



Capitol Monitor

The ONE SOURCE for HUMAN SERVICE and NONPROFIT news in Ohio's Capitol

News Clips

Groups lobby for more aid to families

Just getting by costs more in Warren County than anywhere else in Ohio, according to a new report on poverty.

Cincinnati Enquirer – 9/12/08

Cleveland Councilwoman Nina Turner to resign to take Ohio Senate seat

Cleveland City Councilwoman Nina Turner will resign Wednesday to take a seat in the Ohio Senate, ending hope that her council position could be filled without a costly special election.

Cleveland Plain Dealer – 9/17/08

\$138,000 worth of questions

Audit leads to investigation of spending by former chief of mental health group.

Columbus Dispatch – 9/22/08

Gov. Ted Strickland a stickler about ethics rules

Strickland returns any gift valued over \$20.

Cleveland Plain Dealer – 9/22/08

State lawmaker Joyce Beatty headed for \$320,000-a-year vice presidency at Ohio State

With 73 employees already making at least \$300,000 at Ohio State University, one more wouldn't seem to draw much notice at the behemoth institution.

Cleveland Plain Dealer – 9/18/08

Strickland ready to fight poverty

An estimated six out of 10 U.S. citizens will plummet into poverty for at least a year by age 75, according to a report by the Ohio Association of Community Action Agencies – a trap that more than 1.5 million Ohioans fall into – but Gov. Ted Strickland and his Anti-Poverty Task Force are determined to pull them out.

Athens Post – 9/17/08

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Bills Drop 'Mental Retardation' from Agency Names

Two bills - **HB620** and **HB621** - were introduced in the Ohio House Wednesday, Sept. 17 that aim to drop the term “mental retardation” from both the state Department of Mental Retardation and Developmental Disabilities’ (MR/DD) name and MR/DD county boards’ names. The bills, cosponsored by **Reps. Jimmy Stewart** (R-Athens) and **Fred Strahorn** (D-Dayton), were unveiled as part of the Ohio Self Determination Association’s annual conference, which was held in Columbus.

There, proponents of the change, including representatives from the Athens County Board of Developmental Disabilities, which already has dropped “mental retardation” from its name, as well as from PersonnelPlus Consumer Advisory Council, told the more than 300 people in the audience how they felt “mental retardation” was not only an antiquated term but one that was degrading and demeaning.

Stewart told the group that 44 other states had already dropped the terminology and that a total of 10 local boards had also dropped “mental retardation” from their names.

Stewart told *The Capitol Monitor* that the bills introduced change the name to the Department of Developmental Disabilities but he intends to change that to the Department of Developmental Disability Services. The same is true for the county boards, but he didn't want to hold up introduction to make the change now.

He is hopeful the bills, which run 600 and 750 pages, respectively, will pass by the end of the year.

However, **Sherry Steinman**, public information officer for the Ohio Department of Mental Retardation and Developmental Disabilities (DRM/DD), had not yet endorsed the move, saying “We’re in a listening mode.” She went on to say that statewide polling conducted by the department showed “no clear cut direction.”

She said some of the concerns deal with the impact on local levy efforts with taxpayers’ not understanding who the levy serves.

Asked about other states’ move in this direction, she added that they aren't left with the acronym “ODDDS.”

“We are exploring all the possibilities.”

District Court Allows Right to Life to Air Ads

Judge George C. Smith of the U.S. District Court, Southern District of Ohio, Friday, Sept. 5 granted a preliminary injunction request by The Ohio Right to Life (ORTL) Society, freeing the group to engage in issue advocacy close to this fall's general election while at the same time denying a preliminary injunction regarding the disclosure provisions in Ohio's campaign finance law.

Whether the state will appeal the decision is still being determined, **Jim Gravelle** of the attorney general's office said late Monday. "We're talking with our clients."

Regarding the preliminary injunction that was granted, the district court found that the U.S. Supreme Court decision in the *Federal Election Comm'n v. Wisconsin Right to Life* case "precludes the enforcement of the blackout provision with respect to the two proposed ads." That means that ORTL can use funds from its general treasury to run advertisements mentioning the name of a political candidate within 30 days of an election. The ads in question encourage contacts with specific legislators to oppose embryonic cloning.

The preliminary injunction decision frees Ohio Right to Life of these restrictions while the case is pending.

However, the court failed to issue the requested preliminary injunction regarding the disclosure of the names of individuals who contribute to the cost of the ads, noting that "the court finds that enjoining the at-issue provisions would not serve the public interest in view of the Supreme Court's determination that such provisions serve the public by providing the electorate with information to assist the public in making informed decisions, deterring actual and perceived corruption, limiting the coercive effect of corporate speech and gathering data necessary to enforce more substantive electioneering restrictions."

"Thanks to this ruling, Ohio Right to Life will be able to advocate close to an election, the time period when citizens are most engaged in the political issues of the day," said **Stephen Hoersting**, vice president of the Center for Competitive Politics and an attorney representing the group. "Importantly, this victory also lays the groundwork for fully vindicating the ability of citizens groups of all ideologies to speak out about the issues of the day in Ohio."

