



A Legislative Report from Rep. Kenny Yuko

7th District of Ohio • Cities of Euclid and South Euclid, Richmond Heights and Collinwood



Kenny Yuko
State Representative



CONTACT

Columbus Office
7th District
77 South High Street
Columbus, Ohio 43215

Phone: (614) 466-8012
Toll-free: (800) 282-0253
Fax: (614) 719-0007

Or E-mail At:
district07@ohr.state.oh.us

Dear Constituents,

If you remember the lessons from a government class you may have taken in school, you know that bills become law after they are approved by the Ohio House and Senate and are signed by the Governor. But your elected officials don't always have the final word in Columbus. Our democracy really gives you the ultimate power through what is called the Referendum process.

An example is underway now. I voted against Senate Bill 5, the legislation that severely limits collective bargaining rights for many Ohio workers. Yet even though a majority of lawmakers approved it, and the Governor signed it, you may now have an opportunity to cast the deciding vote on the general election ballot this November.

A referendum is defined as "a method by which a law or section or item of a law passed by the General Assembly can be submitted as a statewide ballot issue to the voters for approval." The only laws that cannot be part of a referendum are emergency laws necessary for the immediate preservation of public peace, health or safety; tax levies; and appropriations for current expenses for state government and institutions.

Here is how the process works. First, organizers turn in petitions signed by 1000 voters to the Secretary of State, along with the full text and summary of the law to be repealed. The Secretary of State has 10 days to certify the wording and the petitions. Then the Attorney General decides if the summary is a fair and truthful statement.

Next, the petitions are drawn up. Backers must collect signatures that equal at least six percent of the total number of votes cast in the last election for Governor. They also must have names from at least 44 of Ohio's 88 counties.

Those petitions must be filed with the Secretary of State within 90 days after the law was signed and filed. If the petition is valid, the law does not go into effect until after the referendum election.

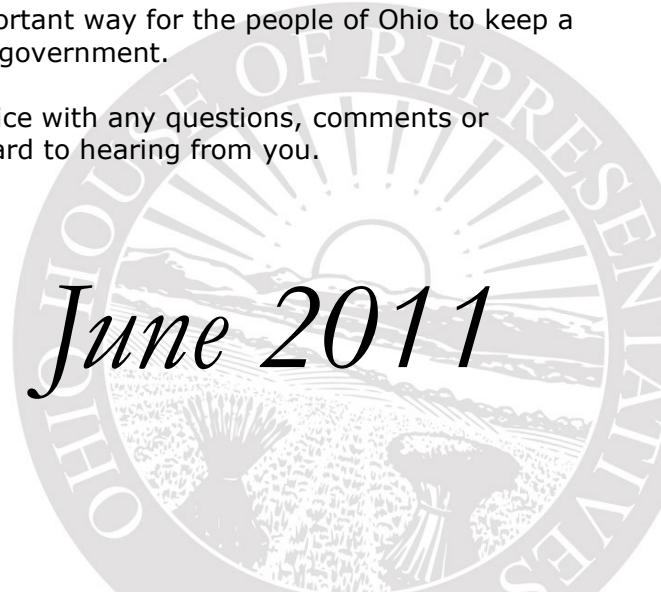
It's not an easy process, but it's an important way for the people of Ohio to keep a system of checks and balances on their government.

Please do not hesitate to contact my office with any questions, comments or suggestions you may have. I look forward to hearing from you.

Sincerely,

Kenny Yuko
State Representative

June 2011



Legislation Would Reduce Collective Bargaining Rights

Senate Bill 5 seen as an attack on the Middle Class



Opponents of SB5, including firefighters (below, right) visit the Statehouse in Columbus.

management mutually agree on the identity of a neutral third party who serves in the capacity of decision-maker after taking into account the arguments of both sides to the dispute.

It's a myth that public employee salaries are higher than those in the private sector. A recent independent Rutgers University study found that private sector workers earn more, and the earning gap widens as education levels increase.

