



# COMPARISON DOCUMENT

## *Substitute House Bill 2* *128th General Assembly*

### *Transportation Budget Bill*

**As Introduced**

**As Passed by the House**

**As Reported by Senate Highways & Transportation**

**Legislative Service Commission**

**March 18, 2007**

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

1 DAS - 47 Annual Report - Agency MBE and EDGE Initiatives

R.C. 123.153

R.C. 123.153

No provision.

Requires the Director of DAS to annually report to the Governor and to the members of the General Assembly the progress made by state agencies in advancing the Minority Business Enterprise (MBE) and the Encouraging Diversity, Growth, and Equity (EDGE) Programs.

Same as the House.

**Fiscal effect: Negligible administrative cost to produce report, as DAS already tracks this information.**

**Fiscal effect: Same as the House.**

2 DAS - 48 Competitive Selection for Motor Vehicle Emissions Inspection Contract

Sections: 756.40, 901.10, 901.11

No provision.

No provision.

Establishes criteria that must be part of the competitive selection process that is or has been initiated for a contract to operate a motor vehicle emissions inspection program by requiring that:

(1) No provision.

(1) No provision.

(1) the selected vendor notify owners of vehicles that are required to be inspected under the program;

(2) No provision.

(2) No provision.

(2) the vendor spend no more than \$500,000 over the term of the contract for public education regarding the location of inspection sites;

(3) No provision.

(3) No provision.

(3) the selected vendor purchase facilities previously used for inspections via arm's-length transactions if the selected vendor intends to use these sites for testing;

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As Passed by the House

As Reported by Senate Highways and Transportation

(4) No provision.

(4) No provision.

(4) the inspection program use established businesses such as motor vehicle repair shops to expand the number of inspection sites for consumer convenience and increased local business participation.

No provision.

No provision.

Declares an emergency for the purposes of these provisions.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

3 AGE - 30 Appropriations - Federal Stimulus

Section: 303.10

Section: 303.10

No provision.

Requires the federal payments for the nutrition program under the American Recovery and Reinvestment Act of 2009 (ARRA) to be credited to the Federal Supportive Services Fund (Fund 3M40).

Same as the House.

No provision.

Requires the federal payments for the senior community service employment program under ARRA to be credited to the Federal Aging Grants Fund (Fund 3220).

Same as the House.

No provision.

Specifies that related appropriation items 490618, Federal Aging Grants, and 490612, Federal Supportive Services, be used in accordance with the requirements of ARRA.

Same as the House.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

4      AGO - 12      Appropriations - Federal Stimulus

**Section: 305.10**

**Section: 305.10**

No provision.

Requires the federal payments for the crime victims assistance grants program under ARRA to be credited to the Crime Victims Assistance Fund (Fund 3830).

Same as the House.

No provision.

Requires the federal payments for the crime victims compensation under ARRA to be credited to the Reparations Fund (Fund 4020).

Same as the House.

No provision.

Specifies that related appropriation items 055634, Crime Victims Assistance, and 055616, Victims of Crime, be used in accordance with the requirements of ARRA.

Same as the House.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

5 COM - 20 Energy Codes

R.C. 3781.10, Section 737.10

R.C. 3781.01, 3781.10, 3781.12, 3781.19, 4740.14, and Section 747.10

(1) No provision.

(1) Requires the Ohio Board of Building Standards (BBS) to adopt rules to implement, as part of its residential building code, the most recently published code developed by the International Energy Conservation Code (IECC) or a code that that BBS determines achieves equivalent or greater energy savings.

(1) Same as the House, but in the case of the option to adopt a code different than the most recent IECC, requires the Residential Construction Advisory Committee (RCAC) to determine that such a code achieves only an equivalent energy savings and prohibits a residential energy code from being adopted by BBS until RCAC has examined the code.

(2) No provision.

(2) Requires BBS to adopt rules to implement, as part of its commercial building code, a code that meets the certain standards, or a code that achieves equivalent or greater energy savings.

(2) Same as the House.

(3) No provision.

(3) Directs BBS to develop a plan to work to achieve compliance with these building energy codes within eight years of the bill's effective date in at least 90% of new and renovated residential and commercial building space.

(3) No provision.

(4) No provision.

(4) No provision.

(4) Specifies that the residential building code adopted by BBS is the only code for one-, two, and three-family dwellings and must include sanitation and plumbing standards.

(5) No provision.

(5) No provision.

(5) Requires RCAC to provide BBS with any rule RCAC recommends to update or amend the state residential building code or to update or amend rules that BBS adopts that relate to the certification of entities that enforce the state residential building code. Similarly, requires RCAC to provide BBS with any rule received by RCAC through a person recommending a rule through a petition to RCAC.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

(6) No provision.

(6) No provision.

(6) Requires RCAC to provide BBS with a written report of RCAC's findings for each consideration RCAC makes in regard to its recommendations relating to the state residential building code, the certification of building officials who enforce the state residential building code, and the interpretation of the state residential building code.

(7) No provision.

(7) No provision.

(7) Prohibits BBS from adopting any rules to update or amend the state residential building code or rules relating to the certification of entities that enforce the state residential building code unless BBS first receives a recommendation from RCAC.

(8) No provision.

(8) No provision.

(8) Permits, instead of requires as provided in current law, RCAC to model the residential building code RCAC recommends to BBS on a residential building code that a national model code organization issues.

(9) No provision.

(9) No provision.

(9) Specifies that a portion of the certification and renewal fees collected from building department personnel must be used to fund the implementation of the state residential building code and the operations of the RCAC.

(10) No provision.

(10) No provision.

(10) Removes the requirement that RCAC members receive a per diem for each day in attendance at an official meeting of RCAC. RCAC members will continue to receive reimbursement for actual and necessary expenses.

(11) No provision.

(11) No provision.

(11) Fixes an expiration date for the terms of RCAC members serving on the effective date of the amendment of 180 days after the amendment's effective date and requires new appointments to be made to RCAC upon that expiration. Staggers the terms of RCAC members.

**Fiscal effect: Minimal.**

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

6 COM - 19 Appropriations - Federal Stimulus

No provision.

Section: 307.10

Requires the federal payments for the Leaking Underground Storage Tank Trust Fund under ARRA to be credited to the Leaking Underground Storage Tank Fund (Fund 3480).

Section: 307.10

Same as the House.

No provision.

Specifies that related appropriation item 800624, Leaking Underground Storage Tank, be used in accordance with the requirements of ARRA.

Same as the House.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

7      DEV - 53      City of Dayton and Montgomery County as an Ohio Hub of Innovation

No provision.

R.C.      5.24

Designates the City of Dayton and Montgomery County as an Ohio hub of innovation and opportunity for aerospace and aviation.

R.C.      5.24

Same as the House.

8      DEV - 1      Roadwork Development Fund

Section:    207.10

Requires the Department of Development to use the Roadwork Development Fund (Fund 4W00) for roadwork improvements in support of economic development opportunities that create or retain jobs. Requires DOT to provide funds for this line item in accordance with guidelines for the Department of Development's Business Development grant program and constitutional and statutory requirements for the disbursement of motor fuel tax revenue. Permits the Department of Transportation to enter into contracts on behalf of the Department of Development if necessary for projects under the Roadwork Development Fund, and requires the Director of OBM to set a schedule to transfer cash from the Highway Operating Fund (Fund 7002) to the Roadwork Development Fund (Fund 4W00).

Section:    207.10

Same as the Executive.

Section:    207.10

Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

9      DEV - 54      Transportation Improvement Districts

No provision.

**Section: 207.10**

Earmarks \$250,000 in each fiscal year from SSR Fund 4W00 appropriation item 195629, Roadwork Development, for each Transportation Improvement District in Belmont, Butler, Clermont, Hamilton, Lorain, Medina, Montgomery, Muskingum, and Stark counties and the Rossford Transportation Improvement District in Wood County.

**Section: 207.10**

Same as the House.