Specifically, Ohio Right to Life, represented by attorneys from Benesch, Friedlander, Coplan, & Aronoff and the Center for Competitive Politics, had argued in court filings that the Ohio law barring it from running advertisements mentioning candidates' names close to an election is impermissible in the wake of the Supreme Court's decision last summer in *Federal Election Commission v. Wisconsin Right to Life* (WRTL).

In that case, **Chief Justice John Roberts** wrote in the majority opinion that political speech can only be regulated if the advertisement contains "express advocacy" or "is susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate."

The Ohio Right to Life Society is challenging the Ohio law mandating that the group report all donors who contribute \$200 or more to the group so that it can run advertisements mentioning the name of a political candidate within 30 days of an election.

"The judge quotes *McConnell v. Federal Election Commission* in his ruling on the reporting requirements, but does so out of context," explained Hoersting. "The judge asserts that 'important state interests' support disclosure requirements to the entire range of 'electioneering communications.'

"But this statement presumes that the entire range of communications are of an electoral nature and not genuine issue advocacy. The anti-corruption interests the judge speaks of do not apply to independent issue advocacy because such advocacy is not of an electoral nature, and cannot corrupt elections.

"We are confident that the court will ultimately recognize that the state of Ohio cannot simply compile a database of citizens' political activities without providing a compelling reason," Hoersting said. "Compelled disclosure is supposed to put sunlight on the operations of government, not glare on the operations of citizens." "These reporting requirements can have a chilling effect on citizen speech, and at the very least impose a time consuming burden on Ohio Right to Life."

Beatty Gets Leadership Post, Big Pay Increase at OSU

House Democratic Leader Joyce Beatty (D-Columbus) has a new job lined up for when she leaves the General Assembly later this year.

Beatty, who is being forced from the House by term limits, was named Tuesday as the senior vice president for outreach and engagement at Ohio State University. She will start her new role in January.

"This university was founded to improve lives and enrich communities, and our faculty, staff and students fulfill that mission through thousands of programs in our neighborhoods and around the world," said **Ohio State President E. Gordon Gee**. "Joyce is one of the most accomplished public servants I know and exactly the right person to help us take a more comprehensive approach and make our programs even more effective."

Beatty's position will coordinate and strengthen outreach efforts across Ohio State, the university said, leveraging resources and enabling additional collaborations. The university said Beatty will help develop a strategic direction for the university's outreach and engagement activities. She will also play a role in the university's economic development efforts.

The newly created job will pay Beatty about \$320,000 a year.

This Week in the Capitol

This week is **National Adult Immunization Awareness Week** according to the Centers for Medicare and Medicaid Services (CMS). Noting that Medicare Part B reimburses health care providers for the cost of vaccines and their administration, CMS said that all adults 65 and older should get influenza and pneumococcal shots while persons under 65 but who have chronic illness such as heart disease, lung disease, diabetes or end-stage renal disease should get a flu shot. People at medium to high risk for hepatitis B should get hepatitis B shots.

Meeting Announcement

Friday, September 26

ODJFS Medical Care Advisory Committee at 1 p.m., Lazarus Government Center, Rms. 601 A&B, 50 W. Town St., Columbus.

Legislative Actions

Haunted Statehouse Tour Tickets Now On Sale

The Ohio Statehouse has kicked off its ticket sales for the 2008 Haunted Statehouse Tours. The special Halloween tours will take place on Friday and Saturday, Oct. 17 and 18; and Friday and Saturday, Oct. 24 and 25. Tickets are \$8 per adult and \$4 per child under the age of 16.

Tours, which will depart every half hour between 7 p.m. and 10 p.m., are limited to 40 individuals per tour time each night. This event has sold out during the previous three years, noted Capitol Square Review and Advisory Board (CSRAB) spokesman **Greg Dodd** in a release.

Tickets can be purchased online (click "Holiday"), by visiting the Statehouse Museum Shop on the ground floor of the Ohio Statehouse, or over the phone by calling 614-728-9234.

Haunted Statehouse tour participants will have both a "haunted and historical experience," Dodd said. Statehouse staff members and volunteers combine history and legend in this special family-friendly haunted Statehouse tour. Tour guides will lead visitors through the dimly lit limestone corridors of the Ohio Statehouse by oil lantern light. Visitors will pass the ghost of **President Lincoln** in an unfinished dance with **Kate Chase (former Ohio Gov. Salmon P. Chase's daughter)**, hear and see a weeping lady in gray and get a glimpse of a green and ghostly president felled by an assassin's bullet.

The tour is most suitable for individuals over the age of 10.

Special activity and craft tables will be available to participate in before and after each tour. The Statehouse Museum Shop and the Capitol Cafe concession stand will also be open before and after the each tour. Families are invited to come early and stay late for these special activities, food and shopping.

For more information about the Haunted Statehouse Tours, including a short promotional video, visit the Statehouse website or contact 614-728-9234.

HOUSE Bills Introduced

HB616 SEXUAL CONDUCT (COMBS) Prohibit engaging in sexual conduct with a human corpse.

