

NAIOP

COMMERCIAL REAL ESTATE
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NAIOP OF OHIO

NAIOP Weekly Legislative Report
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Supported Bills

- HB10** **REMEDIATION OF CONTAMINATED SITE (SEARS, B)** To authorize refundable tax credits for the completion of a voluntary action to remediate a contaminated site and for the return of such sites to productive use, and to exempt persons through 2017 who have issued covenants not to sue under the Voluntary Action Program from certain fees and penalties for one year after the issuance of such a covenant.
Current Status: 3/2/2011 - House Ways and Means, (Fifth Hearing)
All Bill Status: 2/23/2011 - House Ways and Means, (Fourth Hearing)
2/16/2011 - House Ways and Means, (Third Hearing)
2/9/2011 - House Ways and Means, (Third Hearing)
2/2/2011 - House Ways and Means, (Second Hearing)
1/26/2011 - House Ways and Means, (First Hearing)
1/11/2011 - Referred to Committee House Ways and Means
1/11/2011 - Introduced
- HB17** **TAX CREDIT FOR HIRING UNEMPLOYED (BAKER, N)** To authorize a \$2,400 income tax withholding credit for an employer that hires and employs a previously unemployed individual.
Current Status: 1/11/2011 - Referred to Committee House Ways and Means
All Bill Status: 1/11/2011 - Introduced
- HB18** **TAX CREDIT - EXPANDING BUSINESSES (BAKER, N)** To authorize a nonrefundable tax credit for a business that increases payroll and expands into a vacant facility.
Current Status: 2/23/2011 - House Ways and Means, (Fifth Hearing)
All Bill Status: 2/16/2011 - House Ways and Means, (Fourth Hearing)
2/9/2011 - House Ways and Means, (Third Hearing)
2/2/2011 - House Ways and Means, (Second Hearing)
1/26/2011 - House Ways and Means, (First Hearing)
1/11/2011 - Referred to Committee House Ways and Means
1/11/2011 - Introduced

Oppose

- HB50** **TYPE-II ANNEXATION (SNITCHLER T)** To require that a political subdivision owner be included in determining the number of owners needed to sign a petition for an expedited type-II annexation.
Current Status: 5/24/2011 - **SUBSTITUTE BILL ACCEPTED**, House Local Government, (Fourth Hearing)

All Bill Status: 3/1/2011 - House Local Government, (Second Hearing)
2/22/2011 - House Local Government, (Second Hearing)
2/15/2011 - House Local Government, (First Hearing)
2/1/2011 - Referred to Committee House Local Government
1/26/2011 - Introduced

Monitoring

- HB134 CAPITAL GAINS INVESTMENTS (SCHURING K)** To reduce the income tax rate on capital gains reinvested in Ohio-based investments.
Current Status: 6/1/2011 - House Ways and Means, (Fourth Hearing)
All Bill Status: 5/11/2011 - House Ways and Means, (Third Hearing)
3/30/2011 - House Ways and Means, (Third Hearing)
3/23/2011 - House Ways and Means, (Second Hearing)
3/16/2011 - House Ways and Means, (First Hearing)
3/2/2011 - Referred to Committee House Ways and Means
3/1/2011 - Introduced
- HB198 PROPERTY TAX COMPLAINTS (COLEY II W)** To permit property tax complaints to be initiated only by the property owner.
Current Status: 5/12/2011 - House Financial Institutions, Housing and Urban Development, (Second Hearing)
All Bill Status: 5/4/2011 - House Financial Institutions, Housing and Urban Development, (First Hearing)
4/12/2011 - Referred to Committee House Financial Institutions, Housing and Urban Development
4/12/2011 - Introduced
- SB89 LABOR REQUIREMENTS (JORDAN K)** To prohibit state agencies from requiring or prohibiting certain labor requirements as a condition of performing public works and prohibit the appropriations of state funds for public works when political subdivisions require or prohibit certain labor.
Current Status: 3/8/2011 - Referred to Committee Senate Joint Committee on Agency Rule Review
All Bill Status: 2/23/2011 - Introduced
- SB115 PROPERTY SALE GAINS (KEARNEY E)** To exempt from income taxation any gains from the sale of Ohio property used in a trade or business and held for at least two years.
Current Status: 3/24/2011 - Senate Ways & Means & Economic Development, (First Hearing)
All Bill Status: 3/15/2011 - Referred to Committee Senate Ways & Means & Economic Development
3/9/2011 - Introduced

