2012 ballot that was handily rejected by voters. Backers were outspent by opponents, including a group called Protect Your Vote Ohio.

“We expect big opposition, but we’re ready for it,” Ms. Taylor-Miesle said, predicting there is more voter awareness on the issue now because of state legislature redistricting changes.

Mr. Gresham added: “If it’s good enough for the General Assembly, it’s good enough for Congress.”

The ballot initiative seeks to circumvent the state legislature, whose leaders have said they want to see how the new redistricting commission plays out in 2021 before assigning the same process to congressional redistricting. If the changes are delayed until that point, however, the next congressional election that could be impacted by them would be 2032.

“That is way too long for most Ohioans to tolerate,” said Richard Gunther, an Ohio State University professor emeritus of political science.
FRANKLIN COUNTY JUDGE STRIKES LAWS LIMITING CITIES’ CONTROL OVER MICRO WIRELESS, LABOR ISSUES

Citing a violation of the "single subject" lawmaking restriction, a Franklin County judge on Friday struck portions of lame duck legislation passed last December that became the vehicle for several provisions aimed at superseding local ordinances.

While blocking portions of the measure (SB331, 131st General Assembly) dealing with city oversight of micro wireless equipment and ballot issues on minimum wage and employment practices, Franklin County Common Pleas Court Judge Richard A. Frye let stand several provisions that have the common thread of animal welfare. Those include statutes related to puppy sales, dog breeders, bestiality and animal fighting.

The lawsuit was brought by 50 municipalities that sought to overturn the state’s blockage of right-of-way restrictions they could place on telecommunications firms looking to install new wireless technology to facilitate 5G services. The decision did not get to the argument that the statutory language runs counter to home rule authority.

"The breadth of S.B. 331 violates the one-subject rule," the judge wrote. He noted that "matters addressed in this single piece of legislation include criminalizing certain conduct, regulating pet stores and dog retailers, restricting how municipalities may regulate terms and conditions of work, or the minimum wage to be paid workers; and the regulation of a new generation of micro wireless facilities, including equipment placed on municipal property."

The legislation was originally designed to regulate the sale of dogs from pet stores and, at the request of Petland, override more restrictive local ordinances such as those that had been passed in Grove City and Toledo. During its journey through the legislature late last year, the bill picked up a number of provisions, many of which dealt in some tangential way with animal welfare.

Noting the bill contained a “severability clause,” Judge Frye let those provisions stand, but he said lawmakers went too far, too fast with the other add-ons.

"Bestiality and animal fighting prohibitions were acknowledged to share nothing in common with the wide-ranging, perhaps revolutionary telecommunications provisions, or with statewide minimum wage and working conditions statutes," Judge Frye wrote of the legal arguments surrounding the bill.

"From that perspective it has been creatively argued that this court should conclude S.B. 331 is primarily concerned with unifying rules on business subjects, leaving as outliers invalid under the one-subject rule all of the animal-related provisions."

The state had argued that the legislation did not violate the single subject rule because it addresses a "patchwork quilt of differing municipal regulations scattered across the state."

Stricken language includes a prohibition against local governments restricting the placement of micro wireless equipment in public rights of way. Also blocked was language aimed at a proposed Cleveland initiative to raise the minimum wage, and potential ballot issues to impose work hour mandates and other requirements on employers. The latter provision specifically granted private employers exclusive authority over matters related to work location, schedules and benefits absent an exemption.

The micro wireless language was pushed by AT&T, with support from Sprint, T-Mobile and Verizon, but it stirred up concerns from the Ohio Municipal Electric Association and the Ohio Municipal League.

In his decision, Judge Frye also chided lawmakers for the rapid manner in which the bill was cobbled together, saying "nothing in the record before the court suggests that the broad telecommunications provisions now in focus were given formal hearings in either chamber."

"Hasty consideration of such a diverse assortment of subjects directly undermines the policy underlying the one-subject rule, which is to encourage a more orderly and fair legislative process," he wrote.

The laws took effect March 21. Attorney General Mike DeWine’s office said the decision is under review.

HIGH COURT CLARIFIES TERMINATION PROCEDURES IN OIL AND GAS LEASES
The Ohio Supreme Court ruled this week that termination provisions in delay-rental clauses do not extend beyond the primary terms of an oil and gas lease. The decision, authored by Justice Patrick Fischer, reverses a Fourth District Court of Appeals ruling.

The case stems from an oil and gas lease Ronald and Barbara Bohlen signed with Alliance Petroleum Corp. in 2006, the high court's media arm reported.

The lease contained a clause that required the company to drill a well within one year, along with a delay-rental fee of $5,500 for each year it did not drill a well. Failure to pay the fee terminated the lease, per the agreement.