HB617 CHILD RAPE (HUGHES) Prohibit person convicted of rape of child less than 13 from interacting with a minor without the parent's permission and prohibit collection of any bodily substance from another without privilege to do so.

HB618 SPECIAL EDUCATION (PETERSON) Specify school district of residence bears the burden of persuasion/production in an administrative hearing regarding the provision of special education and related services to a child with a disability.

HB619 PUBLIC EMPLOYEES (SZOLLOSI) Eliminate exemption from the Public Employees' Collective Bargaining Law for specified employees of the courts and clerks of courts.

HB620 STATE DEPARTMENT NAME CHANGE (STEWART, J) Change name of Department of Mental Retardation and Developmental Disabilities to the Department of Developmental Disabilities and make other similar name changes.

HB621 COUNTY BOARD NAME CHANGE (STEWART, J) Change name of county boards of mental retardation and developmental disabilities to county boards of developmental disabilities and to make similar name changes for certain county funds.

SENATE Bill Introduced

SB361 CHILD RAPE (STIVERS) Prohibit person convicted of rape of a child less than 13 from interacting with a minor without the parent's permission and prohibit person collecting bodily substance from another without privilege to do so.

Administrative Actions

Governor's Appointments

Ohio Developmental Disabilities Planning Council

* **Angela Suell Denny**, Columbus, has been a group and program facilitator for Aspirations: A Vocational & Social Support Group Program since 2006. She has also served as a vocational economic analyst for Vocational Economics, Inc. since 1986. Denny received a bachelor's degree from Bellarmine College in 1985, a master's degree from Spalding University in 1989, and a Ph.D. from Ohio State University (OSU) in 1998.

Public Health Council

* **Sheila M. Thomas**, Blacklick, has served as a group manager and clinical and outcomes manager for Regional Medical and Scientific Affairs, Takeda Pharmaceuticals America, Inc. since 2006. She was appointed to The Deans Advisory Committee for Diversity at Ohio State University in 2000. Thomas received a bachelor's degree from Ohio State University in 1992 and a Doctorate of Pharmacy degree from OSU in 2000. She is also recognized with a Distinguished Alumni Award from OSU in 2007.

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Ohio Criminal Sentencing Commission

* **Jim Slagle**, Marion, has served as a prosecuting attorney for Marion County since 1985. He was previously president of the Ohio Prosecuting Attorneys Association and has sat on its Executive Committee for 19 years. Slagle is also a member of the National District Attorneys Association and Ohio Community Corrections Advisory Board and serves as trustee for the Ohio Justice Alliance for Community Corrections and for the Ohio Domestic Violence Network. He received both his bachelor's degree in 1977 and his law degree in 1980 from Ohio State University.

Ohio Civil Rights Commission

* **Rashmi Yajnik**, Columbus, currently serves as a commissioner on the Ohio Civil Rights Commission. He is also a member of the Ohio Oil and Gas Commission and is a board member the Asian Indian Alliance. He is the president of California Hydrocarbons Corporation. Yajnik received a bachelor's degree from Birla Engineering College and a master's degree from Vanderbilt University.

Ohio Benefit Bank

* **Shannon Teague** will lead the efforts to enhance and expand the Ohio Benefit Bank. Prior to being appointed to this position, Teague served as the administrator of the Office of Community Partnerships with the Ohio Department of Youth Services. She has served in various leadership positions at the Ohio Department of Youth Services, including superintendent of Scioto Juvenile Correctional Facility and as assistant administrator of the Office of Substance Abuse Services. She had previously served as a social worker with the Ohio Department of Rehabilitation and Correction. Teague has also served as a team leader for Southeast Recovery and Mental Health Care Services. Teague received a master's degree in counselor education/rehabilitation from Ohio University.

Judicial Actions

Ohio Supreme Court Opinions

State v. Brady

Trial court erred in dismissing charges of pandering obscenity and sexually oriented material involving a minor - Defendant was not deprived of right to fair trial by federal statutes that do not provide an exception that would allow his digital-photography expert to possess the alleged child pornography for inspection in preparation for trial - Under federal statutes, alleged child pornography must remain in prosecutor's or court's custody, but must be made available for inspection by defendant's expert.

In re C.T.

A guardian ad litem has authority under R.C. 2151.281(I) and (F) to file and prosecute a motion to terminate parental rights and award permanent custody in a child welfare case.

Hutchings v. Childress

Damages - Care of injured spouse by uninjured spouse - Appropriate measure of damages is economic value of care provided, not value of wages lost by uninjured spouse.

Ohioans for Concealed Carry, Inc. v. Clyde

Constitutional law - Municipal home rule - State regulation of right to carry handguns preempts conflicting ordinance - R.C. 2923.126 upheld.

Opinion

TO: Tuscarawas County Prosecuting Attorney

Profits from the commissary fund under R.C. 341.25 may not be used to purchase prescription medications for persons incarcerated in the jail.

Opinion Request

FROM: Sandusky County Prosecuting Attorney

Whether a board of county commissioners may bill and collect from a juvenile court administrative or indirect costs incurred by the board in providing central support services for the administration of RECLAIM Ohio or Department of Youth Services grant funds that are transmitted through the county to the juvenile court.