Bills Introduced Since 5/16/2011

- HB227 DEGREES IN MATH-BASED FIELDS (GOYAL J)** To grant an income tax credit to individuals who earn degrees in science, technology, engineering, or math-based fields of study and to authorize municipal corporations to grant a credit to those qualifying for the state credit,

- HB228 LICENSE PLATES (GOYAL J)** To create Power Squadron license plates.
- HB229 AGRICULTURE (BUCHY J)** To revise the laws governing agriculture.
- HB230 EMPLOYMENT APPLICATION QUESTIONS (WILLIAMS S)** To prohibit employers from including on an employment application any question concerning whether an applicant has pleaded guilty to or been convicted of a felony.
- HB231 LAKE ERIE WATERS (WACHTMANN L)** To establish a program for the issuance of permits for the withdrawal and consumptive use of waters from the Lake Erie basin.
- HB232 COUNTY FACILITIES REVIEW BOARDS (LETSON T, O'BRIEN S)** To expand the authority of a county facilities review board to include any facility where an adult ward of the probate court resides or receives services among the institutions subject to its review.
- HB233 AD SPACE ON SCHOOL BUSES (LETSON T, HUFFMAN M)** To authorize school districts to sell commercial advertising space on school buses.
- HB234 COMMUNITY EMERGENCY RESPONSE TEAM (DEGEETER T)** To authorize a nonchartered municipal corporation to establish a community emergency response team within the public safety department of the municipal corporation.
- HB235 ETHNIC INTIMIDATION (STINZIANO M)** To rename the offense of ethnic intimidation identity intimidation and to prohibit a person from committing identity intimidation because of the victim's ethnicity, sexual orientation, gender, gender identity, or disability.
- HCR17 NAME OHIO JUDICIAL CENTER (LETSON T, COLEY II W)** To urge the Supreme Court of Ohio to name to Ohio Judicial Center for former Chief Justice Thomas J. Moyer.
- HR97 TRANSCANADA KEYSTONE XL PIPELINE PROJECT (SEARS B)** To urge Congress to support the continued and increased importation of oil derived from Canadian oil sands and urge Congress to ask the U.S. Secretary of State to approve the TransCanada Keystone XL pipeline project from Alberta to Oklahoma.
- SB171 SUNSET REVIEW COMMITTEE RECOMMENDATIONS (GILLMOR K)** To implement the recommendations of the Sunset Review Committee by abolishing, terminating, transferring, or renewing various agencies and reestablishing the Sunset Review Committee but postponing operation until the 131st General Assembly, and to declare an emergency.
- SB172 JUDGMENT CREDITOR LANDLORD (SCHAFFER T)** To enable a judgment creditor landlord to obtain a court order directing the Tax Commissioner to pay the judgment debtor tenant's income tax refund to the landlord.
- SB173 POLITICAL SUBDIVISION - PUBLIC MONEYS (HUGHES J)** To permit a political subdivision, upon the deposit of public moneys with an eligible public depository, to arrange for the public depository to redeposit those moneys with other federally funded banks and savings and loan associations in accordance with specified conditions.
- SB174 ADVERTISING ON SCHOOL BUSES (SCHIAVONI J)** To authorize school districts to sell commercial advertising space on school buses.
- SCR11 GRADUATION RATE CHANGES (LEHNER P)** To approve the Department of Education's proposed graduation rate changes to the state accountability system for public schools.

Week in Review

Friday, May 27, 2011

ABORTION

The Ohio Attorney General's Office has succeeded in its seven-year battle to uphold the state law regulating use of the abortion pill RU-486, at least for now with the Monday ruling from Judge Susan Dlott of the U.S. District Court for the Southern District of Ohio in Cincinnati that Ohio's law, which originated with Rep. Tom Brinkman's 125-HB126, is not unconstitutionally vague and does not violate the right to choose by forcing women to obtain a surgical abortion instead of the pill.

