



COMPARISON DOCUMENT

Substitute House Bill 67 *127th General Assembly*

Representative Tom Patton, Sponsor

Transportation Budget Bill

As Introduced

As Reported by House Finance and Appropriations

Legislative Service Commission

March 13, 2007

As Introduced (Executive)

As Reported by House Finance and Appropriations

1 (CD-38-DEV) Roadwork Development Fund

Section: 227.10

Specifies that the Roadwork Development Fund (Fund 4W0) is to be used for road improvements associated with economic development opportunities that will retain or attract businesses for Ohio. Directs the Department of Transportation to provide moneys to the Roadwork Development Fund in accordance with applicable guidelines, and to provide assistance to the Department of Development, when required, to bring a project to completion. Also specifies that moneys in the fund may be used in conjunction with Business Development grant awards, provided through appropriation 195-412, Business Development. Finally, specifies that the Director of Budget and Management is to set a cash transfer schedule from the Highway Operating Fund (Fund 002) to the Roadwork Development Fund and to make cash transfers as determined by the schedule.

Fiscal effect: Grants are provided to local governments for public road projects that enhance economic development opportunities. Typical awards range between \$100,000 and \$500,000, but can be as high, or higher, than \$1 million.

Section: 227.10

Same as the Executive, but adds earmarks of \$250,000 to each of nine Transportation Improvement Districts (TIDs):

- (1) Butler County TID
- (2) Clermont County TID
- (3) Hamilton County TID
- (4) Lorain County TID
- (5) Medina County TID
- (6) Montgomery County TID
- (7) Muskingum County TID
- (8) Stark County TID
- (9) Rossford TID in Wood County

Fiscal effect: Same as the Executive, but earmarks \$250,000 to each of the nine Transportation Improvement Districts noted above.

As Introduced (Executive)

As Reported by House Finance and Appropriations

2 (CD-41-EDU) Community School Transportation

No provision.

R.C. 3314.091

Permits community schools to transport their students without entering into an agreement with the students' resident school districts.

No provision.

Specifies that the transportation provided by community schools be comparable to the one provided by their resident school districts.

No provision.

Requires the Department of Education to pay community schools that transport their students without entering into an agreement with the district the per pupil amount that would otherwise be paid to the students' resident school districts for transportation.

Fiscal effect: These community school students will be included in their resident district's student count to qualify for state transportation funding, which will then be deducted and paid to community schools. This provision has no fiscal effect on resident districts.

3 (CD-45-EDU) School Bus Drivers

No provision.

R.C. 3327.10

Prohibits the owner of a school bus or motor van from permitting any person to drive the bus or van for seven years following any six-point traffic violation.

No provision.

Requires each owner of a school bus or motor van (1) within 30 days after the bill's effective date, to obtain the seven-year driving record of each person employed or otherwise authorized to drive the bus or van; (2) to obtain seven-year driving records before allowing a person to

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As Reported by House Finance and Appropriations

operate a school bus or motor van for the first time; (3) and to obtain annual driving records thereafter.

Fiscal effect: School districts, and other entities that own school buses or motor vans, are currently required to get driving abstracts each year, which cost \$2 a copy and typically cover three years, from the Bureau of Motor Vehicles. If fees are increased as a result of these changes, school districts may experience increases in costs to obtain the records.

4 (CD-63-EDU) Creation of School Zones for Special Elementary Schools

No provision.

R.C. 4511.21

Requires a County Engineer to create a school zone where a special elementary school (such as an Amish school) is located upon the request of the school.

Fiscal effect: A County Engineer's office may incur minimal expenses to erect signage indicating the location of a school zone.

As Introduced (Executive)

As Reported by House Finance and Appropriations

5 (CD-56-DNR) Columbus Fire Fighter's Hall

No provision.

Section: 403.05

Authorizes the City of Columbus to use funds appropriated from the Department of Natural Resources' Park and Recreation Improvement Fund (Fund 035) to convey an approximate 60-foot by 72-foot tract of land to the Columbus Firefighters Union Local #67 to be used for administrative offices. Lists conditions applicable to the conveyance.

As Introduced (Executive)

As Reported by House Finance and Appropriations

6 (CD-18-DHS) Uses of the Family Violence Prevention Fund

R.C. 3705.242

Requires the Director of Public Safety to use money credited to the Family Violence Prevention Fund (Fund 5BK), which is currently required to be used to provide grants to family violence shelters in Ohio, to be used to operate the Division of Criminal Justice Services as well.

Fiscal effect: Presumably, as a result of this provision, there will a reduction in the total amount of money available to provide grants to family violence shelters, the annual magnitude of which would be a function of the amount of money appropriated for operating expenses. Based on the executive-recommended appropriations for FYs 2008 and 2009, the amount of money to be allocated annually for operating expenses and grants will be \$400,000 and \$750,000, respectively.

R.C. 3705.242

Same as the Executive.

7 (CD-43-DHS) Identity Verification Number for Vehicle Registration

No provision.

R.C. 4503.10

Allows the use of a driver's license number or state identification number when applying for a vehicle registration, as options in addition to a person's social security number, which is generally required under current law.

Fiscal effect: None.

As Introduced (Executive)

As Reported by House Finance and Appropriations

8 (CD-42-DHS) Windshield Disability Placards

No provision.

R.C. 4503.44

Requires removable windshield disability placards (including temporary placards) to bear the name of the person with the disability.