Spotlight on People/Agencies

* **Samantha Herd**, director of public policy at the Ohio United Way, leaves that position, effective Friday, Sept. 26 to become political director for the **Mary Jo Kilroy** campaign for Congress.

* Ohio's **U.S. Sen. George Voinovich** has endorsed **AARP's Divided We Fail** effort, a national campaign aimed at ending gridlock and bringing together the nation's leaders on common-sense solutions which recognize that individuals, business and government all have a role and responsibility in securing health care and long-term financial security for all Americans. He said that he "recently commended *Divided We Fail's* efforts to encourage Congressional action on reforming social Security and encouraging retirement savings" in a speech on the Senate floor. More information on the campaign can be found online.

* The **Ohio League for the Mentally Retarded (OLMR)** Thursday announced the appointment of **Debra Plaza** as the executive director of the 6,000-plus membership organization of parents, advocates and stakeholders.

Plaza succeeds **Sonya Mawhorter**, who died last May. Plaza brings over 20 years of experience to the position, having worked for both the Ohio Department of Mental Retardation and Developmental Disabilities (ODMR/DD) and for a local MR/DD board as well as providing direct services. While at ODMR/DD, she worked in the Waiver Unit, was the waiting list and family resources coordinator and was a regional consultant for north-eastern Ohio.

* **Starr Commonwealth**, a children and family services non-profit with locations in Michigan and Ohio, announced the appointment Thursday of **Bryan Brown** as its director of public policy and business development - a new position with the organization. Brown has served as assistant executive director of the Ohio Association of Child Caring Agencies (OACCA) since 2005. Prior to OACCA, Brown was advocacy director with Beech Acres in the Greater Cincinnati area. He also served as an advocate with the Legal Aid Society of Cincinnati.



Happenings Weeks of Sept. 8 and 15, 2008

Week of Sept. 8, 2008

Elections

Saying an Ohio law is not in line with federal voting laws and the U.S. Constitution, **Secretary of State Jennifer Brunner** ordered county boards of election not to cancel a **voter's registration** unless that person has a chance to defend the registration at a board hearing. She also called on the Legislature to amend Ohio's voter registration law to bring it in line with the federal law. **Speaker of the House Jon Husted** (R-Kettering) – who reportedly is considering a run for secretary of state in 2010 – said she overstepped her boundaries, and that it is not “her responsibility to determine its constitutionality ... it is Jennifer Brunner's responsibility to administer the law.”

The tug-of-war between Brunner and legislative leaders over the sending of **absentee ballots** continued this week with Brunner extending an olive branch by offering to send absentee ballot applications to voters if the Legislature passes enabling legislation and provides funding. Husted responded that, “If she would have followed the law passed by the General Assembly which required local boards of election to send absentee ballot applications with the 60-day notice, she would have already accomplished the goal...” **Senate President Bill Harris** (R-Ashland) said he is willing to “sit down and talk about this.”

Brunner also released the **official ballot layout** including recommendations dealing with the issues of readability and usability.

While a new poll from **Quinnipiac University** shows that Republican presidential nominee **John McCain** is getting a boost from his running mate, Democratic presidential nominee **Barack Obama** has extended his lead in Ohio to 5 percentage points compared to the 1 percentage point it was before the Democratic presidential convention.

The battle between Brunner and Republicans continued on Friday with both sides making moves and one side making accusations of **voter disenfranchisement**. The Ohio Republican Party filed a lawsuit against Brunner over a five-day overlap between the end of voter registration and the beginning of early voting that could allow a voter to register and then vote by absentee ballot in the same day. Republicans argue that Ohio law prevents the practice, saying that a voter must be registered to vote for 30 days before they can receive an absentee ballot. Brunner counters that the voter's ballot isn't officially counted until Election Day, and therefore the practice follows the law. After demanding that Brunner rescind a directive to boards of elections to issue an absentee ballot to any voter who registers between Sept. 30 and Oct. 6 and requests one, the state party filed a mandamus action before the Ohio Supreme Court.

The first **Ohio Poll** of the 2008 presidential election season showed Republican **John McCain** leading **Barack Obama** 48 to 44 percent. However, four percent said they were undecided and 19 percent said they may change their minds before Election Day.

Cuyahoga County Democrats picked Warrensville Heights Mayor **Marcia Fudge** to replace the late **U.S. Rep. Stephanie Tubbs Jones** on the November ballot.

General Assembly/Statehouse

Senate Democrats chose **Nina Turner** to replace outgoing **Sen. Lance Mason** (D-Cleveland), who was appointed to a seat on the Cuyahoga County Court of Common Pleas. Turner is currently a member of the Cleveland City Council. Turner, however, wants to wait until November to resign her council seat to avoid the need for a special election to replace her.

Executive Branch

The **Governor's Office of Appalachia** announced the availability of \$300,000 in funding through its newly created Community Facility Initiative, which is targeted to improving, upgrading, repairing or enhancing public buildings in the state's 29 Appalachian counties.