The document also contained a provision requiring the company to make up the difference between the royalty payments and the annual rental payments when the royalty payments fell below $5,500.

Within one year the company had drilled two wells, both of which produced gas but not oil. Just once from that point forward were the Bohlens paid $5,500, which led them to seek declaratory judgement in Washington County Common Pleas Court in 2013.

At the trial court level, the Bohlens made three arguments, including that the lease terminated when the company did not make the delay-rental fee payments.

While the Bohlens won their case in common pleas court, the appellate court reversed the decision, leading them to take their case to the high court.

In the court's decision, it delineated between "primary terms" and "secondary terms" in the contract. It found that because the company drilled two wells within the required timeframe, the delay-rental clause - a primary term - was not triggered and the contract was in secondary terms.

"The plain language of the parties' oil and gas lease requires the lessee to pay a delay rental for deferring commencement of a well, otherwise the lease terminates; however, the lessee did not defer commencement of a well beyond the primary term of the lease, because at least one well was drilled within the first year," Justice Fischer wrote.

"Therefore, the lease did not terminate under the delay-rental clause. The requirement in the addendum that the lessees pay $5,500 as a minimum annual rental did not invoke the termination provision in the delay-rental clause."

The issue of underpayments was not raised in the case.

Chief Justice Maureen O'Connor and Justices Terrence O'Donnell, Judith French, Bill O'Neill and Patrick DeWine joined the opinion. Justice Sharon Kennedy concurred in judgement only.

**AGRICULTURAL PROPERTY VALUES MOVE FORWARD AS FARMERS WAIT FOR LEGISLATIVE FIX**

Staff of the Department of Taxation on Friday continued prepping farmers for this year's round of Current Agricultural Use Values, even as those landowners root for a pair of legislation provisions that would rework the formula.

ODT held a public hearing on the CAUV formula in Columbus, giving farmers and stakeholder groups a chance to weigh in on proposed values. The hearing was over in a short 20 minutes, which was in contrast to legislative hearings in recent months that saw scores of farmers and their associations urge lawmakers to fix the program.

ODT Assistant Administrator Gloria Gardner said she kept her presentation intentionally brief because the proposed values haven't changed much since the Agricultural Advisory Committee last met in March. Those in attendance made only three comments, mostly to voice frustration with the department's approach to valued woodlands.

It was Jarra Underwood of the County Auditors Association who broached the topic farmers are most closely watching: the two legislative efforts that landowners hope will pass this year and provide relief from rising CAUV taxes.

Senators are currently considering budget language (HB 49) to phase in changes to the CAUV calculation and not penalize the adoption of conservation practices to protect water quality.
That chamber has already passed a separate bill (SB 36) to alleviate farmers. That bill has been assigned to the House Ways & Means Committee where lawmakers are waiting to see the fate of the budget provision.

"If one of those should pass and have an impact on CAUV will you hold the values to release them until after that or will you proceed with values and adjust them according to the legislation," Ms. Underwood asked.

Ms. Gardner and other ODT staff said it depends on the contents of the legislation as passed. In other words, whatever course of action the General Assembly dictates is what the department will pursue.

Presenting to the public in attendance, Ms. Gardner placed the average value for cropland of all soil types at $1,249 for 2017 - about a 25% decline from 2014's high watermark of $1,668.

She said 2017 continued to see a drop in crop prices, which in turn impacts values. Meanwhile, ODT is recommending increasing the deduction for surface draining for woodlands from $380 to $400 and is maintaining a prior increase in clearing costs from $500 to $1,000 for all soils.

Ted Finnarn, attorney for the Ohio Farmers Union, said ODT needs to do more to revise the formula when it comes to the cost of clearing and draining woodlands. He also urged the department to revisit the capitalization rate, which is projected to be 6.2% for 2017.

Mr. Finnarn and other proponents of a legislative fix have argued small changes in the capitalization rate result in major swings in values due to current low interest rates.

"The capitalization rate, based on past history of the formula, there are two factors that are actually sinking fund factors that were not in the formula to start with," Mr. Finnarn said. "Hopefully this will be worked on in the future."

Brad Perkins, executive director of the Ohio Forestry Association, said he seconds that concern.

"I don't expect they would have been brought up to their actual value of the woodland clearing in one step but we'd like to have seen the department at least start a process over five or six years to get that up to the level it should be," he said.

FERC CHAIR ‘TROUBLED’ BY DIESEL FUEL FOUND IN ROVER PIPELINE SPILL
The Ohio Environmental Protection Agency has found traces of diesel fuel among the more than 2 million gallons of drilling mud the company behind the Rover Pipeline spilled earlier this year into Ohio wetlands.