Fiscal effect: As of this writing, from the Department of Public Safety's perspective, the state and local fiscal effects of this provision, if any, are uncertain.

9 (CD-44-DHS) Leased or Rented Vehicle Traffic Law Violations Detected by Photo-Monitoring Devices

No provision.

R.C. 4511.092

Establishes that a motor vehicle leasing dealer or motor vehicle renting dealer who receives a ticket for an alleged traffic law violation detected by a traffic law photo-monitoring device is not liable for a ticket issued for a vehicle that was in the care, custody, or control of a lessee or renter, but requires the dealer to notify whoever issued the ticket of the vehicle lessee or renter's name and address, and prohibits the dealer from paying such a ticket and then attempting to collect a fee or assess the lessee or renter a charge for any payment of such a ticket made on behalf of the lessee or renter.

Fiscal effect: Currently, there are around ten communities in Ohio that are using photo red light traffic enforcement systems. As of this writing, the impact of these provisions on the revenue and expenditure activities of those communities is uncertain.

As Introduced (Executive)

As Reported by House Finance and Appropriations

10 (CD-17-DHS) Appropriations for the Division of Homeland Security**R.C. 5502.03**

Removes language, enacted when the Division of Homeland Security was created in 2003, declaring the intent of the General Assembly that the creation of the division "not result in an increase in funding appropriated to the department."

Fiscal effect: Arguably, the removal of this intent language carries no fiscal effect. Since its creation, it appears that the Division's operating expenses have been, and will continue to be, financed by moneys appropriated from the Department's Fund 840, which consists of fines collected from, or money arising from bonds or bail forfeited by, persons apprehended or arrested by Ohio State Highway Patrol troopers.

R.C. 5502.03

Same as the Executive.

11 (CD-19-DHS) Creation of the Federal Justice Grants Fund**R.C. 5502.62, Section 550.10**

Creates the Federal Justice Grants Fund, which is in effect the renaming of the existing Justice Programs Fund (Fund 3L5), to consist of money from federal grants that is received by the Division of Criminal Justice Services for criminal justice programs and that is not required to be credited to an interest-bearing fund or account.

Fiscal effect: This appears to be a state accounting-related provision carrying no readily apparent fiscal effect.

R.C. 5502.62, Section 550.10

Same as the Executive.

As Introduced (Executive)

As Reported by House Finance and Appropriations

12 (CD-20-DHS) Codification of the Justice Program Services Fund

R.C. 5502.67, Section 550.20

Codifies the Justice Program Services Fund, which is in effect a renaming of the existing General Services Fund (Fund 4P6), to consist of money collected by the Division of Criminal Justice Services for nonfederal purposes that is not required to be credited to some other fund and to be used for costs of administering the operations of the Division of Criminal Justice Services.

Fiscal effect: This appears to be a state accounting-related provision carrying no readily apparent fiscal effect.

R.C. 5502.67, Section 550.20

Same as the Executive.

13 (CD-55-DHS) Earmark of Receipts from Commercial Activity Tax (CAT)

No provision.

R.C. 5751.20, 5751.032

Requires the Tax Commissioner each month to certify to the Director of Budget and Management the amount of revenue, if any, from the CAT that arises from the sale of motor fuel. Such amounts are then to be transferred to the newly-established Economic Development and Highway Construction Fund.

Fiscal effect: Gross receipts from sales of motor fuel are currently exempt from the CAT, but the exemption will expire on June 30, 2007 unless the General Assembly acts to extend the exemption. Revenues from the CAT on gross receipts from sales of motor fuel are estimated to be approximately \$190.6 million for the biennium. Actual receipts will depend on gasoline prices; higher prices would increase this amount, while lower prices would reduce it. Revenue

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from this provision will be credited to the new Economic Development and Highway Construction Fund. Without this provision revenue from the CAT is credited to the CAT Receipts Fund in the state treasury for distribution to the GRF, the School District Tangible Property Tax Replacement Fund (SDRF), and the Local Government Tangible Property Tax Replacement Fund (LGRF). The SDRF and LGRF were created by Am. Sub. H.B. 66 of the 126th General Assembly and distributions to the two funds were to replace moneys lost due to the elimination of the tax on most tangible personal property. For the biennium, receipts from the CAT are allocated only to the SDRF and LGRF, so the provision reduces revenue to these funds by the estimated amount. Current law requires a transfer from the GRF to the two funds if revenue to those funds from CAT receipts falls below \$931.6 million in FY 2008 and below \$1.275 billion in FY 2009.

14 (CD-1-DHS) Federal Highway Safety Program Match

Section: 205.10

Requires that line item 761-402, Traffic Safety Match, be used to provide the nonfederal portion of the Federal Highway Safety Program, and specifies the procedure by which cash is transferred from the Highway Safety Fund (Fund 036), which supports the appropriations for line item 761-402, to the Traffic Safety - Federal Fund (Fund 832).

Section: 205.10

Same as the Executive.

As Introduced (Executive)

As Reported by House Finance and Appropriations

15 (CD-2-DHS) Motor Vehicle Registration**Section: 207.10**

Permits the Bureau of Motor Vehicles to deposit certain revenues to meet the cash needs of the State Bureau of Motor Vehicles Fund (Fund 4W4) before any revenues collected pursuant to sections 4503.02 and 4504.02 of the Revised Code are paid into any other fund.

