

THE CINCINNATI ENQUIRER

MONDAY, JANUARY 5, 2009

LN

75 CENTS

CINCINNATI.COM

Legislature more bipartisan

Session cooperated on bills, analysis finds

By Gregory Korte and Jon Craig

gkorte@enquirer.com; jcraig@enquirer.com

COLUMBUS – The 127th Ohio General Assembly, which concluded its work last month, was the most bipartisan legislature in at least a decade, an Enquirer analysis of roll call votes shows.

Lawmakers passed more bills unanimously and there were fewer party-line votes, as the election of Democratic Gov. Ted Strickland – and the threat of his veto – forced the GOP-led legislature to work across the aisles to get bills passed.

“I don’t know that there’s any great mystery to it,” said U.S. Rep. Steve Driehaus, D-Price Hill. As Ohio House minority whip, he

was responsible for rounding up Democratic votes for – or against – bills.

“The fact that you have a Democratic governor and a Republican-controlled General Assembly kind of forces us to be close, unless they want to face a couple vetoes.”

The 128th General Assembly, which convenes today, will be hard pressed to continue that bipartisan spirit. The Ohio House will have a Democratic majority for the first time since 1994, and Strickland is expected to start the year with three vetoes of bills passed in the waning days of GOP control.

House and Senate clerks do not allow public access to members’ voting record data online, and have never before released their archives of electronic votes. An analysis of that data, obtained by The Enquirer under the Ohio Public Records Act, shows:

■ Fewer party-line votes. In a partisan atmosphere, the minority party often closes ranks to oppose even minor legislation. But in the last session, only 4 percent of votes in the Senate had no Democratic support, down from 19 percent the previous session – and the fewest party-line votes since the

Senate started recording electronic votes in 1999. The House of Representatives, whose 99 members make it more difficult to hold the caucus together, had similar numbers.

■ More unanimous votes. In the House, 47 percent of votes were unanimous last session, up from 35 percent in the previous assembly. In the Senate, a more deliberative, 33-member body with historically more consensus, 74 percent of votes were unanimous last session, up from 56 percent.

See LEGISLATURE, Page A5

DataCenter

Exclusive to Cincinnati.Com

Search the Enquirer’s exclusive database of roll call votes in the Ohio General Assembly. Go to Cincinnati.Com and click on Data Center

Inside, A5

Tom Brinkman Jr.’s departing record: 686 “no” votes, legislature’s most.

Legislature: Parties got along

From Page **A1**

■ More lopsided passage. The “typical” vote in the House last session was 86 to 7. It was 74 to 14 in the previous session. In the Senate, the typical vote was 30 to 1. In each chamber, those numbers represent the most lopsided votes in favor since at least 1999.

■ Fewer tabled motions. One frequently used partisan tactic by a majority party is to “table” an amendment introduced by the minority, to prevent an up-or-down vote. There were 129 motions to table in the Ohio House from 2005-2006, but only 10 from 2007-2008.

The analysis includes all votes, including procedural motions, amendments and appointments. And it includes largely ceremonial bills such as H.B. 55, which declared April 29 “Heritage and Freedom Flag of the Former Republic of Vietnam Day” in Ohio.

But that consensus also held on the most important bills. Both parties supported changes in eminent domain law to strengthen property rights, a package of measures to deal with the foreclosure crisis, and the governor’s plan to use tobacco settlement money to pay for school construction and senior-citizen property-tax breaks.

Even on payday lending – where the GOP had been reluctant in the past – a bipartisan bill effectively put the lenders out of business.

And on perhaps the most important vote of the session – the \$52.3 billion operating budget – only one lawmaker voted no, ending a decade of partisan battles.

“There was a great degree of unanimity early in the session because every governor is entitled to a little bit of a honeymoon,” said state Sen. Bill Seitz, R-Green Township, a former House whip.

“When the governor proposes a budget that looked and smelled very much like a Republican budget, with tax cuts intact ... why would a Republican *not* like that if they fancy themselves as against taxes and spending?”

But Seitz said there was a more pragmatic reason.

Although Republicans controlled both houses, their majority in the House narrowed. Just two sessions before, Republicans held a 62-37 lead. Last session, it was 53-46. (Starting today, Democrats will control the House 53-46.)

Two-party sponsors

One way that Republicans helped get Democratic votes was to allow them to share the credit. For the first time last session, the House allowed two primary sponsors – often, one of each party – on the same bill.

