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Legislative Update

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TUESDAY, FEBRUARY 17 2009

FISHER, BRUNNER TO SEEK DEMOCRATIC NOMINATION FOR U.S. SENATE SEAT IN 2010

Two high-profile Ohio Democrats said Tuesday they would run for their party's nomination for the U.S. Senate next year, setting up what promises to be a closely-watched primary for the seat being vacated by Republican U.S. Sen. George Voinovich.

Secretary of State Jennifer Brunner and Lt. Governor Lee Fisher both officially announced their candidacies Tuesday.

Ms. Brunner said in a statement Tuesday afternoon that she is looking to provide solutions to problems facing the state and nation. "Too often we've seen the same-old campaign and same-old politicians return to Washington and fail to make the changes that will move us forward," she said in a statement posted on her campaign website

With Gov. Ted Strickland and others at his side at a Statehouse news conference, Mr. Fisher said he is running for the office at a time when it's clear that too many senators don't understand the challenges the nation faces. "I'd like to think that this is one of those unique opportunities in which I can build on the work that I've done," Mr. Fisher said. "I think I'm in a position to make a difference on day one."

The winner is likely to face former U.S. Rep. Rob Portman in the general election. Ms. Brunner said in an interview that Ohioans are looking for a representative who has a track record of fighting for them. "It's clearly about jobs," she said. "It's a question about who is going to be in there fighting for jobs."

The secretary said her office, which she called a "gateway" for new business, has streamlined business filing procedures, helping new companies get started sooner.

She said she closed her state campaign committee effective Tuesday, and filed a statement of organization for a federal committee. Ms. Brunner noted that of the money she raised for her 2006 election, one-third came from national sources, and that she received donations from each of the 50 states.

"I have that exposure already and will be working hard to raise the necessary dollars," she said. "Seeing what the country did and what Ohio did with the presidential race, they're looking for change."

Mr. Fisher said he is prepared for the long campaign ahead, and said he will focus not only on the primary election, but also on the general election. Discussing his losses in statewide elections in 1994 and 1998, Mr. Fisher said his races were very close, given a GOP "political tsunami" in the first loss and a narrow defeat in the second.

Gov. Ted Strickland, who stood with Mr. Fisher at the event, said he strongly supports Mr. Fisher's candidacy for the Senate, noting that Secretary Brunner knew in advance that he would be supporting his running mate.

Mr. Strickland said he doesn't think the primary will split the Democratic party, but did express concern that the secretary of state's seat, which is represented on the State Apportionment Board, will be open.

"If there is not some major reframing of the way district lines are drawn in Ohio, obviously it is hugely important to me and to my fellow Democrats that we retain control of the apportionment board," the governor said.

Also lending support for Mr. Fisher's campaign were a handful of lawmakers, including House Speaker Armond Budish (D-Beachwood).

State Republican Party Chairman Kevin DeWine said he couldn't think of "two more unimpressive candidates."

He said Mr. Fisher has been in charge of state economic development efforts during Ohio's largest economic downturn in a generation. And Mr. DeWine said Ms. Brunner's tenure has been marked by "rabid partisanship" and poor judgment.

"Ohioans want a leader who's respected on both sides of the political aisle and who offers a record of leadership on the economic issues impacting our state every day," Mr. DeWine said. "They want a senator with experience who understands our greatest economic challenges and knows what needs to be done to meet them head on. Neither Lee Fisher nor Jennifer Brunner can offer those skills, but I'm confident that we will provide a candidate in November of 2010 who can."

The announcements also assure notable changes in the dynamics of next year's statewide elections, when candidates for all five non-judicial state offices will face voters.

Mr. Fisher's move leaves Gov. Strickland to choose a different running mate for his 2010 re-election campaign.

And Ms. Brunner's entry into the Senate race means she will give up a chance to run for re-election as secretary of state, which is one of five seats on the State Apportionment Board that draws state legislative districts.

OBAMA SIGNS ECONOMIC RECOVERY BILL; STRICKLAND RELEASES OHIO DETAILS INDICATING BALANCED BUDGET

The nearly \$790 billion economic stimulus bill that President Barack Obama signed Tuesday in Colorado will create about 133,000 jobs for Ohio over the next two years, according to his administration.

Although late revisions to the bill reduced the amount of anticipated funding flowing to Ohio, the state will actually receive about \$95 million more than Gov. Ted Strickland planned to include in his biennial budget, the administration said. However, appropriations of the federal funds within the \$54.7 billion spending plan appear to be under adjustment.

For example, the federal measure would distribute more than \$100 million more for in Medicaid funding and \$4.1 million more for unemployment compensation than Gov. Strickland's budget assumed, according to an administration document. On the other hand, funding for the Child Care Development Block Grant is about \$9.8 million less.

The administration was forced to make late changes to the executive budget plan because officials based some of the original funding levels on the U.S. House-passed version of the stimulus package. The U.S. Senate's version of the bill would have required Mr. Strickland to make more than \$900 million in cuts or other adjustments. The final stimulus bill made reductions in some areas but provided more leeway in others.

Another administration spreadsheet shows the governor's original budget proposal assumed a total of nearly \$5.7 billion in federal stimulus funding, while the revised version (HB 1) anticipates more than \$5.8 billion.

The Office of Budget and Management is continuing to analyze the full impact of the final version of the federal stimulus bill to determine if policy changes, such as tax revisions, will also impact the budget's revenue estimates, Strickland spokeswoman Amanda Wurst said.

The budget bill is currently in placeholder form, with the full document pending final drafting changes. The House suspended hearings on most of the plan until the Legislative Service Commission has published the bill and supporting documents.

All told, the federal measure is expected to funnel a total of more than \$8.2 billion to Ohio, according to Gov. Strickland, who lauded passage of the measure.

"The stimulus resources will enable Ohio to make targeted investments in the critical sectors of our economy that will create and grow jobs - laying the foundation for future economic growth and shared prosperity," he said in a statement.

Overall, the legislation will create or save 3.5 million jobs nationwide in a range of industries from clean energy to health care, the Obama administration said. More than 90% of those employees are expected to be in the private sector.

During the signing ceremony, President Obama said the bill would not end the country's economic problems.

"But it does mark the beginning of the end - the beginning of what we need to do to create jobs for Americans scrambling in the wake of layoffs; to provide relief for families worried they won't be able to pay next month's bills; and to set our economy on a firmer foundation, paving the way to long-term growth and prosperity," he said in prepared remarks.