Section: 207.10

Same as the Executive.

16 (CD-3-DHS) Capital Projects**Section: 207.10**

Authorizes the Registrar of Motor Vehicles to transfer cash from the State Bureau of Motor Vehicles Fund (Fund 4W4) to the State Highway Safety Fund (Fund 036) to meet its obligations for three specified capital projects.

Section: 207.10

Same as the Executive.

17 (CD-4-DHS) Collective Bargaining Increases**Section: 209.10**

Permits the Controlling Board to increase the appropriations for any fund of the Department of Public Safety, except for the GRF, as necessary to assist in paying the costs of increases in employee compensation that have occurred pursuant to collective bargaining agreements under Chapter 4117. of the Revised Code and, for exempt employees, under section 124.152 of the Revised Code.

Section: 209.10

Same as the Executive.

As Introduced (Executive)

As Reported by House Finance and Appropriations

18 (CD-5-DHS) Traffic Safety Operating Fund**Section: 209.10**

Requires the Director of Budget and Management to transfer the cash balance in Fund 5AY (Traffic Safety Operating Fund) to Fund 036 (State Highway Safety Fund) on July 1, 2007, or as soon as possible thereafter. Any existing encumbrances against line item 764-688, Traffic Safety Operating, are to be cancelled and re-established against line item 764-321, Operating Expense - Highway Patrol. Once the transfers are complete, Fund 5AY is to be abolished.

Section: 209.10

Same as the Executive.

19 (CD-6-DHS) Cash Transfer to the State Highway Safety Fund**Section: 209.10**

Requires the Treasurer of State, prior to making any distributions for the evaporation/shrinkage allowance listed in sections 5735.23, 5735.26, 5735.291, and 5735.30 of the Revised Code, to deposit the first \$1,600,000 received each month to the credit of Fund 036 (State Highway Safety Fund).

Section: 209.10

Same as the Executive, except reduces the amount to be deposited to the State Highway Safety Fund from \$1,600,000 per month to \$1,250,000 per month.

As Introduced (Executive)

As Reported by House Finance and Appropriations

20 (CD-7-DHS) Cash Transfers of Seat Belt Fine Revenues**Section: 211.10**

Permits, subject to the approval of the Controlling Board, cash transfers between the four funds that receive seat belt fine revenues: the Trauma and Emergency Medical Services Fund (Fund 83M), the Elementary School Program Fund (Fund 83N), the Trauma and Emergency Medical Services Grants Fund (Fund 83P), and the Seat Belt Education Fund (Fund 844).

Section: 211.10

Same as the Executive.

21 (CD-8-DHS) Lease Rental Payments for CAP-076, Investigative Unit MARCS Equipment**Section: 213.10**

Requires the Director of Public Safety to make cash transfers to the State Highway Safety Fund (Fund 036) from other funds to reimburse Fund 036 for the share of lease rental payments to the Ohio Building Authority that are associated with line item CAP-076, Investigative Unit MARCS Equipment.

Section: 213.10

Same as the Executive.

As Introduced (Executive)

As Reported by House Finance and Appropriations

22 (CD-9-DHS) State Disaster Relief

Section: 215.10

Authorizes the State Disaster Relief (Fund 533) and related non-GRF appropriation item 763-601: (1) to accept cash and appropriations transferred from Controlling Board appropriation items for Ohio Emergency Management Agency (EMA) disaster response costs and disaster program management costs, (2) to accept transfers of cash and appropriations from Controlling Board appropriation items for EMA public assistance and mitigation program match costs to reimburse eligible local governments and private nonprofit organizations for disaster-related costs, (3) to accept and transfer cash to reimburse the costs associated with Emergency Management Assistance Compact (EMAC) deployments, (4) to accept disaster-related reimbursement from federal, state, and local governments, and (5) to accept transfers of cash and appropriations from Controlling Board appropriation items to fund the State Disaster Relief Program for disasters declared by the Governor, and the State Individual Assistance Program for disasters declared by the Governor and the federal Small Business Administration.

Requires EMA to publish and make available application packets outlining procedures for the State Disaster Relief Program and the State Individual Assistance Program.

Section: 215.10

Same as the Executive.

Same as the Executive.

As Introduced (Executive)

As Reported by House Finance and Appropriations

23 (CD-10-DHS) SARA Title III HAZMAT Planning**Section: 215.10**

Authorizes the SARA Title III HAZMAT Planning Fund (Fund 681) to receive grant funds from the Emergency Response Commission to implement the Emergency Management Agency's responsibilities under Chapter 3750. of the Revised Code.

Section: 215.10

Same as the Executive.

24 (CD-11-DHS) Transfer of the Office of Criminal Justice Services to the Department of Public Safety**Section: 217.10**

States that business not completed by the Office of Criminal Justice Services prior to its abolition effective July 1, 2005, is to be transferred to, and completed by, its successor, the Division of Criminal Justice Services, and that no validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer.

Section: 217.10

Same as the Executive.

25 (CD-12-DHS) Fund Clarifications**Section: 217.10**

Clarifies that: (1) the newly codified Federal Justice Grants Fund is the same fund, with a new name, as the Justice Programs Fund (Fund 3L5), and (2) the newly codified Justice Program Services Fund is the same fund, with a new name, as the General Services Fund (Fund 4P6).

Section: 217.10

Same as the Executive.

