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**LSC EXEMPTION FROM PUBLIC RECORDS LAW TACKED ONTO BUDGET; TUESDAY
CONFERENCE COMMITTEE HEARING SET**

The ghost of former Rep. Bill Batchelder, a conservative Republican from Medina, has reared its head in the form of an amendment to the biennium budget bill (HB 283) aimed at stifling attempts to scrutinize the legislative process. The provision is among several little-publicized changes to the bill, some of which were installed without the knowledge of the heads of affected agencies, that will be reviewed by a joint conference committee next Tuesday afternoon.

The more controversial of these Senate-inserted provisions mirrors a dead-on-arrival bill (HB 751, 122nd General Assembly) among the last introduced by Mr. Batchelder. Like that bill, the latest version would exempt from Ohio's public records law a multitude of documents and communications produced and received by the Legislative Service Commission, the General Assembly's bill-drafting and issues research arm. Reportedly introduced at the behest of Senate leadership, Mr. Batchelder's bill, which he said was aimed at curbing partisan snooping as much as press scrutiny, never got a hearing in the House State Government Committee.

The proposal, however, appears to have found fertile ground in the 1,285-page budget bill, where it has remained out of the spotlight as discussions have been directed toward tax components and other provisions of the \$22.6 billion spending measure. The amendment was added during the Senate GOP's rewrite of the legislation, but at a news conference last week where the substitute bill was revealed it failed to make the "budget highlights" trumpeted by the majority.

As it has since cleared the Senate, only joint conference committee deliberations on the legislation remain. The first of those hearings have been set for 3 p.m. Tuesday, June 15, in Room 313 of the Statehouse. Scheduled are presentations from the Office of Budget and Management and the Legislative Budget Office regarding surplus estimates and other revenue projections.

In explaining Thursday why he feels the LSC open records restrictions are necessary, Senate President Richard Finan (R-Evendale) sounded a lot like Mr. Batchelder, now a judge in Ohio's Ninth District Court of Appeals. In his first two decades of public service, Senator Finan said, he never experienced the practice of prying into LSC documents. In recent years "not even the press in most circumstances" but other interests have been seeking draft legislation and other correspondences from the LSC, he said. "It was impeding the ability of members to communicate with their bill drafters."

Frank Deaner, executive director of the Ohio Newspaper Association, said Friday the senator's opinion is out of kilter with the general public's views on the issue. "The gall of some of these people is pretty incredible," he added.

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Mr. Deaner said open records law is very specific in requiring that most documents relative to the operation of government should remain accessible to the public. "I would certainly think that correspondences among legislators and staff, particularly drafts of laws, certainly fit that definition," he said.

The budget amendment would require LSC staff to maintain a "confidential relationship" with members and declare that "a legislative document arising out of this confidential relationship is not a public record..." The provision then defines a legislative document to include, but not be limited to, all of the following: a working paper, work product, correspondence, preliminary draft, note, proposed bill or resolution, proposed amendment to a bill or resolution, analysis, opinion, memorandum, or other document in whatever form or format prepared by legislative staff for General Assembly members or their staff. The bill would also preclude from public access any supportive document or material related to the restricted documents listed above.

Mr. Deaner said that language goes way too far in restricting the open political process. He also questioned its inclusion into a general appropriation bill, given the recent Ohio Supreme Court ruling on school vouchers that cited the constitutional single-subject requirement.

"It's a sad day when elected senators charged with approving a budget see fit to use that power to change a significant portion of public records law without notice or debate," Mr. Deaner said. "Perhaps voters, lobbyists and other citizens should take note that while their elected representatives are voting to spend billions of taxpayer dollars, they are at the same time increasing the secrecy of their operations in the Statehouse."

Another Senate-inserted provision extends Ohio's attorney-client privilege statutes to cover caucus members, their staff and legal representatives. According to the LSC analysis of the bill, the provision adds caucus members, staff and their attorneys to law that "prohibits an attorney from testifying concerning a communication made by a client or the attorney's advice to the client...and for purposes of any other statutory or common law attorney-client privilege recognized in Ohio."

Senate Chief of Staff Teri Geiger said the provision was included to clarify a gray area regarding caucus attorneys since it appears under current law that only the Attorney General has such a privilege. Ms. Geiger said the amendment, if in effect last year, would not have affected depositions or testimony by legislative staff during the *DeRolph* school funding trial last summer in New Lexington. As part of those proceedings, attorneys for the Ohio Coalition for Equity and Adequacy of School Funding deposed not only legislative leaders, but financial advisors and other members of their staff.