The White House said the spending plan would also: reduce taxes; boost renewable energy capacity; invest in infrastructure; ensure health care coverage; and protect education and schools.

Ohio Impact: The Governor's Office said the measure provides Ohio about \$4.8 billion in "state fiscal stabilization funds," which include \$3 billion in increased Medicaid reimbursements and \$1.5 billion for education and school modernization. Another \$326 million in general government operations will be allocated for health and human services, public safety, education, and conserving Ohio's natural resources.

Citing information from the Federal Funds Information for States and the General Accounting Office, Gov. Strickland's office said Ohio would also receive about \$971 million for highway and bridge projects, \$203 million for transit capital grants and \$9 million for rail modernization. Other infrastructure funding includes \$224 million for the Clean Water State Revolving Fund program and \$58 million for the Drinking Water SRF program.

In addition, Gov. Strickland's office said the state would receive:

- \$461 million in special education funding, \$472 million in Title 1 funding, \$44 million for vocational rehabilitation for Ohioans with disabilities, \$23 million for technology in schools, and \$3 million for school lunch equipment.
- \$146 million for the Workforce Investment Act, which includes training and employment services for dislocated workers as well as training and counseling activities for adult workers and youth.
- \$129 million to the Public Housing Capital Fund, \$65 million to the HOME program and \$66 million for homelessness prevention efforts, \$68 million for childcare services, \$27 million for the Head Start program and \$39 million for community services block grants.
- \$277 million for home weatherization assistance and \$123 million for the State Energy Program.
- \$62 million for the Byrne Justice Assistance Grant and additional funds for crime victims assistance, Internet crimes against children and violence against women.

PLAN FOR AUTOMATED SPEED CAMERAS IN ROAD CONSTRUCTION ZONES DRAWS SUPPORT, CONCERN IN HOUSE SUBCOMMITTEE

The Department of Public Safety assured a House panel Tuesday that a plan in the pending transportation budget to install automated cameras to catch speeders in construction zones would not be expanded without additional legislative approval.

The proposal to employ the same kind of systems that many cities now use to catch red light violators drew no outright opposition in the House Finance Transportation and Justice Subcommittee.

Republicans, however, raised concerns about whether citations in such cases would follow a vehicle owner or a driver, and about whether the bulk of revenue raised would go to a vendor instead of the state.

Public Safety Director Henry Guzman said that based on experiences elsewhere, use of the automated speed enforcement system would reduce the number of accidents, making work zones safer for construction crews and motorists.

"It's very difficult for the highway patrol to enforce speed limits in construction zones. At least 13 fatalities occurred in construction zones in 2008," he said. Overall, he said, 4,830 accidents occurred in the same areas.

Mr. Guzman told the subcommittee, which is reviewing Gov. Ted Strickland's proposed two-year, \$7.5 billion transportation budget, that the department would seek bids from vendors to operate the cameras.

As with red light traffic cameras in municipalities, the contractor selected would receive a percentage of fine revenue. Citations would be civil, and violators would not see points added to their driver's licenses.

Rep. Peter Ujvagi (D-Toledo), the subcommittee chairman, wondered if the department was considering expanded camera use outside of construction zones. "If there is an interest in changing the policy you would have to come back to the legislature?" he asked.

Director Guzman did not rule out the eventual possibility, but said there were no plans to do so at present. "It would be naïve for me to come here before you and indicate that everything is off the table ... (but) at this point in time we're only concentrating on construction zones," he said. "This legislation is specific to construction zones only," Mr. Guzman said. "We would have to come back to you."

Use of cameras to nab red light violators has drawn some opposition in Toledo and other cities. Chairman Ujvagi said the devices have reduced accidents. "I know there's a lot of debate around this issue. But it has had a positive impact on safety," he said.

Automatic cameras in construction zones represent one of two safety initiatives for which legislative authority is being sought in the transportation budget (HB 2). The second would elevate to a primary offense the failure of motorists to use seat belts. Police could stop them for that alone in the absence of another violation, which is required under current law.

Director Guzman said enactment of the seat belt provision would qualify Ohio to receive about \$27 million in federal grants for highway safety purposes. He said states that enact such measures also have the potential of receiving additional unallocated federal funds.

Rep. Ross McGregor (R-Springfield), the ranking minority member on the panel, said he was keeping an open mind about the speed cameras, but acknowledged he does not like the systems used to cite red light violators.

"I am concerned, with any automated enforcement device, that revenue generation is being masked in the name of safety," Rep. McGregor said in an interview. "There are a lot of concerns. For example, who is going to get the fine? Is it the driver or the owner of the car? Speeding is only caused by the person behind the wheel. That's where the penalty lies, not just because they're driving a car that doesn't happen to be theirs," he said.

Rep. Cheryl Grossman (R-Grove City) sought clarification about how revenue the cameras generate would be distributed. She indicated the major portion of proceeds from red light cameras in cities goes to vendors who supply them. "I want to make sure construction workers are safe out on the roads, no question on that," Rep. Grossman said. "But someone's getting a big portion of these administrative fees other than the state of Ohio."

The seatbelt provision drew an endorsement from the AAA East Central. Brian Newbacher, the group's director of public affairs, said the National Highway Traffic Safety Administration estimates passage of the measure in Ohio would lead to an increase of seven percentage points in belt usage.

"Based on this likely increase in usage rates, Ohio would save 64 lives with a primary law, prevent 1,574 serious injuries and save \$280 million in costs on an annual basis," Mr. Newbacher said. He tried to counter opposition arguments that government should not intrude on a driver's personal choice about whether or not to use safety belts. "AAA believes it's actually an imposition on others' rights when society is forced to pay more money for health care for people who don't buckle up," Mr. Newbacher said.

Chairman Ujvagi initially advised members that any recommendations for changes, "not necessarily direct amendments," be submitted by Wednesday night. He expects to deliver a subcommittee report to the full Finance & Appropriations Committee, where a substitute bill likely will be prepared. He said amendments would be offered in the full committee.

Rep. McGregor requested the deadline be extended to 4 p.m. Friday. Chairman Ujvagi said he did not think that would be a problem.

"Let me speak with leadership," Rep. Ujvagi said. "This has to be moved over to the Senate very expeditiously." The transportation budget must be enacted by April 1 in order for it to take effect with the start of fiscal year 2010 on July 1.