Release of the **August budget figures**, which showed the state's revenue continuing to come in under estimates although not as significantly as in July, and a reforecasting of revenues for Fiscal Year 2009 triggered the governor's announcement Wednesday of an additional **\$540 million in cuts** for this fiscal year. This translates to a 4.75 percent across-the-board cut. Some areas, however, were exempted, including Medicaid, Department of Education line items for foundation funding, pupil transportation, gifted program, special education enhancements and career/technical education enhancements, as well as 10 other areas. In addition, the Department of Taxation's revenue generation activities and Community and Hospital Mental Health Services in the Department of Mental Health will be cut only 2 percent. The cuts are to be effective Oct. 1.

August revenues were under estimates by \$27.5 million compared to the July shortfall of \$139.8 million.

The Office of Budget and Management (OBM) reported that 10 agencies have moved forward to implement **early retirement** incentive programs, resulting in 379 state employees accepting early retirement as of Aug. 14, 2008.

The **Ohio Retirement Study Council** (ORSC) tackled three tough questions at its meeting this week dealing with the security of pension records, the fallout from the Freddie Mac and Fannie Mae federal bailout and the status of any Lehman Brothers Holdings Inc. investments.

The Strickland administration issued its guidelines on **prevailing wage** that outlined how the law should be applied to private construction projects where a portion has been funded using state money. Not everyone is happy with the approach outlined, which the administration says was necessary because there has been confusion, inconsistency and in some cases, misapplication of the law.

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Happenings/Week of Sept. 8 *cont'd from p. 5*

The Ohio Department of Public Safety went online this week with the “**next-of-kin**” **database** – the first legislatively mandated database in the nation – to assist law enforcement officials in reaching families in the case of accidents or other events. Sign up can be done online at the Bureau of Motor Vehicles website or at a deputy registrar’s office. The database was authorized by **HB392** (McGregor, J.).

PUCO issued its 24th **winter reconnect order** of Ohio electric and natural gas utilities to assist customers who have been disconnected or threatened with disconnection to reconnect for the upcoming winter.

The Bureau of Workers’ Compensation launched its new web tool, **Micro Insurance Reserving Analysis system** (MIRA II), which allows Ohio employers to view claim reserving information online, helping them to identify and account for the expected future costs per claim.

The Ohio Lottery’s new **Keno** game did not meet expectations in its first month, drawing about \$7.2 million in sales. The state wants sales of \$292 million and profit of more than \$70 million in the game’s first year to shore up Ohio’s worsening fiscal situation.

Supreme Court/Other Courts

Chief Justice Thomas Moyer delivered his “**State of the Judiciary**” address this week before the Ohio Judicial Conference, eschewing status reports in favor of a more abstract paean “talking not about what we do, but why we do it. We are judges because the law brings order to chaos.” He also expressed hope that legislation dealing with qualifications of judges and an overhaul of the state’s mayors courts could still be passed before the end of this General Assembly. He also noted that the state’s current fiscal difficulties could derail attempts to raise judges’ pay.

Federal Government

Representatives of the administration and Ohio’s congressional delegation testified this week before Congress about their concerns over the potential economic and competitive fallout from the proposed deal between delivery-service giants **DHL and UPS**, which could cost 10,000 jobs for individuals from 41 counties in southern Ohio. **Lt. Gov. Lee Fisher** pushed for an investigation of the “antitrust implications” of the proposed deal.

Other Statewide Offices

The **special bipartisan advisory committee** appointed in June by **Attorney General (AG) Nancy Rogers** to conduct an internal review of the policies, procedures and practices in the office in the wake of the scandals under former **AG Marc Dann** released its final report. Themes among the recommendations include increasing transparency, deterring actions and influences that damage the office’s operation and credibility, promoting professionalism and embracing and rewarding good works.

With the release of \$272,400 to 25 **victims of attorney fraud** this past week, the Ohio Supreme Court has returned more than \$12 million since the Clients’ Security Fund (CSF) was

created in 1985. The CSF receives its funding from registration fees paid by every Ohio attorney.

The secretary of state’s office said that former **Attorney General Marc Dann** must reimburse his campaign committee for the \$30,000 in security improvements to his Youngstown home immediately. In addition, Dann was asked for additional information on four other issues.

Week of Sept. 15, 2008

Ballot Issues

Backers of a **referendum on the state’s new payday lending law**, which caps interest charged at 28 percent plus a \$15 fee, will likely have to hit the street again to collect additional signatures after reports show a large number have been rejected around the state. In addition, signatures gathered by a private firm may also be thrown out after referendum opponents objected, saying the firm had not filed the proper paperwork. **Secretary of State Jennifer Brunner** has until Sept. 25 to certify whether there are enough valid signatures for Issue 5 to go on the ballot.

However, on Friday, backers of the payday ballot issue agreed to **withdraw nearly 13,000 signatures** collected by California-based Arno Political Consultants, agreeing the company had failed to file the proper paperwork. Opponents do not believe this will be enough to keep the issue off the ballot

U.S. Senators George Voinovich (R-OH) and **Sherrod Brown** (D-OH) supported the bipartisan **Clean Ohio campaign**. Brown and Voinovich signed on as honorary co-chairs of Issue 2, making their announcement in Cleveland. The two underscored the importance of the seven-year-old program and its continuation as part of the \$1.57 billion economic stimulus package that **Gov. Ted Strickland** put together this spring with **Ohio Senate President Bill Harris** (R-Ashland) and **House Speaker Jon Husted** (R-Kettering).