10      DEV - 50      Appropriations - Federal Stimulus

No provision.

**Sections: 309.10, R.C. 122.077**

Requires the federal payments for the Weatherization Assistance Program and State Energy Grant Program under ARRA to be credited to the Federal Special Revenue Fund (Fund 3080).

**Sections: 309.10, R.C. 122.077**

Same as the House.

No provision.

Requires the federal payments for the Community Block Grant Program under ARRA to be credited to the Community Development Block Grant Fund (Fund 3K80).

Same as the House.

No provision.

Requires the federal payments for the community services block grants under ARRA to be credited to the Community Services Block Grant Fund (Fund 3L00).

Same as the House.

No provision.

Requires the federal payments for Home Investment Partnerships Program under ARRA to be credited to the HOME Program Fund (Fund 3V10).

Same as the House.

No provision.

Requires the Director of Development to create an Energy Star rebate program for household devices having the Energy Star label. Creates the Energy Star Rebate Program

Same as the House, but requires the Director to adopt rules for the program under Chapter 119. of the Revised Code and requires the rules to specify that grant availability is

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

No provision.	Fund (Fund 3DA0) in the state treasury and requires the federal payments for the Energy Star Rebate Program under ARRA to be credited to the fund.	limited to federal funds allocated for the program.
No provision.	Creates the Energy Efficiency and Conservation Block Grants Fund (Fund 3DB0) in the state treasury and requires the federal payments for the Energy Efficiency and Conservation Block Grants Program under ARRA to be credited to the fund.	Same as the House.
No provision.	Specifies that related appropriation items 195603, Housing and Urban Development, 195605, Federal Projects, 195618, Energy Federal Grants, 195613, Community Development Block Grant, 195612, Community Services Block Grant, 195601, HOME Program, 195632, Federal Stimulus - Energy Star Rebate Program, and 195642, Federal Stimulus - Energy Efficiency and Conservation Block Grants, be used in accordance with the requirements of ARRA.	Same as the House.

Executive

As Passed by the House

As Reported by Senate Highways  
and Transportation

11      EDU - 146      Appropriations - Federal Stimulus

**Section: 311.10**

**Section: 311.10**

No provision.

Requires the federal payments for the McKinney-Vento Homeless Assistance Act under ARRA to be credited to the Consolidated Federal Grant Administration Fund (Fund 3Z30).

Same as the House.

No provision.

Creates the Federal Stimulus School Lunch Fund (Fund 3DC0) in the state treasury and requires the federal payments for the national school lunch program under ARRA to be credited to the fund.

Same as the House.

No provision.

Creates the Federal Stimulus Head Start Fund (Fund 3DD0) in the state treasury and requires the federal payments for Head Start under ARRA to be credited to the fund.

Same as the House.

No provision.

Specifies that related appropriation items 200645, Consolidated Federal Grant Administration, 200625, Federal Stimulus - School Lunch, and 200629, Federal Stimulus - Head Start, be used in accordance with the requirements of ARRA.

Same as the House.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

12 EPA - 14 Appropriations - Federal Stimulus

**Sections: 313.10, 521.10, 521.20**

**Sections: 313.10, 521.10, 521.20**

No provision.

Requires the federal payments for clean air under ARRA to be credited to the Clean Air Fund (Fund 4K20). Specifies that related appropriation item 715648, Clean Air Non-Title V, be used in accordance with the requirements of ARRA.

Same as the House.

No provision.

Specifies that the federal payments for the Clean Water State Revolving Fund under ARRA be credited to the Water Pollution Control Loan Fund. Requires these funds to be used in accordance with the requirements of ARRA. Allows the Director of EPA, for purposes of obtaining these funds, to impose alternative public comment procedures for the draft intended use plan, including alternative time frames for public notice and comment and the frequency of public meetings.

Same as the House.

No provision.

Specifies that the federal payments for the Drinking Water State Revolving Fund under ARRA be credited to the Drinking Water Assistance Fund. Requires these funds to be used in accordance with the requirements of ARRA. Allows the Director of EPA, for purposes of obtaining these funds, to impose alternative public comment procedures for the draft intended use plan, including alternative time frames for public notice and comment and the frequency of public meetings.

Same as the House.

**Fiscal effect: Allowing the Director to modify current public comment procedures may allow for quicker distribution of ARRA moneys deposited in the state's Water Pollution Control Loan Fund and the Drinking Water Assistance Fund.**

**Fiscal effect: Same as the House.**

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

13 ETC - 9 Appropriations - Federal Stimulus

**Section: 315.10**

**Sections: 315.10, Section 315.11**

No provision.

Requires the federal payments for the education technology program under ARRA to be credited to the Technology Literacy Challenge Fund (Fund 3S30).

Same as the House.

No provision.

Requires related appropriation item 935606, Enhancing Educational Technology, be used in accordance with the requirements of ARRA that apply to the money appropriated.

Same as the House, but requires that the appropriation be used to make grants under the 21st Century Learning Environments Technology Grant Program.

No provision.

No provision.

Requires eTech Ohio to develop and implement the 21st Century Learning Environments Technology Grant Program to award, in consultation with the Department of Education (ODE), competitive grants to school districts for the purchase or lease of technology hardware, software, training, and support packages (education solution packages).

No provision.

No provision.

Requires that 25% of any grant award be used for professional development that focuses on utilizing digital environments to enable new teaching methods, including at least one component of training in the classroom.

No provision.

No provision.

Requires eTech to limit the number of grants so that each recipient receives a sufficient amount to create large-scale learning environment changes and to award grants in a manner that ensures geographic, economic, and school district size diversity among grant recipients.

No provision.

No provision.

Requires eTech and ODE to develop specifications for education solution packages that may be purchased or leased by school districts with grant awards and to assist schools that do not receive grant awards in applying the

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As Passed by the House

As Reported by Senate Highways  
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No provision.

No provision.

specifications to purchase or lease packages using other federal, state, or local funds.

Specifies the goals of the 21st Century Learning Environments Technology Grant Program.

Executive

As Passed by the House

As Reported by Senate Highways  
and Transportation

14      DOH - 31      Appropriations - Federal Stimulus

**Section: 317.10**

**Section: 317.10**

No provision.

Requires the federal payments for the IDEA - Infants and Children Program under ARRA to be credited to the Maternal Child Health Block Grant Fund (Fund 3200).

Same as the House.

No provision.

Requires the federal payments for the Immunization Program under ARRA to be credited to the Preventive Health Block Grant Fund (Fund 3870).

Same as the House.

No provision.

Requires the federal payments for the Special Supplemental Nutrition Program under ARRA to be credited to the Women, Infants, and Children Fund (Fund 3890).

Same as the House.

No provision.

Specifies that related appropriation items 440601, Maternal Child Health Block Grant, 44602, Preventative Health Block Grant, and 440604, Women, Infants, and Children, be used in accordance with the requirements of ARRA

Same as the House.