As Introduced (Executive)

As Reported by House Finance and Appropriations

26 (CD-13-DHS) OBA Bond Authority/Lease Rental Payments**Section: 221.10**

Authorizes the Ohio Building Authority (OBA) to lease capital facilities to the Department of Public Safety, and requires that line item 761-401, Lease Rental Payments, be used to make lease rental payments to OBA.

Section: 221.10

Same as the Executive.

27 (CD-14-DHS) Hilltop Transfer**Section: 221.10**

Requires the Director of Budget and Management, with the agreement of the Director of Public Safety and the Director of Transportation, to transfer cash from the Highway Operating Fund (Fund 002) to the State Highway Safety Fund (Fund 036) that represents the Department of Transportation's portion of the Hilltop Building Project.

Section: 221.10

Same as the Executive.

28 (CD-15-DHS) Cash Balance Fund Review**Section: 225.10**

Requires the Director of Budget and Management to review, on an annual basis, the cash balances for each fund in the State Highway Safety Fund Group, with the exception of the State Highway Safety Fund (Fund 036) and the State Bureau of Motor Vehicles Fund (Fund 4W4), and recommend to the Controlling Board an amount to be transferred to the credit of Fund 036 or Fund 4W4, as appropriate.

Section: 225.10

Same as the Executive.

As Introduced (Executive)

As Reported by House Finance and Appropriations

29 (CD-39-DHS) Real ID Act Extension

No provision.

Section: 555.05

Directs the Director of Public Safety to request an extension of time to meet the requirements of the federal Real ID Act of 2005.

Fiscal effect: This provision compels the Director to request a deadline extension that is already permitted under federal law. It is unclear as to whether such a deadline extension has any fiscal implications other than to grant the state more time to comply with federal law.

30 (CD-16-DHS) Motor Fuel Excise Tax: Evaporation and Shrinkage Discount and Refund

Section: 557.10

Makes temporary changes to the motor fuel excise tax shrinkage and evaporation discount and refund amounts by reducing the discount for FYs 2008 and 2009 to 1.0% (minus 0.65% of gallonage sold to retail dealers) and retaining, for all four semiannual periods of FYs 2008 and 2009, the refund percentage established by Am. Sub. H.B. 66 of the 126th General Assembly for FY 2007 (0.65% of the taxes paid per semiannual period).

Fiscal effect: The executive proposal to reduce the shrinkage allowance will increase revenue to several state funds and to counties, municipalities, and townships for highway-related projects. The increased revenue results from an increase in the amount of tax paid by dealers due to an effective increase in the

Sections: 557.10, 557.11

Same as the Executive, but a greater share of the remaining shrinkage allowance (0.5%) is permitted to motor fuel dealers, meaning that the share permitted to motor fuel retailers is reduced. Also, motor fuel retailers are allowed a vendor discount of 0.9% of motor fuel taxes paid on fuel that they purchase. The vendor discount is in addition to the retailer's share of the shrinkage allowance, and is refunded to the motor fuel retailer after the retailer applies for the funds. The vendor discount would expire at the end of the biennium.

Fiscal effect: The vendor discount provision would reduce the revenue increase to approximately \$20.5 million per year. Of this amount, the bill specifies that \$15 million each year is to be transferred to Fund 036. The remaining approximately \$5.5 million would be distributed according to the allocation formula

As Introduced (Executive)

number of gallons that are taxable under the motor fuel excise tax. The amount of revenue involved is approximately \$37 million per year. Of the increased revenue, the executive-recommended transportation budget provides that \$19.2 million be transferred to the Highway Safety Fund (Fund 036) in each of FYs 2008 and 2009. The distribution of the remaining revenue, or approximately \$18 million, is as follows: (1) 1%, or \$170,000, directed to the Department of Natural Resources (0.875% to the Waterways Safety Fund and 0.125% to the Wildlife Boater Angler Fund), (2) 0.275%, or \$46,750, directed to the Department of Taxation, (3) approximately 71.3%, or \$12,121,000, directed to the Department of Transportation, (4) approximately 23.8%, or \$4,046,000, directed to counties, municipalities, and townships for highway-related projects, and (5) approximately 3.6%, or \$612,000, directed to the Public Works Commission for use in the Local Transportation Infrastructure Program.

31 (CD-40-DHS) Land Conveyance in Lawrence County

No provision.

As Reported by House Finance and Appropriations

described for the As Introduced version of the bill.

Section: 571.10

Authorizes the conveyance of real estate located in Lawrence County from the South Point Board of Education to the State Highway Patrol.

Fiscal effect: The value of the Perry Township property being conveyed at no cost by the South Point Board of Education to the State Highway Patrol is uncertain. It appears that the Patrol's intent is to build a new patrol post on the real estate.

As Introduced (Executive)

As Reported by House Finance and Appropriations

32 (CD-61-PWC) District Administration Costs**Section: 229.10**

Authorizes the Director of the Public Works Commission to use investment earnings from the State Capital Improvement Fund (SCIP) and the Local Transportation Improvement Fund (LTIP) for administrative costs incurred by individual District Public Works Integrating Committees (DPWIC). No more than \$1,235,000 per year may be available for reimbursement, and individual districts may receive no more than \$65,000 per fiscal year.

Fiscal effect: Assists participating DPWICs in covering administrative costs. Currently, only a few districts take advantage of this program.

Section: 229.10

Same as the Executive.