The discovery, disclosed Thursday in filings before the Federal Energy Regulatory Commission, prompted OEPA to boost its proposed fine of the company and led FERC Chairwoman Cheryl LaFleur to publicly weigh in on Rover's ongoing controversies in a public statement.

But a spokeswoman for Rover's parent company, Energy Transfer Partners, questioned OEPA's finding. Rover Pipeline LLC had previously contended that the drilling mud spilled was nontoxic in nature.

"We are fully cooperating with both the FERC and the Ohio EPA on this important issue," Rover spokeswoman Alexis Daniel said. "At this time, however, there is no evidence that the source of the hydrocarbons is related to our drilling activity."

The OEPA disagrees and has recently bumped up its proposed fine on the company to $914,000, up from the previous $714,000. It's the second time the civil fine, which is spelled out in yet-to-be-approved administrative orders, has been increased; it was initially set at $431,000.

After additional tests of samples collected at various sites after the spills near the Tuscarawas River horizontal drilling site, OEPA on May 26 notified FERC it had detected the presence of petroleum hydrocarbon constituents commonly found in diesel fuel.

Terry Turpin, FERC's Director of Energy Projects, wrote to Rover Pipeline Thursday disclosing the finding and suggesting the presence of that material indicates Rover violated the stipulations under which FERC approved the project.
**Statehouse Update**

"Based on the results of the sampling conducted by Ohio EPA, the Commission's Office of Enforcement will immediately initiate an investigation to determine the underlying facts that led to the presence of petroleum hydrocarbons in the drilling fluid," Mr. Turpin wrote, calling for the company's full cooperation.

Also Thursday, FERC Chairwoman LaFleur and Commissioner Colette Honorable waded in publicly with a joint statement. It noted that the company's certificate application was approved under the understanding the mud would consist of only "nontoxic/non-hazardous bentonite clay and water."

The pair said they are "troubled" by indications diesel fuel was present in the drilling mud, which they said might suggest the company deviated from FERC-approved stipulations in that certificate.

"Although we have no reason to believe the release represents an imminent threat to human health or the environment, this incident raises concerns about potential long-term environmental impacts, including impacts on sensitive wetlands in Ohio," the commissioners wrote. "Moreover, the presence of diesel fuel in the drilling mud is inconsistent with the commitments made by Rover on which the commission relied to certificate its project."

Commissioners LaFleur and Honorable closed their letter by vowing to "closely monitor (the project's) progress to ensure that Rover follows the terms of its certificate."

**STUDY: VIRUS MAY HAVE FUELED TOLEDO WATER CRISIS**

New research suggests a virus helped advance the 2014 Toledo water crisis that left residents without access to drinking water for several days.

Potentially more alarming is that the group found in its study that the factors leading up the crisis are "not atypical of re-occurring Lake Erie blooms and thus may re-occur in the future."

The study was published in the *Environmental Science and Technology* journal and was led by the University of Tennessee in cooperation with several other institutions, including Bowling Green State University.

The study determined that the characteristics of the algal bloom were similar to those from prior years with one exception: the presence of a viral infection that possible caused those cells to break open and therefore release their toxic contents into open water.

Those toxins are typically trapped inside the cells until the cell dies, according to researchers. But such viruses, which only infect bacteria, can easily rupture the cell, thereby releasing the toxins and giving them access to water facility intakes.

"The study changes the way we think about how the toxin moves around aquatic systems and get into water supplies," lead author Steven Wilhelm, a professor of microbiology at the University of Tennessee, said in a release. "It may help us understand how these organisms persist in nature."

In addition to BGSU's Michael McKay and Mr. Wilhelm, the study's authors include: Morgan Steffen of James Madison University, Gregory Dick of the University of Michigan, and Tim Davis of the National Oceanic Atmospheric Administration Great Lakes Environmental Research Laboratory.

In August 2014, the city of Toledo issued a weekend-long drinking water advisory after test results showed levels of algae-produced toxins above that recommended by the World Health Organization.

The incident further highlighted the dangers of toxic algal blooms in Lake Erie and is still oft-cited by environmental groups and lawmakers pushing legislation to improve water quality.

According to the universities, the team of 25 researchers set about examining microcystis, the cyanobacteria responsible for Lake Erie's algal blooms. By sequencing RNA from Toledo water samples, they developed computer models to simulate the bloom's movements.

Researchers said the study shows the need for a new approach to monitoring water toxins, including increased efforts and research on ways to monitor dissolved or "cell-free" toxins.
"Algal blooms are growing in intensity, severity, and frequency, and we're trying to understand why," Mr. Wilhelm said. "This study is another piece of the puzzle."