The **League of Women Voters** released its recommendations on four of the five statewide ballot issues, supporting Issues 1 and 2 (changes in statewide issue deadlines and the Clean Ohio bonds program, respectively) and opposing Issues 3 and 6 (private property rights and the Clinton County casino, respectively).

Elections

Republican attorney general candidate **Mike Crites** unveiled his plans to reform the way the AG’s office selects **special counsel**, pledging to open all contracts up to a request-for-proposal process.

The **League of Women Voters of Ohio** went on record later in the week, supporting **Secretary of State Jennifer Brunner’s** ruling that persons could register and immediately vote by absentee ballot during the five-day window.

Hamilton county voters sued this week over the secretary of state’s instruction to reject **absentee ballot request forms**

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Happenings/Week of Sept. 15 *cont'd from p. 6*

mailed out by Republicans if the box next to a statement that the individual is a qualified voter is not checked, calling it voter disenfranchisement.

Common Cause Ohio and the **Century Foundation** released a report Tuesday saying that Ohio has made improvements in **election administration** since 2004 but there are still potential problems in this state and in the nine others considered “swing states” because of the closeness of the presidential campaigns. The report found Ohio’s law on handling voter challenges is still flawed but praised **Secretary of State Jennifer Brunner** for her policy directives clarifying the law.

A **poll** of Ohio released by Suffolk University, which surveyed 600 residents from Sept. 10 through Sept. 13, showed that more respondents identify with Republican vice presidential candidate **Sarah Palin** than any of the other candidates. The poll shows that Republican presidential nominee **John McCain** has a four-point lead over Democratic nominee **Barack Obama**, leading 46 to 42 percent. Of those surveyed, 31 percent said Palin is “most like” them, followed by Obama at 22 percent, McCain at 21 percent, and Democratic vice presidential nominee **Joe Biden** at 13 percent. More respondents also said they believe Obama will bring jobs to Ohio. McCain was dominating the northeast region 59 to 32 percent, but Obama is running away with Cuyahoga County. Obama has a slight lead in the Cincinnati/Dayton region, but that is offset by a McCain lead in a Columbus/southeast region. They are tied in the Toledo/northwest region.

John McCain continues to run ahead of **Barack Obama** – this time in the **Public Policy Polling** survey which has McCain ahead 48 to 44 percent.

The **Ohio Poll** indicates that 84 percent of respondents are either “very confident” or “somewhat confident” that their **votes** will be counted accurately in this presidential election.

General Assembly/Statehouse

The Ohio Senate met this week solely for the purpose of the Democratic Caucus’ electing **Nina Turner** to replace **Lance Mason** in the 25th Senate District. Mason was appointed by the governor to the Cuyahoga County Court of Common Pleas. Turner had been a member of the Cleveland City Council and had, at one time, been an aide to now **Dayton Mayor Rhine McLin** when she served in the Senate.

The **Joint Committee on Agency Rule Review** (JCARR) signed off on new rules that allow out-of-state veterans to attend college in Ohio at in-state tuition rates and that allow authorities to grant higher-weight permits on trucks throughout Ohio. While the panel showed its support for a plan introduced by **Gov. Ted Strickland** and **Ohio Board of Regents Chancellor Eric Fingerhut** that attempts to lure more veterans to Ohio through cheaper tuition, members of JCARR questioned a portion of the rule that requires veterans to complete community service before they are eligible. The requirement was enough for **Sen. Tim Grendell** (R-Chesterland) to announce that he will be introducing legislation to rescind it.

Speaker of the House Jon Husted (R-Kettering) and House Republicans are moving forward with proposed legislation to slash the language of the Ohio Revised Code – or at least its **criminal sentencing statutes** – in half. Husted’s office has been discussing a major rescission of needless verbiage with the Criminal Sentencing Commission and told the panel Thursday that the drafting has begun.

Executive Branch

Gov. Ted Strickland Monday afternoon issued a **statewide emergency declaration** in the wake of “**hurricane level**” **winds** throughout the state on Sunday resulting in 1.92 million utility customers losing power across the state. Strickland said 84 of the state’s 88 counties reported outages and/or damage. The statewide declaration, he explained, gives him “greater flexibility in the use of state resources.” That includes being able to send in Ohio National Guard or Ohio Department of Transportation (ODOT) employees to assist local governments with clearing debris. Montgomery County became the first to request state assistance. Strickland was joined at the news conference by representatives from three Ohio utilities – AEP Ohio, Duke and Ohio Rural Electric Cooperatives – who said the widespread, individual instances of damage make restoration of power a slow process that could take at least through the end of the week as they bring in crews from other states and as Ohio crews that were assisting in Louisiana head home. Stressing that it is “an evolving situation,” Strickland said there had been five confirmed dead from incidents related to the winds with a sixth still missing from a boat that capsized on Milton Lake. He said approximately 450 school districts were closed on Monday and that 11 counties so far had declared countywide emergencies. These include Butler, Clark, Delaware, Greene, Hamilton, Knox, Licking, Madison, Montgomery, Morrow and Seneca counties. In addition, a total of 46 state highways had restricted access or were closed and “one-third of all ODOT traffic lights were not functioning.”

