

Executive

As Passed by the House

DOTCD43

Transportation Public-Private Partnership Legislative Oversight Committee

R.C. 5501.84

(1) No provision.

(1) Creates the Transportation Public-Private Partnership Legislative Oversight Committee, consisting of three members of the Senate and three members of the House of Representatives.

(2) No provision.

(2) Requires the Committee to meet at least quarterly and requires ODOT, at each meeting, to make a report to the Committee on public-private partnership matters, including financial and budgetary matters and proposed and ongoing bids, maintenance, repair, and operational projects.

(3) No provision.

(3) Permits the Committee, by the affirmative vote of at least four of its members, to submit written recommendations to the Director of ODOT, the President of the Senate, the Speaker of the House, and the minority leaders of each house describing public-private partnership matters subject to further legislative review.

Fiscal effect: Potential minimal increase for reimbursement of expenses to committee members.

DOTCD41

Motor Fuel Tax Revenue Distribution

Section: 506.20

Requires the first 2% of monthly motor fuel tax receipts to be deposited to the credit of the Highway Operating Fund (Fund 7002).

No provision.

Permits the Director of OBM, upon the request of the Director of Public Safety, to make periodic transfers of cash totaling \$16,220,000 in each fiscal year from Fund 7002 to

No provision.

Executive

As Passed by the House

the State Highway Safety Fund (Fund 7036).

DOTCD42

DOT Environmental Reviews

No provision.

Section: 755.10

Authorizes the Director of Transportation, with Controlling Board approval, to make advance payments to the federal government for its costs in dedicating staff to the expeditious and timely review of environmentally related documents submitted by ODOT that are necessary for the approval of federal permits.

Fiscal effect: The provision is identical to one contained in the Transportation Appropriations Bill enacted in 2009. In 2011, the same provision was in the second version of the Transportation Bill considered by the House Finance and Appropriations Committee (LSC 129 0947-2), but was inadvertently deleted in subsequent versions of the bill.

Executive

As Passed by the House

OBMCD4

Public Services Provided by Private, Local, or Regional Entities

R.C. 126.60, 126.601 to 126.605

(1) Allows the Director of OBM and the authorized representative of a responsible state agency to enter into contracts for the provision of public services with private sector entities and local or regional public entities, or any group or combination thereof, including by generating additional resources in support of those public services and related projects.

(2) Specifies that the Director of Transportation is the authorized representative of the Ohio Turnpike Commission and is authorized to exercise all powers of the Ohio Turnpike Commission for the purposes of entering into a contract for the provision of public services.

(3) Requires the Director of OBM to publish notice of its intent to enter into a contract for public services and any related project before a contract is entered into. Requires the notice to include a general description of the public service to be provided, the qualifications or proposals being sought, and a statement informing interested parties of the opportunity to submit their qualifications or proposals, or both. Requires the notice to be published 30 days prior to the deadline for submitting qualifications or proposals.

(4) Specifies the actions the Director of OBM and the responsible state agency must or may take, depending on the circumstances and discretion required to be exercised, in evaluating qualifications and proposals for the provision of public services.

R.C. 126.60, 126.601 to 126.605; Section 105.10

(1) Same as the Executive, but limits the public services that can be outsourced by the Director of OBM to "highway services," which is defined as the operation or maintenance of any highway in this state, the construction of which was funded by proceeds from state revenue bonds that are primarily repaid from non-gas tax revenues derived from the operation of the highway (practically, this limits the application of these provisions to the Ohio Turnpike).

(2) Replaces the Executive provision with a provision that authorizes the Director of Transportation to exercise all powers of the Ohio Turnpike Commission for the purposes of entering into a contract for "highway services."

(3) Same as the Executive, but the provisions now only apply to contracts for the provision of "highway services."

(4) Same as the Executive, but replaces "responsible state agency" with the Department of Transportation and makes the provisions apply only to contracts for the provision of "highway services."

Executive

As Passed by the House

(5) Specifies that any contract entered into for the provision of public services may contain terms, as deemed appropriate by the Director of OBM, in consultation with the responsible state agency, including the duration of the contract, which is not to exceed 75 years, rates or fees for the public services to be provided, standards for the public services to be provided, required financial assurances, financial and other data reporting requirements, reasons and procedures for termination of the contract, and so forth.

(5) Same as the Executive, but replaces "responsible state agency" with the Department of Transportation and makes the provisions apply only to contracts for the provision of "highway services."

(6) Prohibits the Prevailing Wage Law from applying to any project and the Public Employee Collective Bargaining Law from applying to any employees working at or on a project to provide public services.

(6) Same as the Executive, but the provisions now only apply to contracts for the provision of "highway services."