AGRICULTURE

The ground was still too wet for some farmers to plant corn, according to the Ohio Corn and Wheat Growers Association (OCGWA) which noted that farmers can still plant at the end of May and in early June but that the time to plant has a very narrow window because of all the rain. However, despite Ohio's problems, the USDA is forecasting a record-breaking crop nationwide, with a 13.5 billion bushel corn crop projected this year -- 1.1 million more bushels than in 2010.

Friends of the Ohio Farm Bureau Federation (OFBF) and the Ohio Farm Bureau Foundation (Foundation) announced the creation of the Cindy Hollingshead Scholarship Fund to recognize her career and life accomplishments. It will begin offering awards during the 2012-13 academic year.

BALLOT ISSUES

We Are Ohio, the group behind efforts to put a referendum on the November ballot to overturn SB5 (Jones) -- the collective bargaining overhaul, said Friday that it has collected over 200,000 signatures in the first month and is seeing widespread support for its efforts. With a total of 231,149 valid signatures needed, the group is aiming to collect between 450,000 to 500,000 signatures by the June 30 deadline.

FY12-13 BUDGET

Gov. John Kasich reiterated his stance Monday that if extra revenue comes in, local governments should not expect to get a piece of it. "There'll be a few more dollars, I'm sure, in the budget by the time this is all done, but not a lot. Period. Embrace the tools. Support the budget. Help us to work together here. Control your costs. Make government more efficient and more effective. I mean, that's what it's all about."

Rep. Nickie J. Antonio (D-Lakewood) was joined by fellow lawmakers and HIV/AIDS activists during a news conference for HIV/AIDS Unity Day to discuss the Ohio HIV Drug Assistance Program (OHDAP), which provides medication and critical services to Ohioans who cannot afford them. Antonio said that current and proposed funding levels fall short of adequately sustaining the program. Even with cost containment measures, the waiting list is growing for individuals seeking to access services, she said.

Saying he's not sure how many actual amendments the Senate Finance Committee received for HB153 (Amstutz), the proposed FY12-13 budget, Senate GOP spokesman Jason Mauk told *Hannah News* Thursday that the Legislative Service Commission had "more than 1,600 drafting requests." Senate Democrats submitted more than 300 amendments. Senate leaders expect to work over the holiday weekend, releasing its substitute bill on Tuesday, May 31. Hearings on that version are then set for Wednesday through Friday, June 1-3.

CRIMINAL JUSTICE

The Ohio Criminal Sentencing Commission is proposing a more modest redrafting of the Ohio Revised Code than the wholesale simplification floated in 2008: a downsizing of "drunk driving" statutes from the 36 pages the law has ballooned to from the 69 words first drafted in 1923.

ECONOMIC DEVELOPMENT

The Ohio Film Office has added four more films to its summer movie season, announcing Motion Picture Tax Credits Thursday for *Liberal Arts*, *Old Fashioned*, *Over the Wall* and *Seven Below Zero*. The awards, totaling nearly \$2.5 million, bring to seven the number of films awarded the tax credit since its inception in FY10. The number grows to two dozen projects and more than \$29 million in total awards when Ohio television series and commercials are added to the mix.

ECONOMY

Democrats used the occasion of Chrysler's repaying \$5.9 billion to the U.S. government and recent news of strong performance by carmakers to claim success for the emergency bailout of the auto industry, and to needle potential Republican presidential candidates for their opposition to the federal bailout. The initial package of emergency loans to U.S. automakers from the Troubled Asset Relief Program was authorized by former President George W. Bush in December 2008, though President Barack Obama had to implement and enforce the loan agreement and help manage Chrysler and General Motors through bankruptcy.

EDUCATION

Interim Superintendent of Public Instruction Stan Heffner announced that the cancelled Ohio Summit 2.0, sponsored by 21st Century Skills Ohio, has been rescheduled for Dec. 8 at the Columbus Convention Center. Ohio Summit 2.5 will retain keynote speakers Karl Fisch of the Did You Know video series, Sarah Elizabeth Ippel of the School for Global Citizenship, European digital learning entrepreneur Ewan McIntosh, multiple intelligences expert Trung Le, Harvard University fellow Tony Wagner, educator and speaker Christian Long, and author Daniel Pink, who were originally scheduled for the April conference dates.