33 (CD-62-PWC) Reappropriations**Section: 229.10**

Reappropriates unencumbered appropriations from the Local Transportation Improvement Fund (Fund 052) from Am. Sub. H.B. 68 of the 126th General Assembly for use during the period July 1, 2007, through June 30, 2008 and from the period July 1, 2008, through June 30, 2009, for the same purpose.

Fiscal effect: Reappropriating encumbrances will allow the Public Works Commission to continue to provide financial assistance for projects that require an extended time frame to complete.

Section: 229.10

Same as the Executive.

As Introduced (Executive)

As Reported by House Finance and Appropriations

34 (CD-53-BOR) Capital Project Transfers

No provision.

Section: 403.05

Amends Am. Sub. H.B. 699 of the 126th General Assembly to transfer projects CAP-166, Playhouse Square Center - Hanna Theatre, in the amount of \$750,000, and CAP-169, Cleveland Museum of Art, in the amount of \$3,000,000, from Cleveland State University to Cuyahoga Community College.

As Introduced (Executive)

As Reported by House Finance and Appropriations

35 (CD-48-DOT) Creation of the Position of Deputy Inspector General for the Department of Transportation

No provision.

R.C. 121.51

Creates in the Office of the Inspector General the position of Deputy Inspector General for the Department of Transportation, with the duty to investigate all claims or cases of criminal violations, abuse of office, or misconduct on the part of officers or employees of the department to conduct a program of random review of the processing of contract associated with building and maintaining the state's infrastructure.

Fiscal effect: It is unknown what the salaries of the Deputy Inspector General and his or her employees may be, as well as the costs incurred by the Deputy Inspector General and his or her staff. The expenses will be paid by ODOT from appropriations which support general administrative purposes.

36 (CD-52-DOT) Authorizes Port Authorities to Enter into Mutual Aid Agreements

No provision.

R.C. 737.04, 737.041

Authorizes municipal corporations to enter into contracts with port authorities to share police resources and permits police departments to provide police protection to port authorities even without a contract upon approval of the legislative authority.

Fiscal effect: Currently, it is unknown how much, if any, reimbursement may be paid by either municipalities or port authorities to share police resources.

As Introduced (Executive)

As Reported by House Finance and Appropriations

37 (CD-50-DOT) Distribution of Motor Vehicle and Special Vehicle Certificate of Title Fees

No provision.

R.C. 4505.09, 4519.59

Redirects the \$0.21 that the Registrar of Motor Vehicles receives for motor vehicle and special vehicle certificates of title that currently are paid into the General Revenue Fund into the Highway Operating Fund (Fund 002).

Fiscal effect: Based on the amount of revenue the Department of Public Safety received in FY 2006 from the \$0.21 title fees, the Highway Operating Fund (Fund 002) is likely to experience a gain of approximately \$1.1 million, more or less, each fiscal year.

38 (CD-36-DOT) Business Logo Signs for Qualified Attractions

R.C. 4511.101

Allows a charitable organization operating a qualified attraction (natural wonders, and artistic, scenic, and historical attractions) to participate in the Department of Transportation's business logo program and place a logo on state directional signs within the rights-of-way of divided, multi-lane, limited access highways at no cost or for a nominal fee.

Fiscal effect: If a fee is charged, ODOT estimates the changes to the business logo program will allow it to collect between \$500,000 to \$1 million annually. All revenue will be deposited into the Highway Operating Fund (Fund 002). Previously all program costs were paid by the participating businesses and ODOT received no revenue from the program.

R.C. 4511.101

Same as the Executive.

As Introduced (Executive)

As Reported by House Finance and Appropriations

39 (CD-54-DOT) Commercial Cargo Plane License Tax

No provision.

R.C. 4561.18

Establishes an annual license tax of \$750 for commercial cargo aircraft (effective in 2007), rather than the current annual rate of \$15 per seat based on the manufacturer's maximum listed seating capacity, and allows a taxpayer who has already filed in 2007 to obtain a refund if the change in the tax structure results in a reduction of the aircraft license tax due in 2007.

Fiscal effect: The Department estimates this provision will result in a loss of approximately \$175,000 each fiscal year to the County Airport Assistance Fund (Fund 5W9).

40 (CD-35-DOT) Construction Planning and Contracting Policy

R.C. 5501.10

Requires ODOT to revise its policy for classifying and prioritizing new construction planning to require prioritization of projects that promotes economic development, encourages infrastructure and airport preservation and rehabilitation, expands public transportation capacity, reduces traffic congestion in urban areas, improves rail freight services, enhances safety, and reflects local community requests in land use decisions.

Fiscal effect: Currently, it is unknown how this change will affect the current process of project selection by the Transportation Review Advisory Council (TRAC). The Department may experience minimal administrative costs in the process. Tier I TRAC commitments over the biennium are \$669 million in FY

No provision.

As Introduced (Executive)

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2008 and \$579 million in FY 2009.

41 (CD-49-DOT) Department of Transportation Maintain Bridges on State Highway System in Municipal Corporations

No provision.

R.C. 5501.31, 5501.49, 5591.02

Makes the Department responsible for maintenance and repair of all bridges located on the state highway system within a municipal corporation, rather than the board of county commissioners as under current law.