## Executive

## As Passed by the House

As Reported by Senate Highways  
and Transportation

15	IGO - 1	Deputy Inspector General for ARRA Funds	R.C. 121.53, Section 512.41	R.C. 121.53, Sections 301.10, 317.20, 327.10, 512.41, and 812.30
No provision.		Creates the position of Deputy Inspector General for Funds Received through ARRA to conduct investigations of the use of federal economic stimulus money by the Department of Transportation.	Same as the House, but requires the Deputy Inspector General to monitor relevant state agencies' distribution of federal stimulus funds and removes a requirement that the Inspector General coordinate and monitor the work of that Deputy Inspector General and the Deputy Inspector General for ODOT.	
No provision.		Creates the Deputy Inspector General for Funds Received Through the American Recovery and Reinvestment Act of 2009 Fund (Fund 5GI0) to pay for costs incurred by the new Deputy Inspector General position, and charges the Inspector General with coordinating the work of the new Deputy Inspector General with that of the existing Deputy Inspector General for the Department of Transportation.	Same as the House.	
No provision.		Requires the Director of Budget and Management to make semiannual transfers of \$200,000 in cash on July 1 and January 1 each year from the GRF to Fund 5GI0, and requires these amounts to be appropriated in the main operating budget.	Same as the House, but changes the schedule of transfers funding the Deputy Inspector General's operations to cash transfers of \$150,000 each on the effective date of the section providing for the transfers and July 1, 2009 and cash transfers of \$300,000 each on January 1, 2010, July 1, 2010, and January 1, 2011. Eliminates the requirement that the amounts transferred be appropriated in the main operating appropriations act of the 128th General Assembly.	
No provision.		Sunsets the position and the fund on September 30, 2013.	Same as the House.	
No provision.		No provision.	Specifies that GSF Fund 5GI0 appropriation item 965605, Deputy Inspector General for ARRA, be used to pay the	

Executive	As Passed by the House	As Reported by Senate Highways and Transportation
No provision.	No provision.	<p>Deputy Inspector General's operating expenses.</p> <p>Establishes FY 2010 and FY 2011 appropriations of \$450,000 and \$600,000, respectively, for the same item and reappropriates any unencumbered and unexpended appropriations remaining at the end of FY 2010 for use in FY 2011.</p>
No provision.	No provision.	<p>Provides for the immediate effective date of the sections of law regarding the Deputy Inspector General's operations.</p> <p><b>Fiscal effect: The bill appropriates \$150,000 in FY 2009 to line item 965605, Deputy Inspector General for ARRA.</b></p>

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

16      INS - 21      Continuation of Health Insurance Coverage after Termination of Employment

No provision.

No provision.

R.C.      1751.53, 3923.38

Eliminates the requirement that an individual be eligible for unemployment compensation in order to be eligible for continued coverage under the individual's employer-sponsored health insurance plan after termination of employment and requires only that the individual did not voluntarily terminate his or her employment and that it was not terminated as a result of any gross misconduct on the part of the individual. Lengthens the time that the individual would be eligible for continued coverage from six months to twelve months.

Requires an employee to notify the health insuring corporation or insurer if the employee elects continuation of coverage, and allows the insurer to require the employer to provide documentation if the employee is seeking premium assistance for the continuation of coverage under the American Recovery and Investment Act of 2009. Requires the Director of Insurance to publish guidance for employers and insurers regarding the contents of such documentation.

Declares an emergency that applies only to the above changes and repeals them effective January 1, 2010.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

**Fiscal effect: May increase the Department of Insurance's administrative costs related to the requirement to publish guidance regarding the contents of such documentation. If there is any such increase, it would likely be minimal and would be paid out of the Department of Insurance Operating Fund (Fund 5540).**

**The provision related to continuation of health insurance coverage has no fiscal effect on state and local governments as it does not apply to employees of state and local governments. It applies only to employees of small employers (i.e., those that employ fewer than 20 employees) who are not covered under the federal Consolidated Omnibus Budget Reconciliation Act (COBRA).**

17      INS - 19      Reimbursement Insurance Policies for Specified Types of Contracts

No provision.

R.C.      3905.425, 3905.423

Requires motor vehicle tire or wheel road hazard contracts to be covered by reimbursement insurance policies. Such contracts are contracts to pay for repairs or replacement of tires or wheels damaged because of a road hazard. (This provision essentially requires such contracts to be backed by a policy issued by an insurance company licensed to do business in Ohio by the Department of Insurance.) The provision includes other requirements governing the marketing of such contracts, and requirements governing the insurance policies.

R.C.      3905.426, 3905.423, 3905.425

Same as the House, but exempts contracts that are issued by tire manufacturers from the requirement.  
  
Adds a requirement that motor vehicle ancillary product protection contracts be covered by reimbursement insurance policies and specifies requirements for the policies.

Executive

As Passed by the House

As Reported by Senate Highways  
and Transportation

**Fiscal effect: No direct fiscal effect to local governments. It may increase the Department of Insurance's administrative costs related to regulation of reimbursement insurance policies; if there is any such increase, it would likely be minimal and would be paid out of the Department of Insurance Operating Fund (Fund 5540).**

**Fiscal effect: May increase both the Department's administrative costs paid from Fund 5540 and GRF revenue from the insurance taxes. The increases may be either more or less than the House Passed version, but the total increases are still likely to be minimal.**

**The requirement to carry insurance could increase GRF revenue from the domestic and foreign insurance taxes. Any such increase is likely to be minimal.**

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

18 JFS - 58 Appropriations - Federal Stimulus

**Section: 319.10**

**Section: 319.10**

No provision.

Requires the federal payments for the Supplemental Nutrition Assistance Program under ARRA to be credited to the Food Stamps and State Administration Fund (Fund 3840).

Same as the House.

No provision.

Requires the federal payments for the Commodity Assistance Program under ARRA to be credited to the Emergency Food Distribution Fund (Fund 3A20).

Same as the House.

No provision.

Requires the federal payments for the Foster/Care/Adoption Program under ARRA to be credited to the IV-E Foster Care Maintenance/Pass Through Fund (Fund 3N00).

Same as the House.

No provision.

Requires the federal payments for the Unemployment Insurance Program under ARRA to be credited to the Unemployment Compensation Review Commission Fund (Fund 3V40).

Same as the House.

No provision.

Requires the federal payments for the Medicaid Disproportionate Share Hospitals under ARRA to be credited to the Medicaid Program Support Fund (Fund 5C90).

Same as the House.

No provision.

Specifies that related appropriation items 600610, Food Assistance and State Administration, 600641, Emergency Food Distribution, 600628, IV-E Foster Care Maintenance, 600671, Medicaid Program Support, and 600678, Federal Unemployment Programs, be used in accordance with the requirements of ARRA.

Same as the House.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

19 LSC - 1 Commission on Local Government Reform and Collaboration

No provision.

**Section: 610.30**

Permits a portion of GRF appropriation item 035321, Operating Expenses, in FY 2009 to be used for the Commission on Local Government Reform and Collaboration. Reappropriates any portion of the above appropriation remaining at the end of FY 2009 to be used for the same purpose in FY 2010.

**Fiscal effect: Approximately \$160,000 will be available for the Commission.**

**Section: 610.30**

Same as the House.

**Fiscal effect: Same as the House.**

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

20 DNR - 25 All-Purpose Vehicle Advisory Board

No provision.

R.C. 1519.20

Permits the Director of Natural Resources to create an All-Purpose Vehicle Advisory Board to provide advice and receive input for off-road vehicle trails.

No provision.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

21      DPS - 20      Ohio Pet Fund

No provision.

R.C.      *955.201, 955.202, and 4501.21*

Permits the organization Ohio Pet Fund to use the money it receives from persons who make contributions when they obtain "Pets" license plates to pay the expenses it incurs in obtaining and maintaining its tax-exempt status and performing its duties, and eliminates the Pets Program Funding Board and replaces references to "Pets Program Funding Board" with "Ohio Pet Fund."

**Fiscal effect: None.**

R.C.      *955.201, 955.202, and 4501.21*

Same as the House.

22      DPS - 34      Title Defect Recision Fund and Automated Title Processing Fund Fees

No provision.

No provision.

R.C.      *1345.52, and 4505.09*

Requires that \$0.50 of the \$5 fee paid for each certificate of title issued to a motor vehicle dealer for resale purposes be paid into the Title Defect Recision Fund (Fund 4Y70) and correspondingly reduces the amount of each \$5 fee going to the Automated Title Processing Fund (Fund 8490) from \$2 to \$1.50.

**Fiscal effect: Department staff estimate the revenue loss to Fund 8490 and the resulting revenue gain to Fund 4Y70 at \$700,000 annually.**

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

23      DPS - 33      OVI Blood Withdrawals by Emergency Medical Technicians

R.C.      *1547.11, 4506.17, 4511.19, 4765.37, 4765.38, and 4765.39*

No provision.

No provision.