In a recent poll conducted by Quinnipiac University, Ohioans stated opposition to the dismantling of collective bargaining rights by a 54% to 35% margin. Senate Bill 5 also sets forth that any public employee who

engages in a strike could face termination from employment, and steep fines. Ohioans oppose the ban on workers' right to strike by a 58% to 35% margin.

At a time when we should be focusing on the economy and job creation in Ohio, SB 5 is a daisy chain for economic disaster. By attacking the standards of living for our safety forces, bus drivers, child case workers, prison guards and other middle class workers, the decrease in their disposable income will negatively impact small businesses across the state. Blaming these folks for the state's fiscal challenges is unwarranted and unfair.

The Ohio legislature recently passed legislation that will significantly reduce bargaining and negotiating rights for police officers, firefighters, teachers, and other public sector workers.

Collective bargaining for these workers has been part of Ohio law since 1983, and it has *worked!* In the three years preceding passage in 1983, there were over 150 strikes by public sector workers. From 2008-2010, there have been 5 strikes! That law created fairness at the bargaining table

SB 5 will prohibit teachers from being able to negotiate on maximum class sizes, which is so important for the education of our kids. The bill also prohibits negotiation at the local level on issues such as health insurance, pension contributions, and application of seniority to determine order of layoffs. These issues would be determined either by state law, or solely at the discretion of management on the basis of "merit," which remains undefined.

SB 5 also eliminates conciliation, otherwise known as final and binding arbitration, as the process to resolve disputes between labor and management when consensus cannot be reached through contract negotiations. Under current law, labor and



Legislators Seek to Toughen Ohio's Animal Cruelty Laws

Nitro's Law remembers tragic deaths, calls for stiffer punishments for animal abuse



Photo courtesy Nitro Foundation

Ohio ranks 43rd on the Humane Society's 2010 "Humane State Report."

Someone convicted of animal cruelty in Ohio today receives the same punishment as someone who bashes a mail box with a baseball bat, putting violence against animals on the same level as petty vandalism.

HB 108, or "Nitro's Law," is legislation pending in the Ohio House that would allow for harsher penalties in animal cruelty cases. Nitro's Law was inspired by tragic events at High Caliber K9 in Youngstown, OH, where Nitro (photo above), a pure-bred Rottweiler, and 7 other dogs starved to death after weeks of neglect.

The kennel/training school owner was convicted of misdemeanors, the maximum allowed in cases of violence against animals, and sentenced to just 4 months in jail.

The loss left Nitro's companion family broken-hearted, but determined to do something positive in the memory of their dog.

Tom Siesto, Nitro's owner, recently made the 8 hour trip from his home in New York to Columbus to testify in support of the bill. Siesto has been a vocal proponent of stiffening Ohio's animal cruelty laws since the trial.

He stated repeatedly throughout his testimony that Nitro has yet to receive due justice for the abuse he suffered and that he will not stop pressuring lawmakers until they pass legislation that reflects a more compassionate understanding of the role and value companion animals have in their families.

Another bill stemming from the same incident is being considered in the Ohio Legislature.

Some of the charges in the Nitro case were tossed out of court because of mistakes made by the humane society agents. House Bill 138 requires proof that people have successfully completed a training program with the county recorder before they can be named an agent.

The conversation about animal cruelty laws in Ohio is partly driven by stories like Nitro's, and partly by bigger Questions about whether people who display violent tendencies toward animals may also be more prone to committing violent acts against other people. A number of studies have proven that this correlation does exist.

A study conducted by Northeastern University and the Massachusetts SPCA found that people who abuse animals are five times more likely to commit violent crimes against humans. The majority of inmates on death row at California's San Quentin penitentiary admitted to "practicing" their crimes on animals first.



"Nitro loved to drink water ...he would pick up his metal water bowl when it was empty and throw it to let us know when he needed more ...I can't tell you all how many times I've sat and cried wondering how many times he must have picked up his bowl and thrown it around his kennel...waiting...so thirsty...but nobody ever came to give him any water."

