

The State of Ohio

Big week before the state's highest court

June 13, 2014



The three days before the November election are back on the voting calendar, after a ruling from a federal judge this week. And former astronaut and U.S. Senator John Glenn has had a heart valve replacement as he approaches his 93rd birthday.

This week was all about the Ohio Supreme Court – with a big ruling in one controversial lawsuit and arguments in another disputed case. Tuesday brought the long awaited decision on whether a liberal group and two Democratic state lawmakers have the legal right to challenge the constitutionality of the law that created JobsOhio. That question was never answered, because the court agreed with two lower courts and ruled 5-2 that Progress Ohio and two Democratic state lawmakers have no personal stake in the JobsOhio law, so they can't challenge it. As expected, JobsOhio was pleased with the ruling, which is a win for it and for holders of \$1.5 billion in bonds it put on the market in January 2013 – a decision that some found surprising considering the pending court case. The case was argued before the Ohio Supreme Court in November, but it's been in the courts for years, and has brought together some people who don't usually work together. Among those are the libertarian, Tea Party backed 1851 Center for Constitutional

Law – with its director, Maurice Thompson, arguing the case before the court for the liberal Progress Ohio. That group's executive director, Brian Rothenberg, talks about the case.

There were seven law professors who filed paperwork to support the state's argument against Progress Ohio's standing to sue. The professors said that just because a person is a taxpayer, that doesn't mean that person automatically has standing. One of those professors is Christopher Walker from the Ohio State University Moritz College of Law.

The other big issue before the Ohio Supreme Court this week was traffic cameras. And the justices heard a case that tests how cities can use automated cameras to catch and fine those who speed and run red lights. The case comes from a ticket that Bradley Walker of Kentucky got from an automated traffic camera when driving through Toledo in 2009. In 2011, he filed suit, claiming that the process by which he would appeal the ticket was unconstitutional. Cities typically send a camera ticket appeal to an administrative hearing rather than into the court system, since the violation is civil, not criminal. And that's appropriate under Ohio's constitution, says Adam Loukx, who argued for the city of Toledo. But Andrew Mayle, representing the cited driver Bradley Walker, argued that the administrative hearing process created by Toledo is unconstitutional because state lawmakers haven't allowed it. After the arguments, the attorneys for the city of Toledo and the camera operating company declined comment. But Maurice Thompson from the libertarian 1851 Center for Constitutional Law was talking. He hadn't talked much about the JobsOhio decision the day before because he was helping Bradley Walker's team get ready for this case, but for a bigger overall goal.

The court also issued a ruling that's a victory for payday lenders. The justice said in a unanimous decision that a two-week loan to an Elyria man that imposed more than 235% interest is not prohibited under Ohio's mortgage lending laws.

The other big news around Capitol Square this week continues to be the energy standards freeze. With Gov. John Kasich's signature in a private signing ceremony, Ohio becomes the first state in the country to pull back on required alternative energy standards for utilities, which have been in place in Ohio since the law instituting them passed almost unanimously in 2008. Opponents of the mandates say they're costing too much money and will raise electric rates, while those who support the standards say they save money in the long run and have helped create a growing green industry in Ohio. Two policy watchers with very different views on this law share their thoughts. Dale Butland is with Innovation Ohio, a liberal leaning research group. And Greg Lawson is with the Buckeye Institute, which calls itself a free market think tank.

Original video: <http://www.ideastream.org/ohio/entry/62604>