



GONGWER
NEWS SERVICE, INC.

OHIO REPORT

• Information Pertinent to Legislative and State Department Activities Since 1906

40 SOUTH THIRD STREET

COLUMBUS, OHIO 43215

TELEPHONE 221-1992

VOLUME 52 - REPORT NO. 7

FRIDAY, JANUARY 10, 1975

LEGISLATIVE REPORT

111TH GENERAL ASSEMBLY

REPUBLICANS TURN TO COURTS TO STOP LEGISLATIVE DRIVE

Republicans appeared on the verge Friday of sidetracking the Democratic legislative drive by turning to the courts after being consistently and overwhelmingly outvoted in committee and on the House and Senate floors.

The 10th District Court of Appeals in Columbus issued a temporary restraining order Thursday night to prohibit Senate President Pro Tem Oliver Ocasek from signing any of the six bills that Democrats hope to present to Governor Gilligan for signing before he leaves office on Monday.

That order was made permanent by the appeals court following a hearing Friday afternoon while the Democrats were taking final votes on their legislative package.

Between the issuance of the temporary restraining order and the permanent injunction, Democrats countered with a request for the Ohio Supreme Court to bar judicial intervention in the partisan squabble in the Legislature. The high court rejected the request without comment but Democrats now plan to go back to the court with an appeal of the court of appeals decision.

The appeals court decision presents Democrats with a thorny legal question of what to do if Republican Lieutenant Governor John Brown refuses to sign the measures. If Mr. Brown can delay signing the bills until Monday, one of the most intense and bitterly partisan weeks in legislative history will have been for naught.

Republicans, through a series of formal protests in both the House and the Senate, have been arming Mr. Brown with reasons that he can cite for not fulfilling his constitutional mandate to sign the bills.

Senate Minority Leader Michael Maloney (R-Cincinnati) said he has written a letter to the lieutenant governor, outlining what he regards as five constitutional and procedural errors that should be considered in making the decision on whether or not to sign the bills.

Senator Maloney said he feels the Democrats have violated the constitution by adopting a rule permitting Senator Ocasek to assume the lieutenant governor's bill-signing duties and by failing to have each bill considered three separate days in each chamber.

His letter also accuses Democrats of denying Republican members of the Senate Financial Institutions, Insurance and Elections Committee access to population

(Continued on Page 2)

REPUBLICANS TURN TO COURTS TO STOP LEGISLATIVE DRIVE (CONT.)

figures during deliberations on the congressional redistricting plan (Am.HB 44), of violating a rule of the Senate by holding committee hearings Thursday while the Senate was in session, and of adopting rules that purport to be rules of the 111th General Assembly, rather than just rules for the Senate.

The constitution clearly permits the Senate president pro tem to sign bills in the absence of the lieutenant governor but it is not likely that Mr. Brown will give Democrats a chance to take advantage of that provision.

Against this background of legal maneuvering, the House and Senate proceeded with floor action on all six measures.

It took the Senate more than two and one half hours Friday to pass the bill (Sub.HB 43), to put the burden of proof on the Secretary of State in rejecting the recommendations of local political parties in making appointments to county boards of elections, and another two hours to pass the bill (Am.HB 18) to transfer collection of the state income tax from the Department of Taxation to the State Treasurer.

Republicans offered four amendments to each bill, all of which were routinely defeated by the Democrats. However, there was one surprise on the transfer of the income tax duties when Senator David Headley (D-Barberton) joined the 11 Republicans in voting against it. The bill still passed handily by a vote of 20-12.

The House again was the first chamber to complete its assigned task as it plodded through four and one-half hours of debate and occasional theatrics before approving three Senate-passed bills.

Minority Republicans vainly attempted to amend the unemployment compensation legislation (Am.SB 3) four times, but were thwarted on all occasions by majority Democrats. There was an attempt to remove the so-called "innocent bystander" provision of the bill, but it was tabled, along with another amendment that would have restored certificated public school employees' eligibility to claim unemployment compensation during the summer months.

Two Republicans, however, split ranks and joined Democrats in approving the bill. Reps. Scribner Fauver of Lorain and Paul Wingard of Akron both voted for the legislation. The bill was passed by a 60-33 vote.

The so-called election reform bill (Am.SB 4) drew considerable debate, especially among eleven Republicans who spent more than two hours berating its provisions.

Rep. Alan Norris (R-Westerville) noted that no changes had been made in the bill as it was received from the Senate, and pointed out "I've never seen a Senate bill that didn't need major surgery." Mr. Norris said the legislation represents "an open invitation to fraud," and speculated that the Democrat's "next gimmick will be wheeling voting machines to doorsteps on election day."

Rep. Don Maddux (D-Lancaster), the House sponsor, exhorted the bill's virtues, but a slip of the tongue cast some doubt on his exhortations. While explaining the safeguards built into the bill, he noted that the penalty section on the

(Continued on Page 3)

REPUBLICANS TURN TO COURTS TO STOP LEGISLATIVE DRIVE (CONT.)

registration by mail form will at least "limit some of the fraud contained in this bill." Mr. Maddux put to rest any claims that the Legislature was enacting error-ridden legislation by pointing out that "any errors in bills passed this week will be corrected by a bill we will introduce next week."

Debate on the voter registration proposal was interrupted for a brief period when former U.S. Senator William Saxbe (R-Ohio), the ambassador to India, was introduced to the House and delivered an impromptu speech. Ambassador Saxbe also formerly served as Ohio House Speaker, Ohio and U.S. Attorney General.

Rep. Sam Speck (R-New Concord) asserted that the voter registration bill would work against rural areas of the state, while increasing the "influence" of urban areas. "The bill," he claimed, "is designed to weaken the influence of the rural areas in the electoral process and unfairly strengthen the influence the urban areas."

Rep. Michael Fox (R-Hamilton) argued that the legislation "gives political parties the power to become vote brokers. (It) injects the party into voter registration." Mr. Fox emphasized that the bill "provides institutionalized assistance that can be best described as the Chicago Plan."

House Majority Leader William Mallory (D-Cincinnati) stressed that the bill "will break down the foundation of which Ohio's election system is built which discourages voter participation." The bill was passed by a 57-40 vote. Democratic Rep. Ronald Weyandt (D-Akron) voted against the bill.

Republicans mildly chastised legislation (Am.SB5) that would transfer the Commerce Department's division of consumer protection to the Attorney General. It was passed by a 57-37 straight party-line vote.

Perhaps as a fitting end to what one legislator called an "Alice in Wonderland week where things got curiouiser and curiouiser," Republican Minority Leader Charles F. Kurfess (R-Perrysburg) expressed the last of the House Republican's indignation against majority Democrats by playing a tape recording of a railroad train pulling out of the station, an allusion to the "railroad job" Democrats pulled on Republicans this first week of the session.

ADDITIONAL APPOINTMENTS ANNOUNCED BY GOVERNOR-ELECT RHODES

Governor-elect James Rhodes has announced six more appointments that he will make when he takes office Monday.

In the Department of Economic and Community Development, he named Bennett Cooper as deputy director for administration of justice. Mr. Cooper is currently director of the Department of Rehabilitations and Corrections but Mr. Rhodes is removing him from that post in favor of George Denton, who currently heads the Adult Parole Authority.

He also named Theodore D. Griley II, Newark, as deputy director for economic development, and Paul Baldrige, Columbus, as deputy director for community development in the economic and community development department.

(Continued on Page 4)