The Ohio School Facilities Commission (OSFC) approved four school districts for participation in an energy conservation program during its Thursday meeting. It was also updated on the 21st Century School Design Symposium 2.0 held earlier in the week that addressed school districts planning of new classrooms and provided ideas on how to design those projects.

Gov. John Kasich is making good on his promise to gather feedback on his teacher merit pay initiative from those who would be affected most. He disseminated a tweet Wednesday that solicits input on the K-12 "performance" pay plan addressed in collective bargaining bill SB5 and budget bill HB153 (Amstutz). "Are you a teacher or do you know one? We're seeking their input on how to get teachers paid what they deserve," he tells Twitter followers, directing them to the online form, "Share Your Ideas," which solicits feedback from educators, students, parents and taxpayers.

ELECTIONS

The Ohio Senate Tuesday approved its version of election law reform, SB148 (Wagoner), on a straight party-line vote of 23-10, sending it on to the House, which passed its own version, HB194 (Mecklenborg-Blessing) a week ago. Senate President Tom Niehaus (R-New Richmond) said it has not been decided which bill will end up being the "vehicle" or how items of difference such as the length of the early voting period, will be addressed. He did say the secretary of state has conveyed his desire that the Legislature finish work on the bill before the summer recess.

Secretary of State Jon Husted said his office will begin taking applications from county boards of elections wishing to make "justifiable permanent improvements" to polling locations to improve the participation of disabled Ohioans in the electoral process following the U.S. Department of Health and Human Services' making funding available for this purpose.

EMPLOYMENT/UNEMPLOYMENT

Ohio's unemployment rate continues to drop as the state recovers from an economic recession with the Ohio Department of Job and Family Services reporting Friday that the unemployment rate fell to 8.6 percent in April -- down from 8.9 percent in March. The national unemployment rate was 9 percent.

ENERGY

A coalition of energy experts and environmental advocates released figures showing energy efficiency programs are the cheapest and cleanest way to serve Ohio's energy needs. By establishing energy efficiency programs for residential, commercial and industrial customers, Ohio utilities saved consumers a collective \$56 million between 2009 and 2010, over and above the cost to run the programs. Additionally, energy efficiency programs implemented by three of the state's major public utilities significantly reduced

demand on electric generation, collectively saving enough electricity to power 181,000 homes for one year, the coalition said.

ENVIRONMENT

Small corner stores and gas stations that inject water softener waste into an on-site leach field/septic system are no longer required to obtain a permit from Ohio EPA if they follow new rules that became effective on May 2 for underground injection control.

A contract to apply aluminum sulfate at Grand Lake St. Marys was awarded to HAB Aquatic Solutions, LLC of Nebraska, the Ohio Environmental Protection Agency said. The company is mobilizing equipment now and anticipates initiating the application process on June 2 and ending June 22. The alum application is one step in a multi-faceted, multi-year approach to improve the lake's water quality.

FEDERAL

Ohio's U.S. senators split their votes on a continuing resolution Wednesday on a controversial Medicare plan passed by U.S. House Republicans that would move the plan to a voucher system in the future. U.S. Sen. Sherrod Brown (D-OH) sent out a statement after the vote calling the rejection of the resolution "a victory for Ohio's seniors" while U.S. Sen. Rob Portman (R-OH) said he was disappointed in the vote and the politics surrounding it.

GAMING

The administration of Columbus Mayor Mike Coleman said Tuesday it has reached a deal to resolve the standoff with Penn National Gaming over annexation of Penn's planned casino into the city borders from Franklin Township. Penn will agree to annex its westside site into the city in exchange for the extension of water and sewer service, as well as repayment from the city for \$15 million in environmental and roadway improvements, according to the mayor's office. Yet to be worked out, however, are casino issues with the state over the application of the CAT tax.

GENERAL ASSEMBLY/STATEHOUSE

The Controlling Board approved a request from Gov. John Kasich's office for money to pay bills it says were left from the Strickland administration. The amount approved Monday of about \$330,000 included unpaid dues owed to the National Governors Association, bills for communications, IT and equipment services provided by the Department of Administrative Services, and \$110,000 worth of unemployment compensation for former governor's office staff.