Efforts to clean up after the storm continued all week, with some residents even heading into the weekend without power being restored.

Later in the week, Strickland asked **President Bush** to declare an emergency for all of Ohio under the Stafford Act and asked for \$7 million to cover “emergency protective measures.”

On Friday, Strickland urged Ohioans to consider **donating** money to area food banks through the Ohio Association of Second Harvest Foodbanks in an effort to assist those still recovering the loss of food due to the windstorm and loss of power.

Ohio Tax Commissioner Rich Levin and **Office of Budget and Management Director Pari Sabety** described for the Ohio Public Expenditure Council’s annual meeting the impact the five-year tax reform package passed in 2005 is having on Ohio. Levin said General Revenue Fund revenues have dropped from \$19.6 billion in 2006 to an estimated \$18.7 billion for the current fiscal year. Sabety said that spending, when adjusted for inflation, has declined since 2005, first by 1 percent, then 3 percent, then 4 percent, and is now 7 percent lower in 2009 than in 2008.

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Happenings/Week of Sept. 15 *cont'd from p. 7*

As Ohioans continue to clean up from Sunday's windstorm damage, **Ohio Department of Insurance (ODI) Director Mary Jo Hudson** released contact information for insurance companies and other helpful tips when assessing damage to homes or vehicles to ensure a smooth claim filing process.

Hudson also issued a statement Tuesday assuring Ohioans the department is working to assure that the necessary safeguards for the protection of policyholders remain in place in regards to the turmoil surrounding mega-insurer **AIG**.

Wall Street was shocked Sunday and Monday by the bankruptcy of **Lehman Brothers**, sale of **Merrill Lynch** and instability at **AIG**, but Ohio's pension managers don't appear to be in a panic about the development. The Ohio Police and Fire (OP&F) Pension Fund and the Ohio Public Employees Retirement System (OPERS) both reported having more than \$100 million invested with Lehman Brothers, but spokespeople for both funds stressed the long view of the investment managers.

Ohio Inspector General (OIG) Thomas Charles released a report on Wednesday that found **two Bureau of Workers' Compensation (BWC) employees** ran a private graphic-design business on state time and misused or abused state property and resources.

Ohio's unemployment rate has risen again, with the Ohio Department of Job and Family Services (ODJFS) reporting Friday that August's rate went up to 7.4 percent from 7.2 percent in July. The new figures put Ohio's rate at the highest it's been in 16 years or since October, 1992.

The **tangible personal property tax** – Ohio's century-and-a-half old local property tax on machinery, equipment and inventory used in business – ended for most businesses with the final payment which was due to county treasurers by Monday, Sept. 22.

The Ohio Department of Health (ODH) kicked off its **obesity prevention initiative** to help tackle Ohio's obesity epidemic. ODH will develop the Ohio Obesity Prevention Plan by March 31, 2009 when it is due to Strickland.

The Ohio Department of Insurance is holding a series of "Check-Up Days" through the end of the year to help **Medicare-eligible people** determine which coverage variations best suits them. A complete schedule is available online by clicking "Medicare Check-Up Days" in the "Quick Links" section along the right side of the page.

Windstorm damage to the Statehouse grounds could reach \$7,000 with one tree uprooted and another snapped off at the ground. Other trees suffered severe damage requiring removal.

Supreme Court/Other Courts

With the governor and majority leaders engaged in behind-the-scenes work on prison populations and community-based corrections, the Ohio Criminal Sentencing Commission reviewed the results of a statewide survey of all common pleas judges with felony jurisdiction, elected county prosecuting attorneys and leading defense lawyers. That survey found the large ma-

majority of prosecutors and judges say any **statutory changes should not be dictated by prison overcrowding**.

A **guardian ad litem** has legal standing to file a motion to award permanent custody of a child to a public children services agency, the Ohio Supreme Court ruled unanimously.

In a 4-3 decision, the Ohio Supreme Court ruled that Ohio's **concealed carry law** blocks cities from banning guns in public parks.

Other Statewide Offices

Ohio Attorney General Nancy Rogers said Monday that her office will reduce its **General Revenue Fund spending** by 4.75 percent to coincide with cuts ordered by Gov. Ted Strickland among state agencies. The cut will equal \$2.5 million in spending and adds to the \$5.4 million that the attorney general's office had committed to returning to the General Revenue Fund earlier this year.

Attorney generals in Ohio and 24 other states are calling on brewer MillerCoors LLC to abandon a plan to introduce a new energy-alcohol drink called **Sparks Red**, saying the product goes against evidence from health professionals about the dangers of mixing alcohol and stimulants.

