

Executive

As Passed by the House

As Reported by Senate Finance

DOTCD48 Airport Assistance Fund Uses

No provision.

No provision.

R.C. 4561.21

Permits money in the Airport Assistance Fund (Fund 5W90) to be used to pay the operating costs associated with ODOT's Office of Aviation, in addition to paying for maintenance and capital improvements to publicly owned airports as provided in current law.

Fiscal effect: Makes available additional dollars for operating expenses to supplement the amounts currently allocated for such purposes through the GRF. However, using Fund 5W90 for operating purposes would reduce the grant funds available for airport pavement maintenance and obstruction removal.

DOTCD45 Maintenance, Repair, and Replacement of Certain Bridges

No provision.

No provision.

R.C. 5501.44

Permits the Director of ODOT to expend funds for the design, construction, inspection, maintenance, repair, and replacement of bridges and bridge approaches that were transferred from the Ohio Bridge Commission to ODOT under Section 4 of H.B. 98 of the 114th General Assembly and the bridges and bridge approaches that will replace those bridges. Allows the state to fund these activities on the portion of the bridges outside of the state bounds.

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Fiscal effect: None apparent. This provision appears to apply mainly to the Ironton-Russell Bridge, which spans the Ohio River between Ironton, Ohio, and Russell, Kentucky. The provision clarifies ODOT's authority to maintain and replace the Ironton-Russell and other bridges that were a part of the Ohio Bridge Commission. The provision allowing the state to fund various activities on the portion of the bridges outside of the state bounds conforms with current practice in which Ohio has complete ownership and carries the entire financial burden of maintaining these bridges according to interstate agreements governing the bridges.

DOTCD44

ODOT Public-Private Partnership Agreements

No provision.

No provision.

R.C. 5501.73

Removes the restriction that the public private partnership agreements that ODOT may enter into be for a period not to exceed the biennium for which appropriations have been made (the authority to enter into these agreements was provided by H.B. 114, the transportation budget act for FY 2012-FY 2013).

Fiscal effect: Allows ODOT to enter into a long term contract associated with a public private agreement.

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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.

(1) No provision.

(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.

(2) No provision.

(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.

(3) No provision.

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

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DOTCD47 Certificate of Qualification Requirements

No provision.

No provision.

R.C. 5525.04

Requires an applicant for a certificate of qualification from ODOT, which allows a contractor to bid on ODOT projects and specifies the aggregate amount of work that the contractor may have under construction and uncompleted at any one time, in an amount of \$5 million or more, rather than \$2 million or more as specified in current law, to submit to the Director of Transportation a financial audit prepared and attested to by an independent certified public accountant.

No provision.

No provision.

Requires an applicant for a certificate of qualification from ODOT in an amount less than \$5 million, rather than less than \$2 million as specified in current law, to submit a financial review to the Director.

Fiscal effect: None.

DOTCD46 Motor Vehicle Weight Limit Tolerances

No provision.

No provision.

R.C. 5577.042, 5577.043

Removes the provision recently enacted by Am. Sub. H.B. 114 (the Transportation Appropriations Bill) that no wheel or axle load limits are to apply to vehicles that are transporting certain specific materials and do not exceed the existing gross vehicle weight limit by more than the established weight limit tolerance for the particular vehicle and load of either 5% or 7.5%.

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Fiscal effect: Potentially increases fines levied on vehicles exceeding statutory maximum wheel or axle load weights, relative to what they may have been under the provisions in H.B. 114.

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.

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 the State Highway Safety Fund (Fund 7036).

No provision.

No provision.

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.

Section: 755.10

Same as the House.

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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.

Fiscal effect: Same as the House.

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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.

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."

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

(1) Replaces the House provision with provisions that (a) authorize the Director of OBM and the Director of Transportation to make recommendations to the General Assembly concerning outsourcing turnpike projects and (b) specify that the outsourcing provisions of the bill do not authorize and must not be construed to authorize the sale, lease, operation under a contract with a private sector entity, other disposition of a turnpike project, or other transfer of authority over a turnpike project until the General Assembly approves the consideration of proposals therefore by enactment of legislation that may include the specific terms and conditions of the sale, lease, or operation that the proposals for the turnpike project must contain.

(2) Same as the House, but specifies that the Director of Transportation may exercise the powers of the Ohio Turnpike Commission upon enactment of legislation that may include the specific terms and conditions of the sale, lease, or operation that proposals for the turnpike project must contain.

(3) Same as the House, but clarifies that the Director of OBM must publish such notice pursuant to the legislation enacted by the General Assembly specified in (1) above.

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(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.

(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."

(4) Same as 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."

(5) Same as the House.

(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."

(6) Same as the House, but removes the provision exempting a highway services project from the Prevailing Wage Law.

(7) No provision.

(7) No provision.

(7) Authorizes the Director of OBM to provide compensation for the preparation of a responsive proposal from unsuccessful bidders for a proposal to lease the Turnpike and to establish policies or procedures to determine the amount of compensation to be provided for each project and the method of evaluating the value of the preliminary proposal submitted. Specifies that the compensation may not exceed the value of the proposal.

(8) Requires the Controlling Board to approve any invitation for qualifications or for proposals and any related contracts negotiated to provide public services, which approval may be by pre-approval of specified terms of the contract. Allows the Controlling Board to approve any transfer of moneys and funds necessary to support the public service.

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

(8) Replaces the House provision with a provision that permits the Director of OBM, with prior approval of the Controlling Board, to enter into a contract negotiated to provide highway services (unchanged from the House version is the Controlling Board's authority to approve any transfer of moneys and funds necessary to support the

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(9) No provision.

(9) 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.

highway services).

(9) Same as the House.

(10) 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.

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

(10) Same as the House.

(11) 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 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.

(11) 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."

(11) Same as the House.

(12) No provision.

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

(12) Same as the House.

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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.

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

Fiscal effect: Same as the House, but requires further legislation in order to effectuate any agreement. Also, payment of compensation to unsuccessful bidders, if used, would increase the state's costs for the transaction, the amount of which would depend on the policies and procedures established in regard to such payments. However, such compensation may also lead to increased competition and higher quality proposals.

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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

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.

Same as the Executive.

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

(1) Same as the Executive.

(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.

(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.

(3) Same as the Executive.

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

(4) Same as the Executive.

(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.

(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.

(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.

(7) Same as the Executive.

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(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.

(8) Same as the Executive.

DEVCD48 Diesel Emissions Reduction Grant Program

Section: 512.90

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.

Same as the House, but requires the Director of Environmental Protection, rather than the Director of Development, to administer the program and recommend projects.

No provision.

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

Same as the House.

No provision.

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

Same as the House.

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.

Same as the House, but changes the fund from the Diesel Emissions Reduction Grant Fund (Fund 3BD0) in the Department of Development to the Diesel Emissions Reduction Fund (Fund 3FH0) in the Environmental Protection Agency.

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

Same as the House, but changes the appropriation item to Fund 3FH0 appropriation item 715693, Diesel Emission Reduction Grants, in the Environmental Protection Agency.

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