(7) Requires the Controlling Board to approve any invitation for qualifications or proposals and any related contracts negotiated to provide public services. Allows the Controlling Board to approve any transfer of moneys and funds necessary to support the public service.

(7) Same as the Executive, but makes the provisions apply only to contracts for the provision of "highway services" and requires all money received by the Director of OBM pursuant to a contract for highway services to be deposited into the Highway Services Fund, which is created. Requires the fund to retain any interest it earns.

(8) Exempts any project or part thereof owned by the state pursuant to any contract for the provision of public services from taxation or assessments if, in the absence of the contract, the project would otherwise be exempt from taxation and assessments levied by the state and its political subdivisions. Exempts from taxation levied by the state and its political subdivisions the gross receipts and income of an entity providing public services for a project owned by the state pursuant to a contract.

(8) Same as the Executive, but the provisions now only apply to contracts for the provision of "highway services."

(9) Permits the Director of OBM, in consultation with the responsible state agency, to retain or contract for the services of commercial appraisers, engineers, investment bankers, financial advisors, accounting experts, and other

(9) Same as the Executive, but replaces "responsible state agency" with the Department of Transportation and makes the provisions apply only to contracts for the provision of "highway services."

Executive**As Passed by the House**

consultants, independent contractors or providers of professional services as are necessary in the judgment of the Director to effectuate a contract for the provision of public services.

(10) No provision.

Fiscal effect: Uncertain. Provides the authority for the state to enter into agreements to privatize assets or services. Specific fiscal effects would depend on the negotiated terms of each contract.

(10) Sunsets these provisions on June 30, 2013.

Fiscal effect: Same as the Executive, but would only apply to an agreement concerning the Ohio Turnpike.

Executive

As Passed by the House

DEVCD10 Prevailing Wage Requirements for Development Projects

R.C. 4115.032, (Repealed), 166.02, 1551.33, 1728.07, 4116.01, Repealed: 122.0818, 122.452, 165.031, 1551.13, 3706.042, 4981.23

R.C. 4115.032, (Repealed), 166.02, 1551.33, 1728.07, 4116.01, Repealed: 122.0818, 122.452, 165.031, 1551.13, 3706.042, 4981.23

Removes the requirements that prevailing wage be paid to contractors for:

Same as the Executive.

(1) projects under the Department of Development's Job Ready Sites Program;

(1) Same as the Executive.

(2) any industrial, distribution, commercial, and research projects receiving funding from the Department under Chapter 122. of the Revised Code;

(2) Same as the Executive.

(3) projects involving the acquisition, construction, improvement, or equipping of property for industry, commerce, distribution, or research under Chapter 165. of the Revised Code;

(3) Same as the Executive.

(4) projects receiving funding from the Department under Chapter 166. of the Revised Code;

(4) Same as the Executive.

(5) energy resource development projects or facilities supported by the Department under Chapter 1551. of the Revised Code;

(5) Same as the Executive.

(6) projects undertaken by community urban redevelopment corporations in conjunction with municipal corporations under Chapter 1728. of the Revised Code;

(6) Same as the Executive.

(7) air quality projects financed by the Ohio Air Quality Development Authority under Chapter 3706. of the Revised Code; and

(7) Same as the Executive.

Executive

As Passed by the House

(8) rail service projects funded by the Ohio Rail Development Commission under Sections 4981.11 to 4981.26 of the Revised Code

(8) Same as the Executive.

DEVCD48 Diesel Emissions Reduction Grant Program

Section: 512.90

No provision.

Requires the Director of Development to administer the Diesel Emissions Reduction Grant Program, which is established in the Highway Operating Fund (Fund 7002), and to solicit, evaluate, score, and select projects submitted by public and private entities for the federal Congestion Mitigation and Air Quality (CMAQ) Program, and requires the Director of Transportation to process Federal Highway Administration-approved projects as recommended by the Director of Development.

No provision.

Requires the directors of Development, Transportation, and Environmental Protection to develop guidance for funding projects under the program.

No provision.

Allows Diesel Emissions Reduction Grant Program funds to be used to purchase hybrid and alternative fuel vehicles under CMAQ Program guidance.

No provision.

Requires public entities to be reimbursed for eligible costs from the Department of Transportation and requires private entities to be reimbursed for eligible costs from cash transferred from the Department of Transportation to the Diesel Emissions Reduction Grant Fund (Fund 3BD0) used by the Department of Development.

No provision.

Establishes Fund 3BD0 appropriation item 195697, Diesel Emissions Reduction Grants, with an appropriation of \$10,000,000 in each fiscal year. Specifies that any

Executive

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unencumbered and unexpended balance remaining at the end of FY 2012 is appropriated for the same purpose in FY 2013.