Fiscal effect: ODOT may experience costs ranging from \$1.5 million to several million more depending if ODOT maintains a general routine maintenance schedule statewide. County engineers currently performing routine maintenance on bridges on state route in municipalities may experience savings up to \$50,000 annually for smaller counties and up to \$200,000 for larger counties. Municipalities that perform routine maintenance on bridges on state routes in their municipality may experience savings if they no longer handle simple routine maintenance responsibilities, such as snowplowing, pothole patching, and other emergency repairs.

As Introduced (Executive)

As Reported by House Finance and Appropriations

42 (CD-37-DOT) Advertising on Interstate Highways

R.C. 5516.01, 5516.02, 5516.06

Conforms Ohio law governing advertising devices along interstates and highways on the primary system with Federal Highway Administration provisions by updating definitions to reflect current procedures for determining highway status and by removing references to devices on the premises of a sports facility, which are not allowed under federal law. (Existing devices on sports facilities would become nonconforming devices.)

Fiscal effect: This provision is expected to have no fiscal impact on the department and aligns state law with federal law, but would ensure no reduction in federal revenue for non-compliance.

No provision.

43 (CD-58-DOT) Rules for Engine Brakes on Turnpike

No provision.

R.C. 5537.16

Allows the Turnpike Commission to adopt rules governing the use of special engine brakes on the Ohio Turnpike; violations of Commission rules are a minor misdemeanor on a first offense, and subsequent offenses are a fourth degree misdemeanor.

Fiscal effect: The Turnpike Commission may experience minimal administrative expenses to adopt rules. Any fines collected from violation of the rules would not be credited to the Turnpike, rather pursuant to R.C. section 5503.04 would be partially distributed to the GRF, Trauma and Emergency Medical Services Grant Fund (Fund 83P), and the appropriate treasury of a municipal corporation or county. Any gain in

As Introduced (Executive)

As Reported by House Finance and Appropriations

revenues to these funds are expected to be minimal.

44 (CD-51-DOT) Resolution of Noise, Water, and Other Problems Caused by the Ohio Turnpike System

No provision.

R.C. 5537.31, and 5537.32; Section 203.40

Requires the Ohio Turnpike Commission to investigate and remedy noise, standing water, water run-off, and other problems caused by the turnpike that are experienced by land owners whose property is contiguous to the turnpike. Creates the Community Resolution Fund, and provides that money in the fund be used by the Commission for payment of the costs it incurs to resolve the land owners' problems. Requires the Director of Budget and Management to transfer \$250,000 in each fiscal year from the Highway Operating Fund (Fund 002) to the newly created Community Resolution Fund within the Ohio Turnpike Commission.

Fiscal effect: If the costs to remedy the problems exceed the amount of funds transferred to the Community Resolution Fund, the Turnpike may have to use some of its own operating revenues, or defer certain projects.

As Introduced (Executive)

As Reported by House Finance and Appropriations

45 (CD-57-DOT) Maximum Length for Vehicles Being Operating on Public Highways

No provision.

R.C. 5577.05

Establishes 97 feet as the maximum allowable length permitted for a type of vehicle known as a "saddlemount" (defined as "any combination of vehicles in which a straight truck or commercial tractor tows one or more straight trucks or commercial tractors, each connected by a saddle to the frame or fifth wheel of the straight truck or commercial tractor in front of it") when operated on any interstate, United States route, or state route, including reasonable access travel on all other roadways for a distance not to exceed one road mile from any such interstate or route.

Fiscal effect: None.

46 (CD-34-DOT) Use of Motor Fuel Tax Revenues to Pay GARVEE Bonds

R.C. 5735.05

Permits fuel tax revenues to be used to pay the interest, principal, and charges on major new GARVEE bonds issued by the Treasurer of State on behalf of ODOT for highway construction projects approved by the United States Department of Transportation as federal-aid debt-financed projects.

Fiscal effect: In the past GARVEE debt service payments have been paid with 100% federal dollars out of ODOT's federal debt service fund (Fund 214). However, beginning in FY 2008 the debt service payments on GARVEE debt issuances from FY 2007 and beyond will be split 80% federal, 20% state. These new debt service payments will be paid out of the

R.C. 5735.05

Same as the Executive.

As Introduced (Executive)

As Reported by House Finance and Appropriations

Highway Operating Fund (Fund 002) instead of only federal funds as under current law.

47 (CD-60-DOT) Earmark of Receipts from Commercial Activity Tax (CAT)

No provision.

R.C. 5751.032, 5751.20 and Section 203.53 and 557.11

Requires the Tax Commissioner each month to certify to the Director of Budget and Management the amount of revenue, if any, from the CAT that arises from the sale of motor fuel. Such amounts are then to be transferred to the newly-established Economic Development and Highway Construction Fund.

Fiscal effect: Gross receipts from sales of motor fuel are currently exempt from the CAT, but the exemption will expire on June 30, 2007 unless the General Assembly acts to extend the exemption. Revenues from the CAT on gross receipts from sales of motor fuel are estimated to be approximately \$190.6 million for the biennium. Actual receipts will depend on gasoline prices; higher prices would increase this amount, while lower prices would reduce it. Revenue from this provision will be credited to the new Economic Development and Highway Construction Fund. Without this provision revenue from the CAT is credited to the CAT Receipts Fund in the State Treasury for distribution to the GRF, the School District Tangible Property Tax Replacement Fund (SDRF), and the Local Government Tangible Property Tax Replacement Fund (LGRF). The SDRF and LGRF were created by Am. Sub. H.B. 66 of the 126th General Assembly and distributions to the two funds were to replace moneys lost due to the elimination of the tax

As Introduced (Executive)

As Reported by House Finance and Appropriations

on most tangible personal property. For the biennium, receipts from the CAT are allocated only to the SDRF and LGRF, so the provision reduces revenue to these funds by the estimated amount. Current law requires a transfer from the GRF to the two funds if revenue to those funds from CAT receipts falls below \$931.6 million in FY 2008 and below \$1.275 billion in FY 2009.