Spokesman Todd Boyer said Friday that Attorney General Betty D. Montgomery hasn't had time to review the provision and therefore could not comment.

Still another permanent law change in the Senate-amended budget affects two agencies that have in recent memory produced reports addressing controversial issues - some which have sparked significant dissent among legislators. Under the provision, added through an omnibus amendment in the Senate Finance & Financial Institutions Committee, the Correctional Institution Inspection Committee and the Legislative Committee on Education Oversight are changed to subcommittees under the purview of the Legislative Service Commission. Ms. Geiger said the change was brought about to align the two agencies similar to the

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Legislative Budget Office, which also operates under the direction of the LSC. The majority-controlled 14-member LSC includes the Senate President, House Speaker and other appointed members usually representative of party leadership.

The last report issued by the CIIC, a probe into the operations of the privately-run Northeast Ohio Correctional Center spurred by the escape of six inmates, was approved by all members of the bipartisan committee. Nevertheless, many of the recommendations were never enacted into law. An attempt to do so Thursday failed on the Senate floor with defeat of an amendment offered by Senator Robert Hagan (D-Youngstown) on a party-line vote. CIIC Executive Director Peter Davis could not be reached for comment Friday.

The agency overseen by the LCEO, the Legislative Office of Education Oversight, sparked controversy last year with its not-so-flattering report on the Head Start program. Upon its release to legislators in June of 1998, some members of the LCEO asked that the findings be altered before their release to the public. Under the budget provision, the LCEO would also become an LSC subcommittee. LOEO Director Nancy Zajano said Friday had not been informed of how the change would affect the operations of her agency or whether it would alter the office's current method of releasing information through the LCEO.

Rep. Randy Gardner (R-Bowling Green), who chaired the LCEO last year, said Friday he hopes the budget provision is not about putting the reigns on LOEO's work. Mr. Gardner last year was a staunch supporter of allowing for the release of unadulterated findings of the LOEO in its reports. "One of the values of the LOEO is to provide some independent resources and analysis on education issues," he said. "It has gained a reputation of being independent and helpful in the legislature."

TIBERI, WATTS BEGIN ARMING FOR FACE-OFF TO SUCCEED KASICH IN HOUSE

Although the seat's not yet cold or even certain to be vacant, the race by Republicans for the 12th Congressional District in Ohio is heating up. Because campaign money plays the critical role in getting oneself into the Congress, the two current Republican candidates are touting the backing they've secured to finance campaigns should Rep. John Kasich win the upcoming Republican presidential primary.

On Friday, state Rep. Pat Tiberi (R-Columbus) announced that he has more than 100 financial backers for a run at Mr. Kasich's seat if the former Republican state senator gets his party's presidential nomination. Mr. Kasich has indicated that he may not run for re-election to the Congress if his presidential campaign is unsuccessful.

Last month, state Senator Eugene Watts (R-Dublin), who also wants to succeed Mr. Kasich, announced his financial backers. Senator Watts' first fund raiser is at the end of June.

Mr. Tiberi's backers include some of the Columbus area's more prominent business leaders. His "Team 100" committee includes Dimon McFerson, president and CEO of Nationwide Insurance Enterprise; Rachel Longaberger, president of Longaberger Foundation; Gordon Zacks, president and CEO of R.G. Barry

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Corporation; Ron Pizzuti, chairman and CEO of Pizzuti Development; and Frank Wobst , chairman and CEO of Huntington Banc Shares.

“It takes money to win an election, and ‘Team 100’ proves I have the financial backing it is going to take to be a successful candidate,” Mr. Tiberi said in a statement. Mr. Tiberi, who serves as House Majority Floor Leader, is term-limited, having served in the House since 1993. Before his election to the House, he was a district representative for Mr. Kasich from 1983-1992. In an interview, Mr. Tiberi said his focus in a campaign would be saving Social Security, and he intends to do so by following Congressman Kasich’s current proposal on the issue. “(The proposal) continues to allow seniors who are dependent on Social Security to receive what they have. It gives baby boomers, like me, some who don’t even think they’ll receive Social Security, some flexibility,” he said, by giving those who contribute to Social Security a choice of investment options. He added that he would work to eliminate the personal income tax “marriage penalty.”

Senator Watts, who moved into the 12th District last year, said he’s been talking with voters in the district and education is on their minds. A tenured assistant professor of modern American history at Ohio State University, Senator Watts has been in the Ohio Senate since 1984. “People are looking for leadership, experience and for people who stand with them on the issues,” he said.