—From Tom Siesto's Testimony in House Criminal Justice Committee

Bill Aims to End Death Penalty in Ohio

Legislation proposes ending capital punishment in Ohio

HB 160 – Execution of Justice Bill

A bill titled the "Execution of Justice Bill" (HB 160) to replace the sentence of death with life without the chance of parole, was recently introduced in the Ohio House of Representatives. Kevin Werner (Executive Director of Ohioans to Stop Executions), and

exonerated former death row inmates Dale Johnston and Derrick Jamison recently spoke out in favor of the legislation. Also in favor of the bill is Melinda Dawson whose former husband Clarence Elkins was wrongfully indicted for murdering her mother in 1998. HB 160 is currently in the House Criminal Justice Committee.

Why do away with the Death Penalty?

Costs Savings

Ohio is on schedule to execute more inmates than any other state in 2011.

The costs associated with litigation and multiple appeals for death row inmates can run tens of millions of dollars a year. Some supporters of the bill have claimed that it should be a part of the overall budget conversation because it has the potential to provide major financial savings at a time when we are facing an enormous deficit.

The Death Penalty Information Center has conducted several studies across the US regarding the cost differential between drawn out appeals processes and the sentence of life without parole. Several estimates have shown that the cost per death penalty case can be anywhere from \$2.1 to \$3 million or up to three times the cost of imprisonment for life.

Replacing the death penalty with life without parole is an example of sentencing reform where the state can save a great deal of money.

Wrongful Convictions & Ethical Concerns

Not everyone sentenced to death is guilty.

According to the Death Penalty Information Center, 5 innocent people have later been freed from Ohio's death row due to DNA testing and a closer examination of evidence.

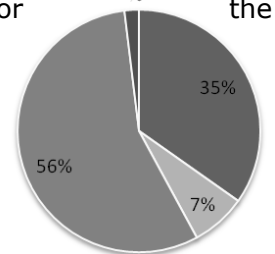
US Supreme Court Justice John Paul Stevens changed his views from voting to reinstate capital punishment in 1976 to believing the death penalty unconstitutional in 2008. Ohio Supreme Court Justice Paul Pfeifer, one of the legislators in 1981 who wrote the law to re-instate the death penalty, now questions its viability and the way that the law has been carried out.

Ohio has used three different forms of lethal injection in less than 16 months. Ohio replaced a three drug cocktail previously used in executions with a drug commonly used to euthanize animals.

Racial Disparities

A number of death penalty opponents say the disparity of how the death penalty is applied throughout the state raises serious questions of equal treatment.

The American Bar Association conducted a study of Ohio's death penalty in 2007 and found that offenders who kill White people are 3.8 times more likely to receive a death sentence than those who kill Black people. When considering the current death row population, nearly 66% of the people on death row are there for the murders of White victims compared to 31% for the murder of Black victims.



Race of Defendants Executed

■ Black ■ Hispanic ■ White ■ Other

Category	Ohio Info
Number of Executions Since 1976	43
Number of Executions before 1976	438
Current Death Row Population	168
Women on Death Row	2
Number of Innocent Persons Freed From Death Row	5

Quick Facts on the Death Penalty in Ohio

Legislation Protects Your Right to Vote

Poll worker error should not keep your ballot from being counted

When you go to the polls to vote, you have a responsibility to show up at the right polling place, and the Board of Elections has a responsibility to count your vote.

Sometimes, your name doesn't show up on the precinct's voter rolls (for example if you've recently moved). You might be asked to fill out what is called a "provisional ballot," which will be counted once the situation is resolved.

But occasionally, people show up in the right location, but are directed by poll workers to the wrong precinct or sign-in table. Or perhaps the voter shows up in the wrong place and is not told to go to the correct building which might be nearby. While mistakes are rare, they can happen. And in a state with 5 or 6 million people voting, these relatively rare errors can add up!

A bill pending in the Ohio House would make sure provisional ballots are counted if they are cast in the correct polling location but in the wrong precinct. It would ensure that a voter isn't punished because of a poll worker's failure to direct the voter to the correct building or sign-in table.