48 (CD-21-DOT) Issuance of Bonds

Section: 203.20

Authorizes the issuance of \$290 million in state highway bonds for highway purposes. Bond proceeds will be credited to the Highway Capital Improvement Fund (Fund 042).

Fiscal effect: The debt service on the bonds is paid with state motor fuel tax revenues. Bonds are typically issued after appropriate state and federal motor fuel tax revenues are used for project funding and additional cash is needed.

Section: 203.20

Same as the Executive.

49 (CD-22-DOT) Maintenance of Interstate Highways

Section: 203.30

Authorizes ODOT to provide maintenance on interstate highway located within the boundaries of municipal corporations, and to reimburse municipalities for their costs in providing such maintenance if ODOT has an agreement with a municipal corporation.

Fiscal effect: Reimbursement from ODOT will offset part or all of the costs incurred by a municipality.

Section: 203.30

Same as the Executive.

As Introduced (Executive)

As Reported by House Finance and Appropriations

50 (CD-23-DOT) Transfer of Highway Operating Fund Appropriations

Section: 203.40

Allows the Director of Budget and Management to approve requests for transfer of Highway Operating Fund appropriations for highway planning and research, highway construction, highway maintenance, rail, aviation, and administration. Requires such transfers to be reported to the Controlling Board.

Fiscal effect: This provision will give the Department cash management flexibility to provide the necessary funds for emergency situations and unforeseen conditions over the biennium.

Section: 203.40

Same as the Executive.

51 (CD-24-DOT) Transfer of Appropriations - Federal Highway and Federal Transit

Section: 203.40

Allows the Director of Budget and Management to approve requests for the transfer of appropriations between line items 772-422, Highway Construction-Federal, and 775-452, Public Transportation-Federal, so long as the transit project meets federal funding guidelines. Requires that such transfers be reported to the Controlling Board.

Fiscal effect: This will give the Department cash management flexibility to meet federal funding guidelines for transit capital projects.

Section: 203.40

Same as the Executive.

As Introduced (Executive)

As Reported by House Finance and Appropriations

52 (CD-25-DOT) Transfer of Appropriations - State Infrastructure Bank

Section: 203.40

Allows the Director of Budget and Management to transfer appropriations and cash of the Department's State Infrastructure Bank (SIB) funds, including transfers between fiscal years 2008 and 2009. Also allows the Director of Budget and Management to transfer appropriations between the Highway Operating Fund (Fund 002) to State Infrastructure Bank funds. Transfers from the SIB funds to the Highway Operating Fund can only be up to the amounts originally transferred to the SIB funds. The Director may not make transfers between modes and different funding sources.

Fiscal effect: This provision will give the Department cash management flexibility to transfer these funds where needed.

Section: 203.40

Same as the Executive.

53 (CD-26-DOT) Increase Appropriation Authority - State Funds

Section: 203.40

Allows the Controlling Board to increase appropriation authority in line items in the Highway Operating Fund in the event receipts or unexpected balances are credited to the Highway Operating Fund over the biennium.

Fiscal effect: This provision will allow the Department to use additional moneys that are credited to the Highway Operating Fund (Fund 002) over the biennium, such as additional motor fuel tax revenues.

Section: 203.40

Same as the Executive.

As Introduced (Executive)

As Reported by House Finance and Appropriations

54 (CD-27-DOT) Increase Appropriation Authority - Federal and Local Funds

Section: 203.40

Allows the Controlling Board to increase appropriation authority for line items in the Highway Operating Fund

Fiscal effect: This will allow the Department to use receipts or unexpected balances, apportionments, or allocations made available from the federal government and local governments that exceed appropriation authority. Such a case may be when allocations from the federal highway trust fund are greater than expected or local participation amounts are more than budgeted.

Section: 203.40

Same as the Executive.

55 (CD-28-DOT) Reappropriations

Section: 203.40

Requires that all appropriations of the Highway Operating Fund (Fund 002), the Highway Capital Improvement Fund (Fund 042), and the Infrastructure Bank funds remaining unencumbered at the end of FY 2007 and FY 2008 (as well as prior years' unencumbered appropriations), be reappropriated in FY 2008 and FY 2009, respectively. Requires these amounts to be reported to the Controlling Board.

Fiscal effect: This will allow the Department to continue to use unencumbered funds from prior fiscal years for various highway projects.

Section: 203.40

Same as the Executive.

As Introduced (Executive)

As Reported by House Finance and Appropriations

56 (CD-29-DOT) Public Access Roads for State Facilities

Section: 203.50

Earmarks \$5,000,000 in each fiscal year from appropriation item 772-421, Highway Construction-State, for construction, reconstruction, or maintenance of public access roads to and within state facilities owned or operated by the Department of Natural Resources. Also, earmarks \$2,228,000 for related roadwork in metropolitan parks. Allows the Department to use the appropriations to perform related roadwork on behalf of the Ohio Expositions Commission.