Provides that an emergency medical technician may withdraw blood for purposes of the OVI law, and extends criminal and civil liability immunity to an emergency medical technician or emergency medical service organization that employs an emergency medical technician who withdraws blood for purposes of the OVI law.

**Fiscal effect: None.**

24      DPS - 22      Clerk of Court Titling Fees

R.C.      *1548.10, 4505.032, 4505.09, and 4519.59; Section 812.10*

R.C.      *1548.10, 4505.032, 4505.09, and 4519.59; Section 812.10*

No provision.

(1) Increases the following fees charged by the Clerk of the Court of Common Pleas for services related to certificates of title from \$5 to \$15: (1) issuance of a watercraft certificate of title (other than to a licensed watercraft dealer for resale purposes, which remains \$5), (2) motor vehicle title assignment (other than an assignment to a dealer for resale, which remains \$5), (3) issuance of a motor vehicle certificate of title (other than to a licensed motor vehicle dealer for resale purposes, which remains \$5), (4) issuance of off-highway motorcycle or all-purpose vehicle certificate of title (other than to a licensed motor vehicle dealer for resale purposes, which remains \$5), and (5) duplicate copy of a watercraft, motor vehicle, off-highway motorcycle, or all-purpose vehicle certificate of title.

(1) Same as the House.

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As Passed by the House

As Reported by Senate Highways and Transportation

No provision.

(2) Delays until one year after the subject-to-the-referendum effective date of the bill the increases in fees (generally from \$5 to \$15) charged by the Clerk of Court of the Court of Common Pleas for services related to certificates of title.

(2) No provision.

**Fiscal effect: Based on the number of FY 2007 title transactions - 2,577,044 - the titling fee increases will generate up to \$25.8 million or more additional revenue annually, depending upon the number of title transactions conducted in subsequent years. Of that estimated annual amount, county clerks of courts will retain \$23.8 million. The remainder - \$2.0 million - will be transmitted to the state, with most of that amount being deposited in the State Bureau of Motor Vehicles Fund (Fund 4W40) and a smaller portion being deposited in the Waterways Safety Fund (Fund 7086).**

25 DPS - 14 Increase in Driver, Motor Vehicle, and Certificate of Title Abstract Fees

R.C. 1548.14, 4501.34, 4503.26, 4505.14, 4506.08, 4509.05, and 4513.263

R.C. 1548.14, 4501.34, 4503.26, 4505.14, 4506.08, 4509.05, and 4513.63

(1) Increases seven abstract fees by \$6, from \$2 to \$8 (four fee increases that relate to abstracts containing driver and vehicle information become effective on the bill's normal effective date for permanent law amendments and enactments, while the three fee increases that relate to abstracts containing certificate of title information become effective October 1, 2009).

(1) Same as the Executive.

(1) No provision.

(2) Specifies of the \$6 increase is to be distributed to five funds as follows: \$1.25 to the existing Trauma and Emergency Medical Services Fund (Fund 83M0); \$1.25 to the Homeland Security Fund (Fund 5DS0), which the bill creates; \$0.75 to Investigations Fund (Fund 5FL0), which the

(2) Same as the Executive.

(2) No provision.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

bill creates; \$2.25 to the existing Emergency Management Agency Service and Reimbursement Fund (Fund 4V30); and \$0.50 to the existing Justice Program Services Fund (Fund 4P60).

**Fiscal effect: This provision will allow the Department of Public Safety to no longer receive funding from the GRF. The Department's four GRF line items would be eliminated, and the Emergency Management Agency (\$2.25), Investigative Unit (\$0.75), and the Office of Criminal Justice Services (\$0.50) will receive their funding from this fee increase. In addition, the Division of Emergency Medical Services (\$1.25) and the Division of Homeland Security (\$1.25) will receive additional funding from this fee increase. The annual revenue generated by the fee increase is estimated at approximately \$25.8 million.**

26      DPS - 16      Drug Law Enforcement Fund

R.C.      *2949.094, 5502.67, and 5502.68*

Alters current law, which transmits \$3.50 (35%) of the \$10 additional court cost for moving violations to the Drug Law Enforcement Fund (Fund 5ET0), to redirect 3% of that \$3.50 to the Justice Program Services Fund (Fund 4P60).

**Fiscal effect: Of the up to \$4.5 million or more estimated to generated annually for deposit in Fund 5ET0 under current law, this provision will redirect up to \$135,000 or more annually for deposit in Fund 4P60.**

R.C.      *2949.094, 5502.67, and 5502.68*

Same as the Executive.

R.C.      *2949.094, 5502.67, and 5502.68*

Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

27      DPS - 18      Shipping Radioactive Waste

No provision.

**R.C.      4163.01, 4163.07, 4163.08, and 4163.09**

Requires a person shipping, or who causes to be shipped, certain radioactive material within or through this state to provide the Emergency Management Agency (EMA) with notice of the shipment and pay the Department of Public Safety a fee for each shipment (\$2,500 for each shipment by motor carrier and \$4,500 per cask plus \$3,000 for each additional cask shipped by rail by the same entity in the same shipment), establishes civil penalties for violating the notice and fee requirements, and the Radiation Response Fund, which consists of the fees and fines used by the Director of Public Safety for purposes related to the safe shipment of such material.

**Fiscal effect: The additional workload and related operating expenses, if any, that this provision may create for the EMA, as well as the amount of shipping fee and civil penalty that could be generated, is uncertain.**

No provision.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

28 DPS - 15 Fee Increases to State Highway Safety Fund

R.C. 4501.01, 4501.03, 4501.044, 4501.06, 4503.04, 4503.042, 4503.07, 4503.10, 4503.182, 4503.65, 4506.08, 4507.23, and 4507.24

R.C. 4501.01, 4501.03, 4501.044, 4501.06, 4503.04, 4503.042, 4503.07, 4503.10, 4503.182, 4503.65, 4506.08, 4507.23, and 4507.24

Increases or establishes the following fees and directs that the fees be deposited into the State Highway Safety Fund (Fund 7036): (1) new late fee for vehicle registrations and driver's license applications, \$10, (2) additional passenger vehicle registration fee, \$5.75, (3) additional in-state commercial vehicle registration fee, \$19, (4) increased out-of-state apportioned registration tax for commercial cars and buses, ranging from \$2 to \$33.50, depending on the vehicle weight, (5) additional temporary registration tag fee, \$5, and (6) additional vision screening fee, \$1.

Same as the Executive.

No provision.

**Fiscal effect: The fee increases in this provision will generate an estimated \$106.3 million in revenues for deposit in the Stat Highway Safety Fund (Fund 7036). This amount, along with \$40 million in annual spending reductions, would allow Fund 7036 to remain solvent since it no longer receives revenues via the motor vehicle fuel tax.**

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

29      DPS - 40      Definition of "Bicycle"

No provision.

No provision.

R.C.      *4501.01, 4511.01*

Expands the definition of "bicycle" to include those that have two wheels in the front and one wheel in the rear, not just those that have two tandem wheels or one wheel in the front and two wheels in the rear, as provided in existing law.

**Fiscal effect: Negligible impact on state and local law enforcement revenues and expenditures.**

30      DPS - 23      Inquiries Pertaining to Veteran's Status or Current Status in the U.S. Military or Ohio National Guard

(1) No provision.

R.C.      *4501.026, 4506.07, 4506.11, 4507.06, 4507.13, 4507.51, 4507.52, and 5902.09*

(1) Requires the Registrar of Motor Vehicles and deputy registrars to send information regarding an individual who claims to be a veteran or currently serving in the armed forces of the United State or any reserve component of those forces of the Ohio National Guard for official government purposes regarding benefits and services without first asking the individual's permission to send the information.

R.C.      *4501.026, 4506.07, 4506.11, 4507.06, 4507.13, 4507.51, 4507.52, and 5902.09*

(1) Same as the House.

(2) No provision.

(2) Permits a person who is a veteran, active duty, or reservist of the United States armed forces to have an identifying mark placed on the person's driver's license, commercial driver's license, or identification card indicating that fact.