“I think it created a culture of cooperation that didn’t previously exist, because it created more familiarity and understanding, and all of those things blend to a less confrontational environment and more of a bipartisan one,” said departing Speaker Jon Husted, R-Kettering.

The election of the first Democratic governor in 16 years also gave Democrats a reason to be vested in the process, Husted said. Under a Republican governor, he said, Democrats “mostly sat on the sidelines and threw bombs at us.”

Herbert B. Asher, a political scientist at Ohio State University, said Husted, Strickland and Senate President Bill Harris helped create a collegial atmosphere.

“Give them some credit,” he said. “There’s a couple things going on here. One is the nature of the leadership. And with split control between the legislature and the executive branch, maybe some of the most difficult issues got resolved in earlier stages, or didn’t come up at all.”

Few vetoes

So far, Strickland has vetoed no more bills than GOP predecessors who worked with GOP legislatures.

His only veto of a standalone bill came on his first day in office – on a measure that would have limited lead-paint lawsuits. That veto was overturned by the Ohio Supreme Court, which ruled that only former Gov. Bob Taft could have vetoed it.

Strickland has exercised a line-item veto in three spending bills, including the consensus budget bill.

On average, Ohio governors have vetoed just one standalone bill and line-item vetoed four spending bills per session since 1997.

But Strickland is threatening to veto three bills from December’s lame-duck session: a \$200 million bonus program for veterans, a tax credit for filmmakers, and changes to election law that would prohibit same-day registration and voting.

“I think there’s been an unusual level of bipartisan cooperation during the past two years,” Strickland told *The Enquirer* in an interview.

“I expect to have a continuing positive relationship with both houses of the legislature,” he said.

He added, “I’m looking forward to working with a Democratic House.”

Brinkman proud of his 'no' record

By Gregory Korte
gkorte@enquirer.com

Some lawmakers measure their success by the number of bills they pass, their ascendancy into leadership positions or the amount of money they can bring back to their districts.

And then there's Tom Brinkman Jr., R-Mount Lookout, who boasts the most "no" votes, according to an Enquirer analysis of roll call data.

Brinkman led the 127th General Assembly with 98 no votes. In his eight-year legislative career – which is concluding as a result of term limits – he voted no 686 times, often as the only no vote. His 30.1 percent "no" average is the second highest in the legislature since computerized voting data has been kept, behind former state Rep. Mike Mitchell, a one-term Democrat from Columbus.

"Thank God," Brinkman said in relief, when told of his legislative accomplishment.

A conservative Republican, Brinkman's party was in control of the statehouse during his entire tenure in Columbus. He voted against his own party more often than any Democrat.

"I did not go up there to go along with the corrupt state government," he said. "The easy play would have been go along and get along. And that play has gotten us into these problems."

When the vote was 98 to 1, it was most often Brinkman all alone: 135 times, he was the only Republican to vote no; 76 times, he was the only member of either party to vote no.

Among his proudest no votes:

■ A bill early in his tenure that would have granted a high-school diploma to veterans of World War II. Brinkman said legislative leaders "flat out lied" about how many



Brinkman

veterans were drafted out of high school without an opportunity to graduate.

■ Most bills to increase sentences for crimes. He was the only member

to vote against a bill raising penalties for torturing puppies. "There's just no frickin' room," he said. "The jails are exploding."

■ He was the only local lawmaker to oppose Cincinnati's 2012 Olympic bid. He called it "stupid," "ridiculous" and "a potential financial disaster."

■ His most famous no vote may have come in 2003, when then-state Sen. Mark Mallory (now Cincinnati's mayor) led an effort to have Ohio ratify the 14th Amendment to the U.S. Constitution. It was a symbolic vote, correcting a historical anomaly in which Ohio ratified it after the Civil War but then rescinded its assent in a racially charged protest.

The 14th Amendment guarantees equal protection of the laws to all citizens.

"The misinterpretation of the 14th Amendment is what judges use to force *Roe v. Wade* on the states and has resulted in 35 million babies being murdered," Brinkman said. "It was blatant grandstanding by Mark Mallory, and I wasn't going to stand for it."

Brinkman also voted against every capital budget bill (which he called all "pork and earmarks"), almost any vote to table a bill (usually because he wanted to vote no outright) and all but two "emergency" clauses, which allow laws to go into effect sooner. He even votes against emergency clauses on his own bills.

"I happen to believe we have too many laws," Brinkman said. "We need fewer laws."