Sponsors say it is unacceptable that we do anything less than go full measure to ensure every voter's ballot is counted. Looking for opportunities to exclude ballots is a direct assault on our democratic process and the rights of all citizens of this state.

The bill will also make state standards uniform across Ohio. Currently, different counties use different criteria for deciding whether a provisional ballot should be counted. And the courts have issued conflicting opinions because of the lack of a statewide

standard. Poll workers provide a great public service, but they are human and we all make mistakes. You should not lose your right to vote because someone else makes a mistake.

There is already a form printed on provisional ballot envelopes that a poll worker is required to complete. But the current form does not collect the information that would allow full time election workers to later determine whether the poll worker sent the voter to the right place and, ultimately, whether the ballot should be counted. This bill simply revises that form to capture this essential info.



Ohio is sadly one of the least voter-friendly states in the country. Ohio accounts for about 15% of the total number of ballots that are thrown out for this particular technicality and we can do much better. (Election Assistance Commission 2008 Election Day Survey) A state with as proud a history as Ohio has in our country's democracy ought to have a much better record of counting its citizens votes. The U.S. constitution requires we treat all equally. The bill outlines a way for boards of election to correct

innocent errors and count only those votes on the ballot for the races the voter was eligible to vote in. So no one can go across town and vote in someone else's school levy.

This is a simple fix to a major problem that has cost Ohio hundreds of thousands of dollars in litigation over excluded votes, not to mention the toll this takes on the public's confidence in our elections. In a time when we do not have a dollar to spare on such matters, it is time to end this needless hassle for voters and election workers.

House Democrats “Compact with the Middle Class”

Protect the Rights of All Workers

Protect the rights of all workers to join together to collectively bargain for wages, benefits and terms of employment. Fight the passage of SB 5, an unprecedented attack on working families which will remove the careful balance that currently exists between management and employees.



Keep College Tuition Affordable

Keep tuition affordable so our young people are not forced out of state, while better utilizing our community colleges to re-train unemployed workers for jobs currently available. Fight to avoid a return to the past cycles of spiraling tuition costs.

Fight for Affordable Healthcare for All Ohioans

Fight for affordable healthcare for all Ohioans, while protecting Medicaid coverage for our most vulnerable citizens. Preserve previous gains such as lowering the cost of open enrollment for people with pre-existing conditions and allowing young adults to remain on their parent’s insurance plan until age 28. Protect Medicaid optional services for those who are most in need.



Ensure a High Quality Education for all Children

Ensure quality education by adequately funding our public schools and reducing reliance on local property taxes. Fight cuts in funding for pre-K and the elimination of all-day Kindergarten.



Create, Maintain & Attract Good Paying Jobs

Work to preserve current initiatives like the wind and solar tax credits, the film tax credit and the Third Frontier. Pursue additional job creation initiatives such as HB 43, the expansion of the Venture Capital Authority and HB 44.



Ensure Quality Care for Older & Disabled Ohioans

Pursue policies which would enable family members to care for their loved ones at home while expanding assisted living care in Ohio’s communities. Ensure our parents and grandparents are given excellent care and treated with the respect they deserve by adequately funding nursing homes.

Fight Against Cuts to Police, Fire and Other Vital Services

Fight state policies which would force local governments to cut vital services like police and fire protection, snow removal and garbage pickup. Stop pass-the-buck budgeting by protecting local governments from drastic cuts which will force them to raise property and income taxes.



Protect Consumers & Homeowners

Protect consumers and homeowners from those who try to take advantage of them. Continue to fight to help homeowners and renters remain in their homes and avoid foreclosure. Protect consumers from scams, rip-offs, and predatory lending practices.



Honor Those Who Keep Us Safe

Protect the rights of our military retirees who live and work in Ohio with bills like HB 106. Enable service members to do their jobs without worrying about their rental payments and allow women who desire to serve their country to do so fully and completely.



Protect Ohio’s Assets and Natural Resources

Protect our parks, lakes, rivers, forests and green areas. Fight to stop the sale of our state’s assets for one-time money.