(2) Same as the House.

Executive

As Passed by the House

As Reported by Senate Highways  
and Transportation

**Fiscal effect: The additional workload and related operating expenses, if any, that this provision may create for the state is uncertain. The state's political subdivisions appear unlikely to be affected, as generally political subdivisions do not perform the services of a deputy registrar.**

31      DPS - 43      Designation of Clerk of Court of Common Pleas as a Deputy Registrar

No provision.

No provision.

R.C.      4503.03

Allows a clerk of a court of common pleas in a county with a population greater than 40,000 to apply to the Registrar of Motor Vehicles to act under contract as a full authority deputy registrar.

**Fiscal effect: The occasional costs for an eligible clerk of court to apply for, and if awarded retain, a deputy registrar contract are uncertain. Presumably, a clerk of court would not enter into such a contract if the cost of performing the required services exceeded the amount of revenue being generated. It is also possible that this provision may create a more competitive bidding environment than may currently be the case, with the result quite possibly being that the Bureau of Motor Vehicle's annual deputy registrar contracting costs could decrease to some degree.**

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

32      DPS - 41      Online Commercial Fleet Licensing and Management Program

No provision.

No provision.

R.C.      *4503.10*

Requires the Registrar of Motor Vehicles to adopt rules by July 1, 2010, implementing a commercial fleet licensing and management program that will enable the owners of commercial tractors, commercial trailers, and commercial semitrailers to conduct as many transactions with the Bureau of Motor Vehicles and to send as much information to the BMV via the Internet as is technologically possible.

**Fiscal effect: The one-time cost for the BMV to implement the required commercial fleet licensing and management program is uncertain. Also uncertain is whether the costs to operate the program on an ongoing basis will be more or less than the current manner in which commercial fleets are licensed.**

33      DPS - 30      Commercial Trailer and Semitrailer Registration

No provision.

R.C.      *4503.103*

Requires the Registrar of Motor Vehicles, not later than October 1, 2009, to adopt rules to permit commercial trailers and semitrailers to be registered for not more than five years.

**Fiscal effect: The state and local fiscal effects of this provision are uncertain.**

R.C.      *4503.103*

Same as the House.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

34      DPS - 42      Motor Vehicle Registration Validation Sticker

No provision.

No provision.

R.C.      *4503.191*

Requires the Director of Public Safety to develop a universal validation sticker that may be issued to any owner of 250 or more passenger vehicles, so that a registration renewal sticker issued to the person may be placed on any passenger vehicle in that owner's fleet, and allows the Director to charge up to \$1 additional per registration for necessary costs of the program.

**Fiscal effect: It is uncertain as to whether the amount of revenue that could be generated annually by the collection of the permitted registration charge will be more or less than the annual costs to operate the universal validation sticker program.**

35      DPS - 13      Enforcement of the Seat Belt Use Requirements

R.C.      *4507.05, 4507.071, 4511.093, and 4513.263; Sections 755.20 and 815.10*

(1) Removes all the secondary enforcement limitations that apply to seat belt requirements, whereby a law enforcement officer cannot stop a vehicle in which the officer has observed a person in the vehicle violating a seat belt use requirement unless the officer observes another separate motor vehicle violation for which the officer can legally stop the vehicle

R.C.      *4507.05, 4507.071, 4511.093, and 4513.263; Sections 755.20, 755.21, and 815.10*

(1) Same as the Executive.

(1) No provision.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

(2) Provides that, as a result of the provision providing for the primary enforcement of seat belt use violations in this state, (1) the Ohio Department of Transportation (ODOT) is required to apply for a one-time federal grant (estimated at \$26.7 million) from the National Highway Traffic Safety Administration offered in the Safe, Accountable, Flexible and Efficient Transportation Equity Act of 2003 – A Legacy for Users (SAFETEA-LU), (2) of the grant money ODOT receives, \$1 million must be transferred to the Ohio Department of Public Safety and expended on safety activities in accordance with applicable federal law, and (3) ODOT must expend all the remaining grant money on eligible transportation safety issues.

(3) No provision.

(4) No provision.

(2) Same as the Executive.

(3) Prohibits the operation of an automobile unless each child occupying a seating position in the front seat is secured in a child restraint device or booster seat, or restrained in an approved child restraint system or in an occupant restraining devices; establishes a minimum fine of \$25 for a violation of this prohibition; increases the fine one existing seat belt prohibition that currently does not have a penalty.

(4) Requires law enforcement officers to document on a form for 15 months all traffic stops that are based on a seat belt use violation; requires the entity that produces the report on the primary enforcement of the seat belt use law to review all the forms and analyze the information contained therein.

(2) No provision.

(3) No provision.

(4) No provision.

## Executive

## As Passed by the House

As Reported by Senate Highways  
and Transportation

**Fiscal effect:** As a result of this provision, the number of citations for seat belt violations could increase, thereby resulting in a revenue gain. LSC fiscal staff's preliminary review of the available evidence from the experience of other states suggests, however, that when the law moves from a secondary to primary offense, the voluntary compliance rate increases dramatically. As a result, seat belt citations declined significantly. If this were to happen in Ohio, then revenues from seat belt citations could decrease, the magnitude of which is uncertain.

The fine for a seat belt violation is generally \$30 for an operator and \$20 for a passenger. All fines collected for violations of the state's mandatory seat belt law, or for violations of any ordinance or resolution of a political subdivision that is substantively comparable, are forwarded for deposit in the state treasury and apportioned between five state funds as follows: (1) Seat Belt Education Fund, 8%, (2) Elementary School Program Fund, 8%, (3) Occupational Licensing and Regulatory Fund, 2%, (4) Trauma and Emergency Medical Services Fund, 28%, and (5) Trauma and Emergency Medical Services Grants Fund, 54%.

**Fiscal effect:** Same as the Executive, except there likely would be additional costs related to developing a cultural competency training program, as well as entering into an agreement with an outside entity to study the primary enforcement of the seat belt use law in this state. The state and local fiscal effects of provisions (3) and (4) are uncertain.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

36      DPS - 19      Road Service and Emergency Vehicles

No provision.

R.C.      *4511.01, and 4511.213*

Requires a driver to move over or slow down upon approaching a stationary road service vehicle or emergency vehicle that is displaying a flashing, oscillating, or rotating amber light, and defines "road service vehicle" as wreckers, utility repair vehicles, and state, county, and municipal service vehicles equipped with flashing, rotating, or oscillating lights.

**Fiscal effect: As a result of violations of this provision, the state may gain locally collected court cost revenues that are deposited in the state treasury to the credit of the GRF and the Victims of Crime/Reparations Fund (Fund 4020), and counties, municipalities, and townships involved in the enforcement and processing of violations may collect additional court costs and fines. The magnitude of the potential revenue gains for the state or any affected political subdivisions is uncertain. If most of the violations are in fact citation-based minor misdemeanors, then, to the degree that the number of violations creates tangible enforcement costs for county, municipal, and township law enforcement agencies and case processing costs for county and municipal criminal justice systems, those operating expenses appear unlikely to exceed minimal annually.**

R.C.      *4511.01, and 4511.213*

Same as the House.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

37      DPS - 21      Vehicle Headlights

No provision.

R.C.      4513.03

Requires the headlights of a vehicle to be lighted when its windshield wipers are in use.

No provision.

**Fiscal effect: Minimal cost depending on how many people actually get pulled over for not having their lights on when their windshield wipers are on. Unlikely that there would need to be additional police cars or State Highway Patrol cars just to look for violations. Potential increase in revenue depending on the number of tickets issued for violations.**

38      DPS - 27      Transfer of Excess Money from Certain Funds to the State Highway Safety Fund

R.C.      4513.263, 5502.03, 5502.131, 5502.39, and 5502.67

Permits the Director of Budget and Management to transfer excess money from the Homeland Security Fund (Fund 5DS0), Investigations Fund (Fund 5FL0), Trauma and Emergency Medical Services Fund (83M0), Emergency Management Agency Service and Reimbursement Fund (Fund 4V30), or Justice Program Services Fund (Fund 4P60) to the State Highway Safety Fund (Fund 7036), if the Director of Public Safety determines that the amount of money in any of these funds exceeds the amount required to cover the costs payable from the fund.