INTRODUCED IN THE HOUSE

HR 20 CITIES TASK FORCE (Patten) To create the Compact With Ohio Cities Task Force to help cities compete for residents and jobs, and to stimulate economic growth.

INTRODUCED AND REFERRED IN THE HOUSE

HB 3 HOME FORECLOSURES (Foley, Driehaus) To address the current mortgage foreclosure crisis.
Housing & Urban Revitalization

- HB 7 BUILDING STANDARDS (Harris, Pillich) To require a building or structure erected or constructed using state capital moneys to adhere to certain sustainability standards. Am. 153.013
Local Government/Public Administration
- HB 15 BWC BUDGET (Sykes) To create the Deputy Inspector General for the Bureau of Workers' Compensation and Industrial Commission Fund; to make other changes to the Workers' Compensation Law; to make appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2009, and ending June 30, 2011; and to provide authorization and conditions for the operation of the Bureau's programs. Am. 121.52, 4121.12, 4121.125, 4121.62, 4121.70, and 4123.34
Insurance
- HB 16 INDUSTRIAL COMMISSION BUDGET (Sykes) To make appropriations for the Industrial Commission for the biennium beginning July 1, 2009, and ending June 30, 2011, and to provide authorization and conditions for the operation of Commission programs.
Insurance

INTRODUCED IN THE SENATE

- SB 52 GOVERNMENT REORGANIZATION (Grendell) To reorganize the executive branch of state government.
- SB 53 FORECLOSURE TRACKING (Miller, D.) To require the Director of Commerce to establish a residential foreclosure tracking system and prepare an annual report on residential foreclosure filings and sales in each county.

WEDNESDAY, FEBRUARY 18 2009

STUDY PROPOSED FOR TRANSPORTATION BUDGET COULD LEAD TO OIL DRILLING, WIND FARMS ALONG OHIO TURNPIKE

House Democrats said Wednesday they are working on an amendment to Gov. Ted Strickland's transportation budget calling for the Ohio Turnpike to study the possibility of allowing oil wells, wind farms or other facilities on toll road right of way. Chairman Peter Ujvagi (D-Toledo) outlined the study of solar and "all of the possible initiatives that could be taken" as the Finance Transportation & Justice Subcommittee reviewed the turnpike's proposed budget.

"We essentially have a right of way that goes from one side of the state to the other. There may be an opportunity for us to generate energy to not only operate the turnpike but -be still my heart -be put back into the grid. There's a long list of other opportunities that might be there," he said.

George Distel, turnpike executive director, told the panel several private entities already have expressed interest in drilling for gas and oil within the right of way of the 241-mile toll road that runs from Indiana to Pennsylvania. He said he was examining the possibility, but indicated he would not ask the turnpike commission to proceed pending legislative direction. "I think it's intriguing," said Mr. Distel, a former state representative.

The Ohio Department of Transportation told the subcommittee it also was interested in reaching such "innovative enterprise partnerships with local governments and (the) private sector."

Director Jolene Molitoris said ODOT should conduct pilot projects with solar and wind-power generating equipment and energy substitution equipment on department property and in the right away. She said such projects would determine the feasibility of broader power applications and the potential for selling excess power. Ms. Molitoris also asked legislators "to provide the department with general authority to consider other types of collaborative partnerships with local governments and the private sector."

Director Distel said it appears that actual 2009 revenues for the turnpike will likely fall short of amounts reflected in the agency's proposed budget.

"Toll revenues in the month of January 2009 were 14.4% below the amounts from January 2008. While some of this decline was undoubtedly due to the harsh winter weather, the national economic slowdown was probably the more significant factor," he said.

Mr. Distel said early projections from the turnpike's traffic consultant suggest that 2009 toll revenues could be more than \$8 million below the amount budgeted. In addition, falling interest rates mean its investment income will be about \$1 million less than anticipated. He said the turnpike commission cut more than \$13 million from its operating and capital budgets last year. Its 2009 capital improvement program will consist of one major project: \$40 million to complete the new toll collection system and electronic tolling.

"We have a list of approximately \$186 million in projects that we consider to be shovel ready," Mr. Distel told the panel, but for which funding is not available.

The \$7.5 billion, two-year transportation budget includes a provision under which fines for drivers of overweight commercial vehicles on the turnpike will be raised to amounts charged elsewhere.

"The fine for a first offense is \$100 on the turnpike, whereas it is much higher everywhere else in the state," Mr. Distel said. "We believe (this change) will deter truckers from attempting to come onto the turnpike overweight. This amendment is also being offered with the support of the Ohio State Highway Patrol," he said.

Rep. Ujvagi sought an estimate of additional income from raising fines for overweight trucks, and the amount of damage they cause.

Director Distel said there was no doubt that heavier vehicles take a higher toll on the road.

"We weigh every truck that comes in (but) there are ways that they can fool the scales. There are some vehicles coming in that are 20,000 to 30,000 pounds over the limit," he said. "We just want the penalties to be in line with those in other areas of the state."

Passenger Trains: All Aboard Ohio, a nonprofit association, endorsed ODOT's request for legislative authority to pursue passenger rail service linking Cleveland, Columbus, Cincinnati and other en-route cities. Brian Boschen, the group's director-at-large, said 23 states - 15 with less population density than Ohio - financially support regional or intercity passenger rail services.

"We aren't asking the state of Ohio to do anything that it isn't already doing with other modes of transportation in this state, such as with highways and urban public transportation. The only differences are in the mechanisms and processes which fund them. All modes of transportation in Ohio are supported by public dollars," Mr. Boschen said. Mr. Boschen said the federal stimulus law includes \$9.3 billion in capital funding to develop passenger rail service.

Derrick James, senior officer in the Amtrak government affairs office, said ODOT has asked it to determine the capital costs, ridership, revenue, and operating support for the Cincinnati-Dayton-Columbus-Cleveland route. Amtrak currently runs three routes through Ohio, boarding 121,019 passengers at seven stations last year. Mr. James said Amtrak has partnerships with 14 states that operate 168 daily trains. He said the study in Ohio should be completed by the end of the year.

"The system as a whole will not be profitable, but must be operated in a savvy, businesslike way if passenger rail is to survive and thrive," he told the subcommittee.