Sen. Jimmy Stewart (R-Albany) will resign his seat in July to take a position with the Ohio Gas Association. Stewart has not yet served a full term in the Senate since being elected in 2008. He would have been up for re-election in 2012 -- a not guaranteed event according to a number of media reports due to his support of SB5, the collective bargaining overhaul. Stewart, however, has denied that that is what prompted his move.

The House overwhelmingly passed HB96 (Celeste-Brenner), which would specify dyslexia as a learning disability in the Ohio Revised Code and create a pilot project in three school districts to screen for the reading handicap. In addition, the chamber also passed SB71 (Manning), which would create a property tax exemption for municipally-owned facilities housing independent professional minor league baseball teams.

The House also passed HB133 (J. Adams) which opens state lands to exploration and drilling for natural gas and oil after passing an amendment that forbids drilling in nature preserves. All Democrats voted against the bill as did Republicans Reps. Marlene Anielski (Walton Hills) and Richard Hollington (Chagrin Falls).

Legislation dealing with natural gas companies and their ability to seek rate increases, HB95 (Stautberg), is now headed to the governor after receiving final consideration in both houses Wednesday. The Senate passed the bill on a vote of 28-4. Senators voting against the measure included Sens. Capri Cafaro (D-Warren), Tim Grendell (R-Chesterland), Mike Skindell (D-Lakewood) and Charleta Tavares (D-Columbus).

House Speaker William Batchelder (R-Medina) Thursday named a screening panel to replace Rep. William Coley (R-West Chester) who was sworn into the Senate this week. Members of the panel include Reps. Lou Blessing (R-Cincinnati), Christina Hagan (R-Alliance), Anne Gonzales (R-Westerville), Cliff Rosenberger (R-Clarksville) and Lynn Wachtmann (R-Napoleon).

The Small Business Caucus of the Ohio House held its first meeting Wednesday, discussing issues affecting small businesses in the state in conjunction with its host, the National Federation of Independent Business (NFIB), which provided a brief presentation on solutions for small business and Ohio's economy. Made up of House members who are small business owners, it is co-chaired by Reps. John Adams (R-Sidney) and Peter Beck (R-Mason). Reps. Nan Baker (R-Westlake), Jim Buchy (R-Greenville), Tim Derickson (R-Springboro), Jay Goyal (D-Mansfield), Bob Peterson (R-Sabina), Andy Thompson (R-Marietta), Jarrod Martin (R-Beavercreek), and Lynn Wachtmann (R-Napoleon) also attended.

The following bills were voted out of various committees this week: the House Local Government Committee reported out SB120 (Beagle) which clarifies that the county prosecuting attorney is the legal adviser of all tax-supported public libraries; the Senate State and Local Government and Veterans Affairs Committee reported out both SB155 (Cates-Sawyer) which designates Feb. 20 as "John Glenn Friendship 7 Day" and HB121 (Rosenberger) which addresses child custody and visitation issues for parents called to active military service; the House Agriculture and Natural Resources Committee reported out both HB163 (Balderson) which revises coal mining laws and HB120 (Carey-Gentile) which creates the Water Access to Every Residence Task Force; the House Criminal Justice Committee reported out HB25 (Combs) which revises penalties related to animal cruelty; and the House Transportation, Public Safety and Homeland Security Committee reported out SB132 (Patton) which names the bridge spanning the Cuyahoga River in Cleveland after former Ohio Gov. and U.S. Sen. George Voinovich.

GOVERNOR

Gov. John Kasich signed HB93 (Burke-Johnson) on Friday, giving statutory teeth to the state enforcement campaign against prescription drug abuse. Addressing the State Medical Board, which he has criticized in the past for failing to regulate rogue doctors who over-prescribe highly addictive pharmaceuticals, Kasich said "We're going to be watching -- we're going to make sure they carry out their responsibilities."

HEALTH & HUMAN SERVICES

The Ohio Hospital Association (OHA) is reporting that Ohio Medicaid Director John McCarthy told the association's board that the state will rebid the Medicaid managed care program in July as it moves ahead with plans to add 37,000 disabled children statewide into managed care. The department is also looking to expand the number of plan options enrollees have and may consider redrawing regional managed care plan (MCP) boundaries. The new contracts would be effective July 1, 2012.