R.C.      4513.263, 5502.03, 5502.131, 5502.39, and 5502.67

Same as the Executive.

No provision.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

39      DPS - 36      Classic Motor Vehicle Auctions

No provision.

No provision.

R.C.      *4517.021*

Allows a person to hold not more than two auctions of classic motor vehicles (26 years old or older) per year, lasting no more than two days, rather than one day as in current law, and remain exempt from certain motor vehicle dealer, salesperson, and auction owner licensing laws.

**Fiscal effect: Negligible.**

40      DPS - 29      All-Purpose Vehicles

R.C.      *4519.04, 1519.20, 2911.21, 4519.02, 4519.03, 4519.08, 4519.09, 4519.10, 4519.44, and 4519.47*

R.C.      *4519.04, 1519.20, 2911.21, 4519.02, 4519.03, 4519.08, 4519.09, 4519.10, 4519.44, and 4519.47*

(1) No provision.

(1) Requires all all-purpose vehicles to be registered, except those that are used primarily on a farm as a farm implement.

(1) Same as the House.

(2) No provision.

(2) Increases the three-year snowmobile, off-highway motorcycle, and all-purpose vehicle registration fee from \$5 to \$31.25.

(2) Same as the House.

(3) No provision.

(3) Increase the length of time a temporary operating permit for these vehicles is valid from 15 days to one year, and increases the cost of such a temporary permit from \$5 to \$11.25.

(3) Same as the House.

**Fiscal effect: The additional workload and related operating expenses that this provision will create for the state, as well as the amount of revenue that may be generated for the state, is uncertain.**

Executive

As Passed by the House

As Reported by Senate Highways  
and Transportation

41      DPS - 25      Homeland Security Fund

R.C.      5502.03

Creates in the state treasury the Homeland Security Fund (Fund 5DS0), consisting of \$1.25 of each of the driver, vehicle, and certificate of title abstract fee increases contained in the bill, restricts use of the fund's money for the purpose of paying the expenses of administering the law relative to the powers and duties of the Executive Director of the Division of Homeland Security, and permits the Director of Budget and Management to transfer excess money from the fund to the State Highway Safety Fund (Fund 7036), if the Director of Public Safety determines that the amount of money in the fund exceeds the amount required to cover such costs incurred by the Division of Homeland Security and requests the Director of Budget and Management to make the transfer.

**Fiscal effect: Annual revenue generated for deposit in Fund 5DS0 estimated at \$5.4 million.**

R.C.      5502.03

Same as the Executive.

No provision.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

42      DPS - 26      Investigations Fund

R.C.      5502.131

Creates in the state treasury the Investigations Fund (Fund 5FL0), consisting of \$0.75 of each of the driver, vehicle, and certificate of title abstract fee increases contained in the bill, restricts use of the fund's money for the purpose of covering investigative costs incurred by the Investigative Unit, and permits the Director of Budget and Management to transfer excess money from the fund to the State Highway Safety Fund (Fund 7036), if the Director of Public Safety determines that the amount of money in the fund exceeds the amount required to cover investigative costs incurred by the Investigative Unit and requests the Director of Budget and Management to make the transfer.

**Fiscal effect: Annual revenue generated for deposit in Fund 5FL0 estimated at \$3.2 million.**

R.C.      5502.131

Same as the Executive.

No provision.

43      DPS - 1      Motor Vehicle Registration

Section:    205.10

(1) Permits the Registrar of Motor Vehicles to deposit revenues obtained pursuant to sections 4503.02 and 4504.02 of the Revised Code, less all other available cash, to meet the cash needs of the State Bureau of Motor Vehicles Fund (Fund 4W40).

(2) Requires revenues deposited pursuant to this provision be used to support, in part, appropriations for operating expenses and defray the cost of manufacturing and distributing license plates and license plate stickers and

Section:    205.10

(1) Same as the Executive.

(2) Same as the Executive.

(1) No provision.

(2) No provision.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

enforcing the law relative to the operating and registration of motor vehicles.

(3) Requires, notwithstanding section 4501.03 of the Revised Code, revenues obtained pursuant to sections 4503.02 and 4504.02 of the Revised Code be paid into Fund 4W40 before being paid into any other fund.

(3) Same as the Executive.

(3) No provision.

(4) Requires the deposit of revenues to meet the cash needs be in approximate equal amounts on a monthly basis or as otherwise determined by the Director of Budget and Management pursuant to a plan submitted by the Registrar of Motor Vehicles.

(4) Same as the Executive.

(4) No provision.

**44 DPS - 2 Cash Transfers from the State Bureau of Motor Vehicles Fund**

**Section: 205.10**

Permits the Director of Budget and Management to transfer, from the State Bureau of Motor Vehicles Fund (Fund 4W40), cash in the amounts of up to \$635,293 to the Justice Program Services Fund (Fund 4P60), up to \$3,284,464 to the EMA Service and Reimbursement Fund (Fund 4V30), and up to \$879,060 to the Investigations Fund (Fund 5FL0).

**Section: 205.10**

Same as the Executive.

No provision.

**45 DPS - 3 Capital Projects**

**Section: 205.10**

Authorizes the Registrar of Motor Vehicles to transfer cash from the State Bureau of Motor Vehicles Fund (Fund 4W40) to the State Highway Safety Fund (Fund 7036) to meet its obligations for two specified capital projects (office building and warehouse facility).

**Section: 205.10**

Same as the Executive.

No provision.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

46      DPS - 4      OBA Bond Authority/Lease Rental Payments

Section: 205.10

Requires line item 761401, Lease Rental Payments, be used to make lease payments to the Ohio Building Authority (OBA), and authorizes the OBA, with approval of the Director of Budget and Management, to lease capital facilities to the Department of Public Safety

Section: 205.10

Same as the Executive.

No provision.

47      DPS - 5      Hilltop Transfer

Section: 205.10

Requires the Director of Public Safety, per an agreement with the Director of Transportation, the latter's share of the debt service payments made out of line item 761401, Lease Rental Payments, that relates to Transportation's portion of the Hilltop Building Project, and requires the Director of Budget and Management to transfer that share in cash from the Highway Operating Fund (Fund 7002) to the State Highway Safety Fund (Fund 7036).

Section: 205.10

Same as the Executive.

No provision.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

48      DPS - 6      Cash Transfers of Seat Belt Fine Revenues

Section: 205.10

Permits the Controlling Board, upon the request of the Director of Public Safety, to transfer cash between the following four funds that receive fine revenues from enforcement of the mandatory seat belt law: the Trauma and Emergency Medical Services Fund (Fund 83M0), the Elementary School Program Fund (Fund 83N0), the Trauma and Emergency Medical Services Grants Fund (Fund 83P0), and the Seat Belt Education Fund (Fund 8440).

Section: 205.10

Same as the Executive.

No provision.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

49      DPS - 7      State Disaster Relief

Section: 205.10

(1) Authorizes the State Disaster Relief (Fund 5330) to: (a) accept cash and appropriations transferred from Controlling Board appropriation items for Ohio Emergency Management Agency (EMA) disaster response costs and disaster program management costs, (b) 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, (c) to accept and transfer cash to reimburse the costs associated with Emergency Management Assistance Compact (EMAC) deployments, (d) to accept disaster-related reimbursement from federal, state, and local governments, and (e) 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.

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

Section: 205.10

(1) Same as the Executive.

(2) Same as the Executive.

(1) No provision.

(2) No provision.