Fiscal effect: None.

Section: 203.50

Same as the Executive.

57 (CD-31-DOT) Liquidation of Unforeseen Liabilities

Section: 203.50

Allows for any Highway Operating Fund appropriation, unless restricted by law, to be able to liquidate unforeseen liabilities arising from contractual agreements of prior years when the prior year encumbrance is insufficient.

Fiscal effect: Unknown, potential cash reductions in the Highway Operating Fund (Fund 002) if such unforeseen liabilities arise.

Section: 203.50

Same as the Executive.

As Introduced (Executive)

As Reported by House Finance and Appropriations

58 (CD-30-DOT) Rental Payments - OBA

Section: 203.50

Requires appropriation item 770-003, Administration-State Debt Service to be used to pay rent to the Ohio Building Authority for various building used by the Department. Requires rental payments be made from revenues from the state motor fuel tax. Provides the Director with the responsibility of overseeing the capital construction of the Department's buildings. Allows for current and prior year appropriations that exceed rental payments to be transferred to appropriation items for state construction, maintenance, and administration.

Fiscal effect: If appropriations exceed rental payments there may be additional appropriation amounts available in appropriation item 772-421, Highway Construction-State; 773-431, Highway Maintenance-State; or 779-491, Administration-State.

Section: 203.60

Same as the Executive.

59 (CD-32-DOT) Public Transportation Highway Purpose Grants

Section: 203.70

Allows the Director to use state motor fuel tax revenues to match federal grants to support local or state funded public transportation highway projects. Projects may include the construction and repair of high-occupancy vehicle traffic lanes; the acquisition and construction of park and ride facilities and transit loops; and repair of bridges used by public transportation vehicles. Motor fuel tax revenues may not be used for operating assistance or for the purchase of vehicles, equipment, or maintenance facilities

Fiscal effect: This provision expands the use of motor

Section: 203.70

Same as the Executive.

As Introduced (Executive)

As Reported by House Finance and Appropriations

fuel tax revenues for public transportation highway projects. It is unknown how many such projects would be funded this way.

60 (CD-33-DOT) Monthly Transfers to the Gasoline Excise Tax Fund

Section: 203.70

Requires the Director of Budget and Management to transfer cash in equal monthly increments totaling \$188,169,480 in each fiscal year of the biennium from the Highway Operating Fund to municipal corporations, counties, and townships per a specific formula in R.C. 5735.27.

Fiscal effect: This provision is a transfer of motor fuel tax revenues to local governments that were previously allocated to the State Highway Patrol. Since the enactment of Sub. H.B. 87 of the 125th General Assembly, the Patrol has incrementally been phased off the gas tax and transfers made to local governments. This provision will effectuate the full transfer of the Patrol's previous allocation. Local governments will continue to receive these gas tax allocations for their road and bridge programs.

Section: 203.70

Same as the Executive.

As Introduced (Executive)

As Reported by House Finance and Appropriations

61 (CD-59-DOT) Transportation Improvement District Joint Projects

No provision.

Section: 555.10

Authorizes transportation improvement districts and at least two other governmental agencies to agree to jointly finance a street, highway, interchange, or other transportation project on or before December 31, 2007. Authorizes the parties to the agreement to issue securities to finance their respective shares of the project cost and authorizes the district to purchase such securities.

Fiscal effect: Potential construction cost savings to transportation improvement districts and certain governmental agencies for jointly financing transportation projects.

62 (CD-46-DOT) Agreements by ODOT and Federal Agencies Concerning Review of Environmentally Related Documents

Authorizes ODOT to enter into a federal pilot program with five states, including Oklahoma, Texas, Alaska, California, and Ohio, to assume the responsibilities of the Secretary of Transportation for implementation of the National Environmental Policy Act (NEPA) (42 U.S.C. 4321-4347) for one or more highway projects. Corresponds to provisions of Section 6005 of the most recent federal surface transportation authorizing legislation – the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, or SAFETEA-LU (Pub. L. 109-59, 119 Stat. 1144).

Fiscal effect: The Ohio Department of Transportation reports that all responsibilities to implement the pilot program will be done with current staff and within

Section: 555.15

Permits the Director of Transportation to enter into agreements with an agency of the United State government for the purpose of dedicating staff to the review of environmentally related documents submitted by ODOT that are necessary for the approval of federal permits, and requires the Director to submit a request to the Controlling Board indicating the amount of the agreement, the services to be performed by the federal agency, and the circumstances giving rise to the agreement.

Fiscal effect: Same as the Executive, but also allows ODOT to maintain personnel funding agreements with federal agencies to assist in environmental reviews

As Introduced (Executive)

As Reported by House Finance and Appropriations

ODOT's current budget. No additional resources will be needed at this time. The Department may experience additional arbitration and/or litigation costs if a case is brought forth regarding the implementation of the NEPA. The potential costs are uncertain. It is possible, however, such costs could be absorbed within ODOT's existing budget. Any costs would likely be drawn from the Highway Operating Fund (Fund 002).

and limit project delays.

63 (CD-47-DOT) Sinclair College Englewood Learning Center and Huber Learning Center

No provision.

Section: 555.20

Requires ODOT to erect signs on Interstate Highway 70 indicating the exit for the Sinclair College Englewood Learning Center and the exit for Sinclair College Huber Learning Center.

Fiscal effect: Costs for signage are expected to be minimal.