Transit Systems: The Ohio Public Transit Association endorsed ODOT's proposal to provide \$10 million per year to help local transit agencies update their fleets with more environmentally friendly vehicles. William Lohta of the Central Ohio Transit Authority said funding for public transit in Ohio has dramatically decreased in recent years.

"Transit authorities are forced to reduce their service ... jobs are lost ... traffic congestion increases ... and mobility options for senior citizens ... is reduced," Mr. Lohta said.

Transport Fees: Five representatives of the marine industry involved in the transport of boats over state highways objected to a proposed increase in the permit fee for such oversized loads. Joe Toth of Dry Dock Marine Transport in Middlefield said he had moved boats for dealers, manufacturers, individuals, lending institutions and government agencies for at least 15 years.

"For the past years costs of permits were \$10 to \$15 for the state of Ohio. Now with the rate of \$65 the cost will be astronomical to bring in loads to Ohio dealers which are already struggling in the economy," Mr. Toth said.

Mark Bechtel of Catawba Island Marine Transit in Port Clinton said the industry has struggled for the last two years with sagging boat sales. "We are asking you to include a various-route, annual blanket permit for boats" in the transportation budget, he said.

Similar comments were voiced on behalf of South Shore Marine, Huron; Dave's Marine Transport in Marblehead, and Lakeside Marine in Lakeside.

GOODYEAR PLANS JOB CUTS AS SALES, NET INCOME SLUMP IN FOURTH QUARTER; WHIRLPOOL ANNOUNCES CLYDE PLANT INVESTMENT

Akron-based Goodyear Tire & Rubber Co. unveiled another round of job cuts Wednesday in a continuing attempt to deal with "market challenges in a much weaker economy." Goodyear said it plans to further reduce costs by about \$700 million in 2009, raising its four-point cost savings plan target to \$2.5 billion. The company said it would reduce personnel levels by nearly 5,000, in addition to almost 4,000 reductions in the second half of 2008. There were no details about where the cuts would occur. Goodyear also plans to eliminate up to 25 million units of additional manufacturing capacity worldwide over the next two years, cut capital spending by up to \$800 million, reduce inventory levels by more than \$500 million, and pursue the sale of non-core assets.

"Given lower industry demand, we are taking aggressive action, reducing tire production, cutting costs and adjusting investments to better match market conditions," Robert Keegan, chairman and chief executive officer, said in a news release.

Goodyear said its sales in the fourth quarter of 2008 amounted to \$4.1 billion, down from \$5.2 billion for the 2007 quarter. The company's net loss was \$330 million, compared with net income of \$52 million in the 2007 quarter.

Whirlpool Plan: Separately, Gov. Ted Strickland on Wednesday welcomed an announcement by the Whirlpool Corporation that it would invest \$175 million investment to integrate new energy-efficient automatic washer platforms. The administration said the investment would add nearly 100 new positions to the 2,500 employees at the company's division in Clyde.

"Whirlpool's plan to reinvest in Ohio and create jobs is terrific news," Mr. Strickland said in a news release. "Ohio has had a proud partner in the Whirlpool Corporation for more than a half-century, and the company's investment in the city of Clyde is a testament to the strong work ethic and manufacturing skill found in the community."

The Clyde Division covers 2.3 million square feet and is largest automatic washer facility in the world.

INTRODUCED IN THE HOUSE

- HB 28 SHERIFF QUALIFICATIONS (Gerberry) To change the education and experience requirements necessary for eligibility to be a candidate for the office of sheriff. Am. 311.01
- HB 30 RETIREMENT INCENTIVES (Combs) To require an analysis of each proposed retirement incentive plan for Public Employees Retirement System members and to prohibit a member who participates in such a retirement incentive plan from being re-employed by the same employer. Am. 145.297, 145.298, 145.38

INTRODUCED AND REFERRED IN THE HOUSE

- HB 22 BULK DATA REQUESTS (Fende) To authorizes public offices to limit the number of bulk data requests, impose charges to cover the actual costs associated with bulk data requests, and charge for the cost of redacting certain information. Am. 149.43
State Government
- HB 25 GOVERNMENT STRUCTURE (Adams, J.) To reorganize the executive branch of state government. Am. 121.02, 121.03, 121.05, 121.06, 121.07, 121.11, 121.13, 121.15, and 121.17, to enact new section 121.04 and to enact sections 117.103, 121.041, 121.042, 121.043, 121.044, 121.045, 121.046, 121.047, 121.048, and 121.049 and to repeal section 121.04
State Government

COMMITTEE HEARING

Insurance

- HB 15 BWC BUDGET (Sykes) To create the Deputy Inspector General for the Bureau of Workers' Compensation and Industrial Commission Fund; to make other changes to the Workers' Compensation Law; to make appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2009, and ending June 30, 2011; and to provide authorization and conditions for the operation of the Bureau's programs. (1st Hearing-Sponsor & proponent)

CONTINUED

- HB 16 INDUSTRIAL COMMISSION BUDGET (Sykes) To make appropriations for the Industrial Commission for the biennium beginning July 1, 2009, and ending June 30, 2011, and to provide authorization and conditions for the operation of Commission programs. (1st Hearing-Sponsor & proponent)

CONTINUED

Gary DiCeglio, chairman of the Industrial Commission of Ohio, offered testimony on the agency's budget, which appropriates about \$60.7 million in fiscal year 2010 and \$62.6 million in FY 2011.

The proposal is about \$160,000 less than the agency's previous budget, he said. The IC has managed to hold average yearly increases to only six-tenths of a percent over the past nine years.

"We have achieved this by automating hearing processes, which has enabled us to reduced the number of employees in the Industrial Commission from 643 to 486 since 1997," he said. The reduced workforce has reduced costs, despite pay raises, benefit increases and higher utility bills.

"Since a rate increase could further hurt Ohio employers or the Ohio economy, last June we decreased our rates by \$3.6 million. We intend to extend this rate decrease into the future," he said. "We feel that our revenue stream is adequate to maintain the hearing activities of the Industrial Commission."

An administrative assessment that is included on workers' compensation premiums funds the commission, which resolves disputes over claims, determines violations of safety requirements, and determine whether an employee is disabled, he said. The IC recently finished consolidating office space in its Columbus office to save \$500,000 a year, Mr. DiCeglio said. The commission has 108 hearing officers in 16 offices across the state.