Executive

As Passed by the House

As Reported by Senate Highways  
and Transportation

50      DPS - 8      Family Violence Prevention Fund

Section: 205.10

Requires the first \$750,000 in revenues received to the credit of the Family Violence Prevention Fund (Fund 5BK0) in each fiscal year be appropriated to line item 768689, Family Violence Shelter Programs, the next \$400,000 in revenues received in each fiscal year be appropriated to line item 768687, Criminal Justice Services - Operating, and any remaining revenues received be appropriated to line item 768689, Family Violence Shelter Programs, with the approval of the Controlling Board, to be disbursed as grants to family violence shelters in Ohio.

Section: 205.10

Same as the Executive.

No provision.

51      DPS - 9      SARA Title III HAZMAT Planning

Section: 205.10

Authorizes the SARA Title III HAZMAT Planning Fund (Fund 6810) 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: 205.10

Same as the Executive.

No provision.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

52      DPS - 10      Collective Bargaining Increases

Section: 205.10

Permits the Controlling Board, upon the request of either the Director of Budget and Management, or the Department of Public Safety with the approval of the Director of Budget and Management, to increase the appropriation for any fund, except of the GRF, as necessary for the Department of Public Safety, 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: 205.10

Same as the Executive.

No provision.

53      DPS - 11      Cash Balance Fund Review

Section: 205.10

Requires the Director of Budget and Management to review, not later than the first day of April in each fiscal year, the cash balances for each fund, except the State Highway Safety Fund (Fund 7036) and the State Bureau of Motor Vehicles Fund (Fund 4W40), in the State Highway Safety Fund Group, and recommend to the Controlling Board an amount to be transferred to the credit of Fund 7036 or Fund 4W40, as appropriate.

Section: 205.10

Same as the Executive.

No provision.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

54      DPS - 28      Appropriations - Federal Stimulus

No provision.

**Section: 205.10**

Creates the Justice Assistance Grant Fund (Fund 3DE0) in the state treasury to receive the federal payments for the Byrne Justice Assistance Grants Program under ARRA. Requires investment earnings of the fund to be credited to the fund. Specifies that related appropriation item 768612, Justice Assistance Grants, be used in accordance with the requirements of ARRA.

No provision.

55      DPS - 44      Statement of Intent for Department of Public Safety Appropriations

No provision.

No provision.

**Section: 503.30**

States it is the intention of the General Assembly to make appropriations for the Department of Public Safety in the main appropriations act of the 127th General Assembly, recognizing that the Department's total appropriations of \$733,670,109 in FY 2010 and \$698,819,385 in FY 2011 have been removed from the transportation budget bill.

56      DPS - 35      Cash Transfer from Automated Title Processing Fund to Title Defect Recision Fund

No provision.

No provision.

**Section: 512.60**

Transfers \$1,000,000 in cash from the Automated Title Processing Fund (Fund 8490), used by the Department of Public Safety, to the Title Defect Recision Fund (Fund 4Y70), used by the Office of the Attorney General.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

57      DPS - 39      Transfer from State Fire Marshal Fund to EMA Service and Reimbursement Fund

No provision.

No provision.

**Section: 512.70**

Transfers \$200,000 in cash in each fiscal year from the State Fire Marshal Fund (Fund 5460) used by the Department of Commerce to the EMA Service and Reimbursement Fund (Fund 4V30) used by the Department of Public Safety to be distributed to urban search and rescue programs around the state.

58      DPS - 12      Construction Zone Automated Speed Enforcement System Pilot Project

**Section: 755.30**

(1) Creates the two-year Construction Zone Automated Speed Enforcement System Pilot Project, under which a state speeding violation that occurs within a construction zone that is located on an interstate highway and is detected by an automated speed enforcement system constitutes a civil offense for which a civil penalty not exceeding \$250 is assessed against the owner of the motor vehicle that was involved in the offense.

(2) Requires the Department of Public Safety to administer the Pilot Project, with the advice and assistance of the Ohio Department of Transportation (ODOT).

(3) Requires, if the automated speed enforcement system determines a motor vehicle has committed a state speeding violation, a State Highway Patrol trooper to review the photographic image or digitally recorded image of the motor vehicle to determine if the speeding violation did indeed

**Section: 755.30**

(1) Same as the Executive, except provides that an automated speed enforcement system that is part of the Pilot Project may be operational only when workers are present within the construction zone and clarifies that the Pilot Project's provisions apply to the operator of a motor vehicle that is involved in a speeding violation that is processed under the Pilot Project who is not the owner of the vehicle.

(2) Same as the Executive, except provides that ODOT is to grant to the Department, or its designee, any permits as may be necessary to implement the Pilot Project, rather than any easements.

(3) Same as the Executive.

(1) No provision.

(2) No provision.

(3) No provision.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

occur, inform the Department of Public Safety or the Department's designee of that fact, and requires the Department or the Department's designee to issue to the motor vehicle owner a citation for the offense.

(4) Provides generally that a motor vehicle owner who is issued a citation is liable for the violation and for payment, and specifies the circumstances in which an owner or operator of a motor vehicle is not liable for the violation and payment of the civil penalty.

(4) Same as the Executive.

(4) No provision.

(5) Requires the Department of Public Safety to establish a nonjudicial, administrative hearing procedure at which a motor vehicle owner who receives a citation is able to appear in person to challenge the citation

(5) Same as the Executive.

(5) No provision.

(6) Permits an owner or operator of a motor vehicle who challenges the citation to appeal a decision of the Department of Public Safety or the Department's designee that imposes liability on the owner or operator and the civil penalty to the municipal court or county court within whose territorial jurisdiction the violation occurred, and requires that court to affirm the decision if the court finds that the decision is supported by sufficient reliable, credible evidence and is in accordance with the law.

(6) Same as the Executive.

(6) No provision.

(7) Specifies that a state speeding violation that is detected by an automated speed enforcement system and is processed under the Pilot Project is a civil violation for which a maximum civil penalty of \$250 must be assessed and requires the Department of Public to establish the amount of the civil penalty.

(7) Same as the Executive, except requires the citations issued under the Pilot Project to indicate clearly the amount of the civil penalty and amount of the administrative fee that will be paid to the private entity that operates the Pilot Project, if any.

(7) No provision.

(8) Distributes each civil penalty collected as follows (1) 55% to the treasury of the municipal corporation in which the violation occurred, or if the violation occurred outside the

(8) Same as the Executive, except changes the percentage that is distributed to the municipal corporation or county in which the violation occurred from 55% to 50%.

(8) No provision.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

territorial jurisdiction of a municipal corporation, into the treasury of the county in which the violation occurred, (2) 45% to the state treasury to the credit of the General Revenue Fund, and (3) 5% must be deposited into the state treasury to the credit of the existing Trauma and Emergency Medical Services Fund.

(9) Provides that, in addition to the civil penalty, the Department must impose an administrative fee in every such case, determine the amount of the fee by rule, and all such fees must be deposited into the state treasury to the credit of the Automated Speed Enforcement System Fund, which the bill creates.

(9) Same as the Executive.

(9) No provision.

(10) Requires the Department of Public Safety, in consultation with ODOT and in accordance with the Administrative Procedure Act, to adopt all rules necessary and proper for the establishment, implementation, and administration of the Pilot Project.

(10) Same as the Executive.

(10) No provision.

(11) Provides that no points may be assessed against a violator's driver's license.

(11) Same as the Executive.

(11) No provision.

(12) Prohibits any municipal corporation, county, or township from enacting an ordinance or adopting a resolution authorizing the use of an automated speed enforcement system on any interstate highway within its boundaries.

(12) Same as the Executive.

(12) No provision.

(13) Permits the Department of Public Safety to enter into a contract with a private entity for the establishment and operation of the automated speed enforcement system.

(13) Same as the Executive.

(13) No provision.

(14) Requires the Department of Public Safety erect signs that inform traffic approaching the construction zone that the construction zone contains an automated speed enforcement system to enforce the speed limit, and makes

(14) Same as the Executive.

(14) No provision.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

the Department responsible for all costs associated with the erection, maintenance, and replacement, if necessary, of the signs.