Federal Government

A second congressional committee, the House Committee on Transportation and Infrastructure, heard testimony on the proposed air freight deal between **UPS and DHL**, which Ohio officials say would be economically devastating to Southwest Ohio and detrimental to competition in the shipping industry.

Other Organizations

About a month after Forbes magazine put four Ohio municipalities on its list of fastest-dying cities, the Buckeye State again suffered this week in a ranking of large metro areas nationwide. The California-based Milken Institute's latest rating of **best-performing cities** includes rankings for nine Ohio cities that are in the bottom third of the 200 largest urban areas. Similarly, all Ohio cities ranked among the smallest metro areas fell into the bottom quarter. The rankings are based on analyses of growth in jobs, wages and technological development.

SmokeFreeOhio, the group of public health advocates behind the 2006 statewide indoor smoking ban, opposed a proposed clarification of the ban by releasing the results of its own poll showing voters don't want a change. The poll showed that 72 percent want private clubs to be smoke free for employees, while 66 percent of veterans and those serving in the military and 50 percent of fraternal club members want those establishments to be smoke free.



Ohio Health Care Premiums Rose 8.5 Times Faster than Earnings

Family health care premiums rose an estimated 8.5 times faster than earnings for Ohio's workers from 2000 to 2007, according to a report issued Thursday by the consumer health organization Families USA. In that eight-year period, family health care premiums rose by 76.4 percent while median earnings rose by only 8.9 percent. Specifically, the report found the following:

- For family health coverage provided through the workplace in Ohio, annual health insurance premiums in the 2000-2007 period rose from \$6,596 to \$11,636 - an increase of \$5,040, or 76.4 percent.
- Between 2000 and 2007, the median earnings of Ohio's workers increased from \$25,017 to \$27,255 - an increase of \$2,238, or 8.9 percent.

In fact, Ohio's ratio was the second worse in the nation - behind only Michigan, **Families USA Executive Director Ron Pollack** told Ohio media in a Thursday conference call. On the other hand, Ohio's neighbor to the south, Kentucky, saw health care premiums rise only a 2.8 times faster than earnings.

According to the report, the disproportionately high increases in insurance premiums in Ohio occurred despite the provision of "thinner coverage" to workers - coverage that offers fewer benefits and/or that comes with higher deductibles, co-payments, and co-insurance.

"As a result, Ohio families are paying more but receiving less in health care coverage," Pollack said.

The Families USA report, "Premiums Versus Paychecks: A Growing burden for Ohio's Workers," concludes that the confluence of higher health costs and slow wage growth is causing a growing number of Ohio families to join the ranks of the uninsured and underinsured. The number of non-elderly uninsured people in Ohio is approximately 1.2 million, which is 12.3 percent of the non-elderly population.

"Skyrocketing health care costs were a problem in Ohio before the current economic downturn, and slow wage growth or job losses now only make matters worse," Pollack explained. "As health care becomes less and less affordable, Ohioans face difficult choices in trying to provide health coverage for themselves and their families. A bad situation is clearly growing worse."

Joining Pollack on the call was **Cathy Levine**, executive director of UHCAN Ohio and chair of the statewide coalition Ohio Consumers for Health Coverage.

She pointed out that in individual health insurance market, "Only 68 percent of the premium goes to pay for health care.

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"In the small group market, 72 percent goes to pay health care costs.

"We are spending way too much on administrative costs. What Ohio needs to do is to collect and publish data about how the premiums are used. We need this transparency."

She also added that the state needs to reduce transaction costs and to address the direct marketing of brand-name pharmaceuticals to doctors and consumers. She pointed out that some states are curbing the practice of providing free samples of prescription drugs to providers. "This way we can move to evidence-based, clinically-based safe use of generics."

She also said that states that set insurance rules and better regulate rate increases did better in this study.

The report provides data concerning premiums for family health coverage as well as individual coverage. They also break out the premium costs paid by employers and those paid by employees. The key findings include:

- For family health coverage in Ohio, the employer's portion of annual premiums in the 2000-2007 period rose from \$5,132 to \$8,995 - an increase of \$3,863, or 75.3 percent.
- For family health coverage, the worker's portion of annual premiums rose from \$1,464 to \$2,641 - an increase of \$1,177, or 80.4 percent.
- For individual health coverage, the employer's portion of annual premiums rose from \$2,064 to \$3,471 - an increase of \$1,407, or 68.1 percent.
- For individual health coverage, the worker's portion of annual premiums rose from \$510 to \$830 - an increase of \$320, or 62.9 percent.

According to the report, these fast-rising health care costs are causing increasing numbers of people to go into debt. The report cites a study that found that more than half of bankruptcies are now due, at least in part, to problems with medical costs.

"If this troubling trend continues, the health care affordability crisis will get much worse and many more Ohioans will become uninsured and underinsured," said Pollack. "If earnings continue to lag behind fast-rising health care costs, Ohioans will face diminishing economic and health security.

"In their daily efforts to make ends meet - particularly in these difficult economic times - families in Ohio know that health care is one of the top issues facing our nation. This is just one more reason why health care is going to be one of the top issues on the minds of voters when they go to the polls in November," Pollack said. The report can be found online.