Referring to a recent Inspector General report, Chairman Dodd asked if the commission was discussing the possibility of consolidating district offices.

Mr. DiCeglio said the agency was reviewing its available office space to determine whether it was being used efficiently. "We always look at the amount of offices we have, where we're at. Unfortunately, one of the few ways we have to reduce expenses is to reduce offices."

In addition, the commission was looking into teleconferencing hearings, but doesn't currently have the necessary technology to do it, he said.

REFERRED TO SENATE COMMITTEE

Finance & Financial Institutions:

SB 53 FORECLOSURE TRACKING (Miller, D.) To require the Director of Commerce to establish a residential foreclosure tracking system and prepare an annual report on residential foreclosure filings and sales in each county.

State & Local Government & Veterans Affairs:

SB52 GOVERNMENT REORGANIZATION (Grendell) To reorganize the executive branch of state government.

THURSDAY, FEBRUARY 19 2009

ROBERTS TO RESIGN SENATE SEAT FOR APPOINTMENT TO CIVIL RIGHTS COMMISSION

Democratic Sen. Tom Roberts of Trotwood will resign his Senate seat to accept an upcoming appointment to the Civil Rights Commission. The long-time legislator has accepted the appointment from Gov. Ted Strickland, the Senate Democratic Caucus said.

"While this is a tremendous opportunity for Senator Roberts, he will be greatly missed by his colleagues in the Ohio Senate," Senate Minority leader Capri Cafaro (D-Hubbard) said. "Having served in both the Ohio House of Representatives and the Ohio Senate, Senator Roberts brought a vast array of invaluable experience to our caucus."

Sen. Roberts will resign his seat effective Feb. 27. Sen. Cafaro said the caucus will announce its plans to appoint a successor in the 5th district in the short term but also acknowledged Sen. Roberts' preference to have former Rep. Fred Strahorn replace him.

"We look forward to screening Mr. Strahorn and other interested candidates," she said.

Sen. Roberts was a member of the House from 1986 through 2000 and served in the Senate from 2002-2009. The five-member Civil Rights Commission adjudicates charges of discrimination around the state.

QUESTIONS RAISED OVER RAIL PASSENGER PLAN AS HOUSE SUBCOMMITTEE WRAPS UP TESTIMONY ON TRANSPORTATION BUDGET

Gov. Ted Strickland's plan to revive intercity rail passenger service in Ohio sparked a flurry of questions Thursday as a House panel wrapped up initial testimony on the \$7.5 billion transportation budget.

The Ohio Rail Development Commission asked the Finance Transportation and Justice Subcommittee for spending authority to restore conventional speed passenger trains from Cleveland to Cincinnati via Dayton and Columbus.

Matthew Dietrich, the ORDC executive director, described development of passenger service along the "3-C Corridor" at maximum speeds of 79 mph as the first step toward creation of a multi-state 110 mph system.

Intercity passenger trains last operated on the Ohio corridor in 1971.

Chairman Peter Ujvagi (D-Toledo), citing "the economic viability of this endeavor" as a concern raised in testimony, wondered about the availability of federal stimulus money.

"With the significant commitment that has been made by the Obama Administration for rail service, would what we're looking at in terms of the 3-C Plus have an opportunity to access some of those funds?" he asked.

Rep. Ujvagi uses the term "3-C Plus" to indicate support for extending a route through northwest Ohio to Toledo, one of seven stations in Ohio last year where Amtrak boarded a combined 121,019 passengers.

The chairman acknowledged later he wanted a connection to Toledo as part of the system.

"Well, well, we're working on it. We're trying to be subtle with it," Rep. Ujvagi said in an interview. "We want to maximize all opportunities. How's that?"

Mr. Dietrich said there were "many pots of money" in the federal law that could provide a source of funding for the state rail network.

Rep. Ujvagi asked if enough passenger rail cars would be available in the event Ohio went forward with the proposal.

Mr. Dietrich said Ohio was in "a bit of a foot race with other states" to acquire the necessary equipment.

"Car supplies have become very, very limited. We have set an aggressive schedule," he said.

The state has contracted with Amtrak to study the conventional speed system, focusing on potential revenue from passengers, estimated capital investment and equipment needs for morning and afternoon service.

"We've also asked them to look at what would be necessary for a midday service in the corridor," Mr. Dietrich said. The study is scheduled to be complete in August.

Rep. Ross McGregor (R-Springfield) wanted to know if the study would also estimate how much subsidy the state would have to pay to support the service.

"Right now it's kind of nebulous as to what the number is," Rep. McGregor said.

Mr. Dietrich said subsidy amounts would be part of the contract deliverables.

Rep. Cheryl Grossman (R-Grove City) noted references in the ORDC testimony about the importance of the rail freight industry. Ohio ranks fifth nationally in the number of rail carloads originated, and its 36 freight railroads operate on almost 5,300 miles of track.

"I continue to be concerned with the conflict with rails that are available for freight and for passengers, and how that will be accommodated," Rep. Grossman said.

Mr. Dietrich said the ORDC wants a system that would be beneficial for all participants, including freight railroads. "I can appreciate their concerns and we are very cognizant of their concerns," he said.

Rep. John Carney (D-Columbus) pointed out "the great possibility" that freight systems would benefit from the passenger service through capital improvements and payments for use of the track.

Mr. Dietrich agreed. "We're renting space on their property," he said.

Rep. Ujvagi asked about the level of cooperation the ORDC has experienced thus far from freight lines, saying railroads "still think they're under Manifest Destiny."

Mr. Dietrich said the ORDC considered freight railroads as partners in everything it does.

"Sometimes it isn't as effective as it is at other times. We have good relationships with them and hope to build on them," Mr. Dietrich said.

"At the same time there are going to be challenges and ... the devil will be in the details ... in identifying the routes and the capital improvements. We're battling more than .300 with the railroads," he said.

Rep. Ujvagi asked: "Any idea what percentage of passenger trains also operate on freight lines?"

Mr. Dietrich replied: "In the United States it is my understanding that all of the service right now is co-mingled with freight. There is an established precedent. Some states do better than others in ensuring that capacity is there."

The governor's transportation budget (HB 2) proposes \$15 million per year for improving safety at railroad-highway grade crossings.

Rep. Grossman said she was concerned about unmet safety needs at rail crossings. "The \$15 million doesn't begin to touch it," she said.