**AGENCY BRIEFS: BLS RELEASES JOBS NUMBERS; ODNR**

**U.S. Department of Labor:** The Bureau of Labor Statistics announced Friday that payroll employment rose by 138,000 in May, although the unemployment rate remained unchanged at 4.3%. The primary job gains occurred in health care and mining.

**Natural Resources:** The department announced that Ohio has been recognized as the nation's leader in Tree City USA for the 36th consecutive year. The Tree City USA program encourages better care of the nation's forests by recognizing communities that have excellent tree care programs.

"We are proud to have so many Ohio communities that recognize the value trees provide to their neighborhoods and residents," said State Forester Robert Boyles. "These trees help provide Ohio's cities with cleaner air and water, better storm water control, cooler, quieter streets and attractive landscapes."

Ohioans planted more than 27,000 trees last year and invested a combined total of $40.8 million in urban forestry efforts.

**LEGISLATIVE COMMITTEE SCHEDULES BEGINNING 6/5/2017**

**Tuesday, June 6**

**Senate Insurance & Financial Institutions** (Chr. Hottinger, J., 466-5838), Finance Hearing Rm., 9:30 a.m.

**HB 27 BWC BUDGET** (Brinkman, T.) To make changes to the Workers' Compensation Law, to make appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of the Bureau's programs. (2nd Hearing-Proponent)

**Senate Finance** (Chr. Oelslager, S., 466-0626), Finance Hearing Rm., 11 a.m.

**HB 49 BIENNIAL BUDGET** (Smith, R.) To provide authorization and conditions for the operation of state programs. (4th Hearing-Public testimony)

**House Energy & Natural Resources** (Chr. Landis, A., 466-8035), Rm. 018, 3 p.m.

**HB 225 OIL GAS WELLS** (Thompson, A.) 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. (1st Hearing-Sponsor & proponent)

**House Public Utilities** (Chr. Seitz, B., 466-8258), Rm. 116, 3 p.m.

**HB 133 DISASTER WORK** (Ryan, S.) To create the Disaster Relief Act to exempt out-of-state disaster businesses and qualifying out-of-state employees from certain taxes and laws with respect to disaster work on critical infrastructure performed in this state during a declared disaster. (2nd Hearing-All testimony)

**HB 239 SECURITY RESOURCES** (Smith, R., Carfagna, R.) To allow electric distribution utilities to recover costs for a national security generation resource. (3rd Hearing-All testimony-Pending referral)

**Wednesday, June 7**

**House Government Accountability & Oversight** (Chr. Blessing, L., 466-9091), Rm. 114, 9:30 a.m.

**HB 218 PARK DISTRICTS** (Seitz, B.) To expand a probate court's powers and duties with regard to a park district. (2nd Hearing-Proponent)

**HB 226 FIREWORKS** (Seitz, B., Sweeney, M.) To establish a fireworks study group to review and make recommendations regarding the Fireworks Law, to extend to July 1, 2020, the moratorium on issuing fireworks manufacturer and wholesaler licenses, to eliminate, beginning January 1, 2021, the moratorium on geographic transfer of fireworks manufacturer and wholesaler licenses, and, beginning July 1, 2020, to impose a fee on the retail sale of consumer grade fireworks in this state and to expand the ability of individuals to obtain 1.3G display fireworks and obtain and use 1.4G consumer fireworks. (3rd Hearing-All testimony)
Statehouse Update

**Senate Finance** (Chr. Oelslager, S., 466-0626), Finance Hearing Rm., 11 a.m.

**HB 49 BIENNIAL BUDGET** (Smith, R.) To provide authorization and conditions for the operation of state programs. (5th Hearing-Public testimony)

**Senate Energy & Natural Resources** (Chr. Balderson, T., 466-8076), South Hearing Rm., 4 p.m.

**HB 114 RENEWABLE ENERGY** (Blessing, L.) To revise the provisions governing renewable energy, energy efficiency, and peak demand reduction and to alter funding allocations under the Home Energy Assistance Program. (1st Hearing-Sponsor)

**Thursday, June 8**

**Senate Public Utilities** (Chr. Beagle, B., 466-6247), Finance Hearing Rm., 9 a.m.

**SB 128 NUCLEAR ENERGY** (Eklund, J., LaRose, F.) Regarding the zero-emissions nuclear resource program. (4th Hearing-All testimony)

**SB 155 SECURITY RESOURCES** (Terhar, L., Peterson, B.) To allow electric distribution utilities to recover costs for a national security generation resource. (2nd Hearing-All testimony)

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