HIGHER EDUCATION

Chancellor Jim Petro delivered his first address to higher education leaders and college access professionals Wednesday, when he updated stakeholders and community leaders on the condition of higher education in Ohio and laid out Gov. John Kasich's agenda for the state's post-secondary system. The chancellor spoke of plans to continue coordinating degree offerings and eliminating duplication throughout the University System of Ohio to keep costs down.

Six community colleges including Marion Technical College, Central Ohio Technical College, Clark State Community College, North Central State College, Southern State Community College and Zane State

College signed an agreement with Otterbein University to facilitate the smooth transition of students from the two-year community colleges to Otterbein's four-year degree programs.

Bowling Green State University named Rodney Rogers as interim senior vice president for academic affairs and provost, effective July 1. Rogers is dean of BGSU's College of Business Administration.

Ohio University named Bryan Benchoff vice president for university advancement. Currently president and CEO of the University of South Dakota Foundation, Benchoff will begin at Ohio University on July 15.

Miami University has been named to the 2010 President's Higher Education Community Service Honor Roll, marking the fourth year it has made the honor roll, announced by the Corporation for National and Community Service (CNCS). Honorees are chosen based on a series of factors, including the scope and innovation of service projects, the extent to which service-learning is embedded in the curriculum, the school's commitment to long-term campus-community partnerships, and measurable community outcomes as a result of the service.

U.S. Sen. Sherrod Brown (D-OH) said that with two-thirds of Ohio students graduating from four-year public and private institutions with an average of nearly \$26,000 in student loan debt, he is introducing the Student Loan Simplification and Opportunity Act of 2011 that would simplify the student loan repayment process. This legislation would help borrowers avoid financial penalties for missed payments, save Ohio graduates money on their student loans, and bolster the federal Pell Grant program that helped send more than 240,000 Ohio students to college in 2008-2009.

The Bill and Melinda Gates Foundation selected Stark State, Lorain County Community College and Sinclair Community College to participate in its "Completion by Design" project to devise and share new approaches to help low-income students ages 16-26 obtain a degree, certificate or credential. Schools in three other states will also be part of the five-year effort. The project begins with an initial \$500,000 planning grant to be shared by the three schools.

INSURANCE

The Ohio Department of Insurance's Fraud, Enforcement and Licensing Division, with help from Attorney General Mike DeWine's office, identified 2,230 agents and agencies that owe the state outstanding personal income taxes, sales taxes and workers' compensation premium payments -- payments Department of Insurance Director Mary Taylor called on them to make, pointing out that under Ohio law, the department can suspend, revoke, or refuse to issue an insurance license, assess a civil penalty, or impose other sanctions, if an agent or agency fails to comply with any official invoice, notice, assessment, or order directing payment of federal, state, or local income tax, state or local sales tax or workers' compensation premiums.

JUDICIAL

Justice Evelyn Lundberg Stratton convened Ohio's third annual Veterans in the Courts Summit Thursday at the Ohio Judicial Center in Columbus, welcoming state and federal partners with an overview of the Veterans WrapAround Project, which seeks to help veterans access the appropriate and most productive resources if they enter the court system.

NATURAL RESOURCES

With pending legislation in both houses of the General Assembly regarding oil and gas drilling and the debate surrounding the issue, the Ohio Department of Natural Resources (ODNR) Division of Mineral Resources Management launched an enhanced oil and gas website that focuses on shale development at www.ohiodnr.com. It features information on the Marcellus and Utica formations and fact sheets on hydraulic fracturing, drilling wastewater and well site safety.

PENSION FUNDS

The Ohio Retirement Study Council Subcommittee drawing up bid specifications for an outside pension adviser is gathering suggestions on what the state should expect from whichever firm it hires. A first draft of the RFP is expected to be reviewed at a meeting June 1, said the subcommittee chairman, Rep. Kirk Schuring (R-Canton), with final approval targeted for June 8.

PEOPLE

Jennifer Breech Rhoads, president and CEO of the Ohio Petroleum Marketers and Convenience Store Association, was sworn in as the 20th president of the Ohio Women's Bar Association.