Contractors: The Ohio Contractors Association questioned funding for rail passenger systems at a time when financial support was being cut back for major new highway construction.

Angela Van Fossen, the OCA director of legislative affairs, said 6% of the Ohio Department of Transportation budget (\$167 million) would go for major new construction in FY 2010, and 1% (\$77 million) the following year.

Ms. Van Fossen said the state has conceded that the passenger rail system would need to be subsidized.

"There are clearly a lot of questions surrounding the passenger rail projects, and we urge you to look into the system and its costs before committing the state and the state's budget to a system that we know is not self-sustaining," she told the subcommittee.

Ms. Van Fossen said ODOT is reducing its focus on solving traffic congestion as a result of cuts in funds for major new construction.

"Ohio is facing a tidal wave of truck traffic, with a 62% increase projected over the next 15 years. Congestion will only get worse if it is not addressed," she said.

With the conclusion of testimony, Chairman Ujvagi said recommendations from subcommittee members would be accepted through 4 p.m. Friday.

"We'll be reviewing those issues with leadership, and then some decisions will be made on what does or does not go into a substitute bill," he said. A report to the full House Finance & Appropriations Committee is tentatively scheduled for next week.

In other testimony Thursday:

Buy Ohio: ODOT said it was proposing to remove a Buy Ohio condition on its purchase of road salt because of past availability and affordability problems.

Keith Swearingen, deputy director-highway operations, said ODOT and local governments as well had experienced difficulty in generating bids for salt this winter.

Mr. Swearingen said lifting the Buy Ohio requirement was an attempt to avoid a repeat of the problem this summer, and to encourage out of state bidders.

"There is a mine in Detroit that has been reluctant to bid for several years because of the preference for the Ohio mined salt. It's just our intent to try to encourage more bids and to have an adequate supply for next winter," he said.

Trucks-Cameras: The Ohio Trucking Association objected to the proposed use of automated camera systems to nab speeders in construction zones. The administration wants to conduct a two-year pilot project involving cameras on interstate highways.

Speeding detected through the camera system would be a civil offense carrying a fine of no more than \$250. It would be assessed against the owner of the vehicle involved.

Larry Davis, the OTA president, said the group's concern was over the need to hold the driver of a vehicle responsible, not the owner.

"If the driver cannot be identified the owner is responsible, and if he doesn't pay the state can suspend his driver's license. In local operations some trucks may be driven by several different people each day," he said.

"We would also like to know how out of state drivers would be handled if they don't pay," Mr. Davis said. "Would the state's violator compact provisions for other driver violations allow for enforcement of this civil violation?"

BWC MULLS PROPOSAL TO CUT DRUG FREE WORKPLACE DISCOUNTS, ELIMINATE AND REVISE OTHER SAFETY PROGRAMS

The Bureau of Workers' Compensation is considering eliminating premium discounts employers receive for participating in the Drug Free Workplace Program and scrapping certain other safety initiatives, officials said Thursday.

During a hearing on the bureau's budget proposal (HB 15), Tracy Valentino, BWC chief financial officer, told members of the House Insurance Committee that the bureau was conducting a comprehensive review to determine whether the discount programs were achieving their goals.

"I don't know that there are any specific plans," she said in response to a question from Rep. Lynn Wachtmann (R-Napoleon) about whether the bureau intends to eliminate the Drug Free Workplace program. "Basically every program is being evaluated."

BWC staff recommended eliminating discounts associated with the Drug Free Workplace Program during a late Thursday hearing of the BWC Board of Directors' Actuary Committee, according to spokeswoman Maria Smith.

Scrapping the discounts could save about \$50 million a year, she said, noting the recommendation was based on findings of a study by Deloitte Consulting, Inc. The money could be more effectively applied to reducing base rates, she added.

Although the discounts would be eliminated, BWC "fully intends to offer a drug free workplace program," she said, citing efforts to educate employers about the issue. About 6,500 employers currently participate in the program.

BWC staff also recommended scrapping the Premium Discount Program Plus that enrolls about 2,500 employers for a \$20 million savings, she said. The initiative is designed to assist "penalty-rated employers" in establishing a safer, more cost-effective work place.

In addition, the bureau is considering a recommendation to eliminate the 2% discount that employers receive for attending local safety councils for a savings of about \$10 million, Ms. Smith said. A separate 2% performance discount for companies that attain certain goals would be retained.

The BWC board is not expected to vote on recommendations during Friday's meeting, but could take them up next month, she said. However directors are scheduled to vote on rules regulating group participation.

The board has the authority to eliminate or revise the discount programs without legislative approval.

Gregory Paul, BWC's chief legislative liaison, said the review and potential revision or elimination of the discount programs stem from the bureau's focus on ensuring that the initiatives were actuarially sound.

"It's a review and possible elimination based on what the numbers tell us," he said in an interview. "It's not saying: 'Hey, let's get rid of it because we want drugs in the workplace.'"

Rep. Wachtmann said after the legislative hearing that he was concerned about eliminating programs that encourage employers to maintain safe workplaces.

"The discounts are relatively minimal, but important to those of us who count pennies in business," he said. "It's very clear to me... that particularly the drug-free workplace program, but others, clearly enhance a business owner's incentive to have a safer workplace.

"It's going to behoove us to really scrutinize the bureau if they do choose to dramatically change or eliminate these discount programs," he said. "The last thing we need to be doing is for the bureau's new board to be minimizing the need for a safe workplace."

INTRODUCED IN THE HOUSE

HB 32 COMPETITIVE BIDDING (Ruhl) To increase the competitive bidding threshold for contracts entered into by a board of park trustees for certain municipal park improvements. Am. 755.29

- HB 36 LEGISLATIVE MEETINGS (Dyer) To require expanded minutes for legislative committee meetings or a transcribed record of committee proceedings in lieu of minutes, and to require sworn testimony of all witnesses testifying before legislative committees. Am. 101.15 and to enact sections 101.151 and 101.16
- HB 37 COMPETITIVE BIDDING (Dyer) To require the Department of Administrative Services to maintain a web site database including apparent low bidders who failed to be awarded a contract because they were found not to be "responsible," and to require public entities to conduct investigations when apparent low bidders are suspected of failing or fail to meet the "responsible" prong of the "responsive and responsible" competitive bidding threshold. Am. 9.312 and to enact section 125.112

HOUSE COMMITTEE HEARINGS

Insurance

- HB 15 BWC BUDGET (Sykes) To create the Deputy Inspector General for the Bureau of Workers' Compensation and Industrial Commission Fund; to make other changes to the Workers' Compensation Law; to make appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2009, and ending June 30, 2011; and to provide authorization and conditions for the operation of the Bureau's programs. (2nd Hearing-All testimony)

CONTINUED

No witnesses appeared to testify on the measure, however Tracy Valentino, BWC chief financial officer, answered questions from Rep. Wachtmann about the possible elimination of discount programs.