His financial backers also include a number of prominent Columbus area business leaders, including John H. McConnell, founder of Worthington Industries; Jim Bachmann of Ernst & Young; Doug Borrer of Borrer Corporation; Jay Crane of Crane Plastics; Rodney Wasserstrom of Wasserstrom Restaurant Supply; Robert H. Schottenstein of M/I Homes; and attorney Charles “Rocky” Saxbe.

Of his former student at OSU, Senator Watts said “I hope (Pat) follows my example and follows the 11th Commandment: ‘Thou shall not criticize a fellow Republican’.”

OHIO DRIVERS DONATE \$220,000 TO NEW CHILDREN’S VISION PROGRAM

Ohio drivers donated nearly \$220,000 to Save Our Sight (SOS) during the program’s first two months of operation. SOS is designed to help the estimated 500,000 Ohio children with vision disorders. The program is co-administered by the Departments of Health and Public Safety.

SOS allows Ohio drivers to donate \$1 toward children’s vision programs when renewing their annual motor vehicle registration or applying for a new registration. The \$1 is added onto the normal registration fee whether the application is made by mail or in person.

With approximately 11.4 million motor vehicles registered in Ohio each year, SOS is expected to generate \$3 or \$4 million annually. The money will be spent four ways: classroom education; a registry for children with one good eye (amblyopia); training in vision screening for health care professionals; and protective eyewear for youth sports teams.

STATE ID CARDS AVAILABLE TO PERSONS OF ANY AGE

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State of Ohio identification cards are now available to any person with proper paperwork, Lt. Governor Maureen O'Connor announced this week.

The ID cards can be obtained at any one of 217 deputy registrar agencies in Ohio. They are available for \$7.25 to anyone who does not hold an Ohio drivers license and with proper proof of birth and social security numbers. Ms. O'Connor made the announcement this week after President Clinton announced that movie theater owners across the country would require teenagers to present photo identification cards when they attend an R-rate movie without their parents or guardians.

STATE BOARD OF EDUCATION'S MONTHLY MEETING NEXT WEEK

The State Board of Education will meet Tuesday to discuss the biennial education budget and the future of education. The meeting is June 15 at Columbus' Riffe Center, 77 S. High St., 31st floor. The Board also will have committee meetings on Sunday, June 13 and Monday, June 14 at the Ohio School for the Deaf, 500 Morse Road, Columbus. Among other actions, the board is expected to accept the resignation of Robert Dummerstick, chief operations officer of the Department of Education.

MEETING NOTICE

The **Ohio Retirement Study Council** will meet twice the week of June 14. The council is scheduled to meet at 12:30 p.m. Tuesday, June 15 in Hearing Room 115 of the Statehouse to receive an actuarial orientation from Drew James of William M. Mercer. The council also is scheduled to meet at 8:30 a.m. Wednesday, June 16 in Hearing Room 017 to undertake a health care review of the State Teachers Retirement System (STRS) and the School Employees Retirement System (SERS).

Subscribers please note: Included with today's edition of the *Ohio Report* is the biweekly *Events Report*. This report also is being Emailed and is available in the "Ohio Reports" area of the Gongwer web site. If you or your association has an event you wish to have included in the *Events Report* you may send a notice by first class mail, fax (614-221-7844) or email to gongwer@iwaynet.net.

REVISION TO SENATE COMMITTEE MEETING SCHEDULE

The meetings of the Senate **Health, Retirement & Aging Committee** scheduled for Wednesday, June 16 and Thursday, June 17 will be held in the Senate Finance Hearing Room.

ADDITION TO HOUSE COMMITTEE MEETING SCHEDULE

TUESDAY, JUNE 15

ECONOMIC DEVELOPMENT & SMALL BUSINESS, 2 p.m., Rm. 018, Chr. Krebs, Phone: 644-5094.

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- HB 358 SCHOOL PHOTO CONTRACTS (Cates) Prohibits school officials from entering into contracts or agreements with photographers for the taking of senior photographs that prohibit students from hiring other photographers and makes other changes. (*2nd Hearing*)
- HB 13 FISCAL ANALYSES (Mottley) Requires the LBO to include in its fiscal analysis of a bill or resolution, and each of certain agencies to include in its fiscal analysis of a proposed rule, information explaining the economic impact of the bill, resolution, or rule on Ohio businesses. (*5th Hearing - Substitute bill to be offered*)
- HCR 27 POSTAL SERVICE (Tiberi) Urges Congress to strengthen the oversight authority of the Postal Rate Commission to prevent the U.S. Postal Service from unfairly competing with private businesses. (*3rd Hearing*)

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