Former Ohio Senate President Pro Tempore Jeff Jacobson announced the formation of Strategic Insight Group Ltd., a full service lobbying and government affairs firm. Joining him is Brittney Colvin, a six-year veteran of the Senate Majority Caucus, who most recently served as a legislative liaison at the Ohio Department of Taxation.

POLITICS

Vice President Joe Biden will be the special guest at the 2011 Ohio Democratic Party State Dinner, which will be held on Saturday, June 25.

POLLS/STUDIES

Public Policy Polling released the results of a new survey that showed Ohio voters re-electing President Barack Obama despite a high disapproval rating. While the poll found that the president's approval has declined in Ohio from the last time it surveyed Ohio voters in March, Obama has leads on potential GOP challengers including former Massachusetts Gov. Mitt Romney 46 percent to 42 percent; former U.S. House Speaker Newt Gingrich 49 percent to 40 percent; former Alaska Gov. Sarah Palin 50 percent to 40 percent; and in a hypothetical matchup, over U.S. Sen. Rob Portman (R-OH) 48 percent to 38 percent.

Public Policy Polling also found that Washington state voters are not thrilled over the possibility of U.S. Rep. Dennis Kucinich's (D-Cleveland) relocating to the state if he loses his Ohio seat in the redistricting process. Only 12 percent thought that Kucinich should run for office there in 2012, while 39 percent said he should not; about 53 percent of voters are not familiar with him.

The poll also found that Ohio voters have moved strongly against Portman as they get to know him. He now has a 28 percent approval rating and a 33 percent disapproval rating, compared to 25 percent approval and 22 percent disapproval in March.

Another survey from Public Policy Polling released on Wednesday showed Gov. John Kasich still unpopular with Ohio residents, with 33 percent approving of him and 56 percent disapproving. Those numbers are in contrast to a recent Quinnipiac Poll that showed more voters supporting the governor.

UTILITIES

AEP Ohio said it will commit an additional \$500,000 to an energy assistance program for low-income customers as part of a collaborative project it has undertaken with Dollar Energy Fund since May 2009. According to the utility, the program has already provided more than \$4.45 million in assistance for customers to restore or maintain electric service.

The state's largest electric utility provider won one battle and lost another Tuesday as the Ohio Supreme Court first upheld an order by the Public Utilities Commission of Ohio (PUCO) allowing American Electric Power (AEP) to recover the cost of energy efficiency programs. The Court followed by affirming a second PUCO order denying the company's attempts to recover provider-of-last-resort (POLR) charges from industrial users in economically challenged areas of Appalachian Ohio.

The PUCO Wednesday extended the current freeze on FirstEnergy all-electric heating customer rates through March 31, 2013. Following the two-year freeze, FirstEnergy will reduce a portion of the discount

annually over six years through 2018. This order, however, was called "disappointing" by Sens. Tim Grendell (R-Chesterland) and Tom Patton (R-Strongsville) while Rep. Matt Lundy (D-Elyria) said it provided "only temporary relief."

The PUCO set a procedural schedule to consider the American Electric Power Ohio (AEP) provider of last resort and environmental carrying cost issues remanded by the Ohio Supreme Court. The proceeding, which will provide AEP and intervenors in the case an opportunity to present testimony and to offer additional evidence on the issues, begins on June 6 and extends through a PUCO hearing on July 12.

Threatened with budget cuts in excess of 50 percent, the Ohio Consumers' Counsel (OCC) scored a small victory in the Legislature Tuesday when the Senate Energy and Public Utilities Committee adopted the agency's recommendation to amend natural gas overhaul HB95 (Stautberg) to bar natural gas distribution companies from requesting a billing "rider" to recoup capital costs more than once a year. The bill permits new rate adjustments for natural gas companies without public notice.

WORKERS' COMPENSATION

Gov. John Kasich told a crowd Monday that he doesn't think the Ohio Bureau of Workers' Compensation (BWC) will be privatized any time soon, but he said he does think there are more efficiencies to be had in the program for injured workers. He said privatizing the BWC would be a constitutional issue and while, "I'm not afraid to privatize anything, I'm not convinced that is the way to go." He said he plans to look more closely at BWC reform in the second half of this year.