- HB 16 INDUSTRIAL COMMISSION BUDGET (Sykes) To make appropriations for the Industrial Commission for the biennium beginning July 1, 2009, and ending June 30, 2011, and to provide authorization and conditions for the operation of Commission programs. (2nd Hearing-All testimony)

CONTINUED

No witnesses appeared to testify. IC Chairman Gary DiCeglio answered questions from Rep. Wachtmann about the process for appointing hearing officers.

Final appointment decisions are made by agreement of at least two out of the three commissioners, he said. All 108 hearing officers are attorneys.

Chairman Dodd said amendments to the bills were due 5 p.m. The committee would reconvene Tuesday and would likely vote on the measure Wednesday. If there are no amendments, the panel will likely vote Tuesday, he added.

FRIDAY, FEBRUARY 20 2009

BWC ADOPTS NEW DEDUCTIBLE PROGRAM; COALITION OBJECTS TO PROPOSED CHANGES TO GROUP RATING

The Bureau of Workers' Compensation approved a new deductible program Friday for certain employers who don't qualify for group rating and tightened restrictions on organizations that sponsor groups. Meanwhile, a coalition of 28 business and local government groups sent a letter to the BWC Board of Directors objecting to proposed changes to the group rating program, which offers discounts to employers that join groups sponsored by trade organizations.

"Our coalition has concluded, based on the limited and largely conceptual information BWC staff has released, that the newly proposed reforms will destroy Ohio's Group Rating Program - a program that has been so successful in helping Ohio employers focus on improving workplace safety," the letter says. "The impact on private and public employers alike will be substantial."

The BWC board of directors will consider a series of proposed changes from staff during its meeting next month, according to spokeswoman Maria Smith. She said the proposals are designed to reduce the difference between premiums that group employers and non-participating employers pay while reducing the overall cost of the system.

The coalition said the proposed changes to the program will be "very chaotic" for the 70,000 to 80,000 employers enrolled in the group rating program and asked the board to slow down the process.

"If these companies are subsequently hit with substantial eleventh-hour increases in premium, the impact could be devastating - especially in the current economic climate," the coalition said. "This kind of blow is something Ohio can ill afford."

In addition, the coalition expressed concern about the actuarial analysis used to justify proposed changes to the program. "We are, therefore, troubled by the lack of access to this critical data and our subsequent inability to provide constructive feedback. The coalition asked the board to delay any action until an independent consultant has had time to review the proposed changes on participating employers and to present alternatives.

Separately, the board approved new rules that would create a deductible program that the agency said would give employers better control of their workers' compensation insurance spending and provide an incentive to promote workplace safety programs and services. Under new program, employers would pay a portion of a claim that falls below the deductible level in return for a discount on their premiums, according to the BWC. There are five different deductible levels from \$500 up to \$10,000 per claim.

"This is the first time Ohio employers will have the option to enroll in a true deductible program," BWC Administrator Marsha Ryan said in a statement. "This new program offers multiple deductible levels, giving Ohio employers a choice in securing the option that best suits their business needs."

The board also approved rule revisions to give BWC more authority over sponsoring participating in the group rating program. The agency said changes include: requiring greater disclosure from group sponsors; mandating that all sponsors reapply for certification before becoming eligible to sponsor groups; and instituting a re-certification process to ensure BWC evaluates all group sponsors on a regular basis.

Tony Fiore, director of labor & human resources at the Ohio Chamber of Commerce, said the new deductible program "is certainly the right direction for the bureau to go to provide other programs for employers that don't qualify for a group rating program." However, there could be some revisions to make the program more attractive for employers.

As for new rules regulating sponsorship of groups, they would help weed out organizations that don't fit the goals of the program, he said in an interview.

"There is some skepticism about groups being formed for the sole purpose of providing group rating in the state and that's been a violation of the statute from the very inception of the program in the early 1990's," he said.

In other business, the board asked staff to provide additional information about the proposal to eliminate the Drug Free Workplace Program discount and other safety programs, according to Ms. Smith. More discussion is expected during the March meeting.

COURT STRIKES SPEED-CAM TICKET AGAINST VEHICLE LESSEE; GOVERNOR PICTURES CAMERAS ON INTERSTATES

A split state appeals court says a law firm in Cleveland cannot be held liable for a civil speeding ticket that an automated camera system generated because the city ordinance penalizes the owner of a vehicle, not a lessee. The 2-1 decision from the 8th District Court of Appeals came as the Ohio House weighs Gov. Ted Strickland's proposal to install cameras in construction zones on interstate highways to nab speed violators under state law.

As with the ordinance in Cleveland and other cities, penalties under the state statute would be civil, vehicle owners would be held liable, and no points would be assessed against licenses for violations. Litigation over the Cleveland ordinance began after Dickson & Campbell, LLC received two notices of liability in early 2007 for speeding violations under the city ordinance.

A vehicle the law firm owned was photographed speeding. Examiners at the Parking Violations Bureau found the law firm liable for each violation and imposed a \$100 fine. Dickson & Campbell argued at one hearing it was the lessee of the vehicle and not the owner.

"The hearing examiner concluded, "O.K. Well ... we are going to go after the (lessee) then, sir," records show. A printout from the Bureau of Motor Vehicles listed VW Credit Leasing, Ltd., at the top. Dickson & Campbell was listed under "additional owner name."

A Cuyahoga County common pleas judge affirmed the city examiner's finding, and the case went to the 8th District. Appellate Judge Mary Boyle, writing the majority opinion, pointed out the ordinance in question provides that the owner of a vehicle is liable for the penalty imposed.

"We find nothing ambiguous about the plain meaning of the words 'vehicle owner.' It is not difficult to decipher the difference between 'owner' of a vehicle and 'lessee' of a vehicle," Judge Boyle said.

"If the City of Cleveland had intended to hold lessees liable under (the ordinance) it would have included them in the ordinance as other municipalities have," she said. Judge Boyle noted the City of Akron, for example, adopted a photo speed enforcement ordinance that defines 'vehicle owner' as either the registered owner or a lessee. She also pointed out that Cleveland's parking ordinance distinguishes between a vehicle owner and lessee for parking violations.

"Dickson & Campbell cannot be liable for the speeding infractions since they were the lessee of the vehicle and not the owner," Judge Boyle said. Judge Melody Stewart concurred in the opinion.

Judge Colleen Cooney dissented. She said the appellate panel's review was limited to determining whether the common pleas court abused its discretion. "The evidence supports the trial court's decision because Dickson & Campbell is registered as the owner of the vehicle pursuant to BMV records. Therefore, I would affirm the court's judgment," Judge Cooney said.

The decision is subject to potential appeal to the Ohio Supreme Court.

Gov. Strickland's proposed \$7.5 billion transportation budget would authorize the Department of Public Safety to conduct a two-year pilot project limited to construction zones on interstate highways. In the event a camera detects a speeding violation, a State Highway Patrol trooper is required to review the image and determine if a violation occurred. Citations would be issued to vehicle owners, and would have to explain the way in which they could challenge them.

A Legislative Service Commission analysis said a leasing dealer would not be liable for a state citation issued for a vehicle under control of a lessee. "A dealer who receives such a citation is required to notify the Department of Public Safety or the department's designee of the motor vehicle lessee's or renter's name and address," LSC said.

COMMITTEE SCHEDULE FOR WEEK OF FEBRUARY 23

TUESDAY, FEBRUARY 24

Senate State & Local Government & Veterans Affairs, (Chr. Hughes, 466-5981), S. Hearing Rm., 10:30 a.m.

SB 7 FRAUD REPORTING (Wagoner) To require the Auditor of State to establish a fraud-reporting system for residents and public employees to file anonymous complaints of fraud and misuse of public funds by public offices or officials. (1st Hearing-Sponsor)

House Finance & Appropriations, (Chr. Sykes, 466-3100), Rm. 313, 1 p.m.

HB 2 TRANSPORTATION BUDGET (Ujvagi) To make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2009, and ending June 30, 2011, and to provide authorization and conditions for the operation of those programs. (2nd Hearing-All testimony-Possible substitute & amendments)

Senate Finance & Financial Institutions, (Chr. Carey, 466-8156), Finance Hearing Rm., 2:30 p.m./after session

SB 18 ENVIRONMENTAL FINES (Gibbs) To require the proceeds of fines paid by certain political subdivisions under environmental laws to be expended by the state in the county that incurred the fine or in which the political subdivision that incurred the fine is located and to require the proceeds of fines paid by private entities under environmental laws to be deposited in the General Revenue Fund. (1st Hearing-Sponsor)

SB 53 FORECLOSURE TRACKING (Miller, D.) To require the Director of Commerce to establish a residential foreclosure tracking system and prepare an annual report on residential foreclosure filings and sales in each county. (1st Hearing-Sponsor)

SB 2 FEDERAL STIMULUS FUNDING (Carey) To provide for the distribution of moneys received by the state from the federal American Recovery and Reinvestment Act of 2009 by making appropriations and to declare an emergency. (3rd Hearing-All testimony-Possible substitute, amendments & vote)

WEDNESDAY, FEBRUARY 25

Senate Ways & Means & Economic Development, (Chr. Gibbs, 466-7505), North Hearing Rm., 9 a.m.

SB 44 PROPERTY TAX ROLLBACKS (Miller, D.) To require county auditors to make reasonable efforts to identify property owners wrongfully receiving the 2.5% property tax rollback, to limit the monetary charge against violators to five years' worth of reductions plus interest, to require 10% of monetary charge collections to be credited to the rollback enforcement fund, and to provide amnesty for persons who report their illegal receipt of the rollback. (1st Hearing-Sponsor)

House Finance & Appropriations, (Chr. Sykes, 466-3100), Rm. 313, 9:30 a.m.

HB 1 STATE BUDGET (Sykes) To make operating appropriations for the biennium beginning July 1, 2009, and ending June 30, 2011, and to provide authorization and conditions for the operation of state programs. (OBM)

House Housing & Urban Revitalization, (Chr. Foley, 466-3350), Rm. 116, 11 a.m.

HB 3 HOME FORECLOSURES (Foley, Driehaus) To address the current mortgage foreclosure crisis. (1st Hearing-Sponsor-Possible substitute)

House Finance & Appropriations, (Chr. Sykes, 466-3100), Rm. 313, 1 p.m.

--The committee will continue hearing HB 1 - Biennial Budget - at the afternoon meeting. Topic: JFS/Medicaid

HB 2 TRANSPORTATION BUDGET (Ujvagi) To make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2009, and ending June 30, 2011, and to provide authorization and conditions for the operation of those programs. (3rd Hearing-All testimony-Possible substitute, amendments & vote)

House State Government, (Chr. Gerberry, 466-6107), Rm. 017, 2:30 p.m.

--Organizational business

HB 22 BULK DATA REQUESTS (Fende) To authorize public offices to limit the number of bulk data requests, impose charges to cover the actual costs associated with bulk data requests, and charge for the cost of redacting certain information. (1st Hearing-Sponsor)

THURSDAY, FEBRUARY 26

House Finance & Appropriations, (Chr. Sykes, 466-3100), Rm. 313, 9:30 a.m.

--Hearing scheduled on an "if needed" basis

HB 1 STATE BUDGET (Sykes) To make operating appropriations for the biennium beginning July 1, 2009, and ending June 30, 2011, and to provide authorization and conditions for the operation of state programs.

HB 2 TRANSPORTATION BUDGET (Ujvagi) To make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2009, and ending June 30, 2011, and to provide authorization and conditions for the operation of those programs. (4th Hearing-All testimony-Possible substitute, amendments & vote)

FRIDAY, FEBRUARY 27

House Finance & Appropriations, (Chr. Sykes, 466-3100), Rm. 313, 9:30 a.m.

--Hearing scheduled on an "if needed" basis

HB 2 TRANSPORTATION BUDGET (Ujvagi) To make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2009, and ending June 30, 2011, and to provide authorization and conditions for the operation of those programs. (5th Hearing-All testimony-Possible substitute, amendments & vote)

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