(15) Creates in the state treasury the Automated Speed Enforcement System Fund, consisting of the administrative fees collected under the Pilot Project, to be used only to pay expenses associated with the Pilot Project, including paying a private entity to establish, operate, and administer the Pilot Project.

(15) Same as the Executive.

(15) No provision.

(16) Terminates on the Pilot Project on July 1, 2011, and requires, subsequent to reaching final resolution on all citations issued and all payments that are due the Department's have been paid, the Director of Budget and Management transfer all remaining money in the Automated Speed Enforcement System Fund to the General Revenue Fund.

(16) Same as the Executive.

(16) No provision.

**Fiscal effect: The additional workload and related operating expenses that this provision will create for the state, as well as the amount of revenue that may be generated for the state and certain municipalities or counties is uncertain.**

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

59      DPS - 24      Department of Public Safety Study Group

No provision.

**Section: 755.40**

Requires the Department of Public Safety to form a study group to consider ways to improve services related to vehicle registrations, driver's license and identification card issuance, and vehicle title issuance and requires the study group to issue a report six months after the bill's effective date.

**Fiscal effect: The one-time cost associated with the time and effort that various state and local governmental officials and staff may expend to assist in the production of the required study is uncertain.**

**Section: 755.40**

Same as the House, except (1) adds two public members to the study group (consisting of representatives from the Department of Public Safety, the Bureau of Motor Vehicles, the Office of Budget and Management, and seven professional organizations with related interests), (2) requires the report, in addition to being provided to the Speaker of the House of Representatives, the President of the Senate, and the Governor, also be provided to the Minority Leader of the House of Representatives and the Minority Leader of the Senate, and (3) corrects a reference to the Ohio Clerks of Courts Association.

60      DPS - 31      MARCS Task Force

No provision.

**Section: 755.80**

Creates the MARCS Task Force to explore and issue recommendations on the organizational structure and operational and capital funding options for the long-term sustainability and more ubiquitous utilization of MARCS.

**Fiscal effect: The one-time state cost associated with the duties of the Task Force is uncertain, but may be no more than minimal.**

**Section: 755.80**

Same as the House.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

61      DPS - 38      Ohio Commercial Vehicle Weight Task Force

No provision.

No provision.

**Section: 756.10**

Creates the twelve-member Ohio Commercial Vehicle Weight Task Force to study the issues surrounding weight limits and commercial motor vehicles. Requires the Task Force to evaluate what actions can be taken to address those issues, to formulate such recommendations as it considers advisable, to compile a written report that contains its findings and recommendations, and to submit the report to the Governor and the General Assembly.

**Fiscal effect: The one-time cost associated with the time and effort that various state and local governmental officials and staff may expend to assist in the production of the required study is uncertain.**

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

62      DPS - 37      Ohio State Highway Patrol Mission Review Task Force

No provision.

No provision.

**Section: 756.20**

Creates the fourteen-member Ohio Highway Patrol Mission Review Task Force to review the operations and functions of the State Highway Patrol as they relate to all other police entities in this state. Requires the Task Force to identify services of the State Highway Patrol that overlap with those of other police entities, opportunities to focus or consolidate current operations, and ways to improve operational efficiency. Requires the Task Force to formulate such recommendations as it considers advisable, to compile a written report that contains its findings and recommendations, and to submit the report to the Governor and the General Assembly.

**Fiscal effect: The one-time cost associated with the time and effort that various state and local governmental officials and staff may expend to assist in the production of the required report is uncertain.**

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

63 PUC - 3 Alternative Energy Portfolio Compliance

No provision.

No provision.

R.C. 4928.65, 4928.64

Authorizes an electric distribution utility or electric services company to use, for the purpose of complying with the alternative energy portfolio law, any renewable energy resource created on or after January 1, 1998, by the modification or retrofit of a generating facility placed in service before January 1, 1998; and makes an exception to the general policy that one megawatt hour of electric generation equals one renewable energy credit. The exception is valid for a generating facility of 75 megawatts or greater that is situated within Ohio and has committed by December 31, 2009, to modify or retrofit its generating unit or units to enable the facility to generate principally from biomass energy by June 30, 2013. Each megawatt hour of electricity generated principally from that biomass energy equals, in units of credit, the product obtained by multiplying the actual percentage of biomass feedstock heat input used to generate such megawatt hour by the quotient obtained by dividing the value of a renewable energy compliance payment authorized under the law by the then existing market value of one renewable energy credit, but such megawatt hour cannot equal less than one unit of credit.

Fiscal effect: None

## Executive

## As Passed by the House

As Reported by Senate Highways  
and Transportation

## 64 PWC - 1 Clean Ohio Program Debt Authority Expansion

R.C. 133.52, 151.01, 151.09, 151.40, Sections  
610.20 and 610.21

Amends the statutes governing debt issuance to support the Clean Ohio program to reflect the recent adoption of Section 2q of Article VIII, Ohio Constitution, which provides additional debt authority for conservation and revitalization programs.

Increases existing Clean Ohio capital appropriation items for the FY 2009-FY 2010 biennium in H.B. 562 of the 127th General Assembly by a total of \$120,000,000. Individual appropriations are increased by the following amounts:  
(1) Department of Development appropriation item C19500, Clean Ohio Revitalization, from \$32,000,000 to \$80,000,000 and appropriation item C19501, Clean Ohio Assistance, from \$8,000,000 to \$20,000,000;  
(2) Public Works Commission appropriation item C15060, Clean Ohio Conservation, from \$30,000,000 to \$75,000,000;  
(3) Department of Agriculture appropriation item C70009, Clean Ohio Agricultural Easements, from \$5,000,000 to \$12,500,000; and  
(4) Department of Natural Resources appropriation item C72514, Clean Ohio Trail - Grants, from \$5,000,000 to \$12,500,000

R.C. 133.52, 151.01, 151.09, 151.40, Sections  
610.20 and 610.21

Same as the Executive.

Same as the Executive.

R.C. 133.52, 151.01, 151.09, 151.40, Sections  
610.20 and 610.21

Same as the Executive.

Same as the Executive.

## Executive

## As Passed by the House

As Reported by Senate Highways  
and Transportation

## 65      PWC - 2      District Administration Costs

## Section: 209.10

Authorizes the Director of the Public Works Commission to use investment earnings from the State Capital Improvements Fund (Fund 7038) and the Local Transportation Improvement Program Fund (Fund 7052) for administrative costs incurred by individual District Public Works Integrating Committees (DPWIC). Permits no more than \$1,235,000 per fiscal year to be made available for reimbursement and prohibits any of the 19 Districts from receiving more than \$65,000 per fiscal year for these costs.

## Section: 209.10

Same as the Executive.

## Section: 209.10

Same as the Executive.

## 66      PWC - 3      Reappropriations

## Section: 209.10

Reappropriates unencumbered appropriations from the Local Transportation Improvement Program Fund (Fund 7052) from Am. Sub. H.B. 67 of the 127th General Assembly for use during the period July 1, 2009 through June 30, 2010 and from the period July 1, 2010 through June 30, 2011 for the same purpose.

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

## Section: 209.10

Same as the Executive.

**Fiscal effect: Same as the Executive.**

## Section: 209.10

Same as the Executive.

**Fiscal effect: Same as the Executive.**

## Executive

## As Passed by the House

As Reported by Senate Highways  
and Transportation

## 67      PWC - 4      Local Transportation Improvement Program Cash Transfers

Sections: 512.30, 610.10

Authorizes the Director of OBM to make periodic transfers of cash from the Highway Operating Fund (Fund 7002) to the Local Transportation Improvement Program Fund (Fund 7052) totaling \$100 million in each fiscal year.

Eliminates a transfer of \$200 million from the Budget Stabilization Fund to Fund 7052 that was included in H.B. 554, the Jobs Stimulus bill of the 127th G.A.

**Fiscal effect: Transfers \$100 million cash in FY 2010 and FY 2011 from Fund 7002 to Fund 7052 to provide additional funding for the Local Transportation Improvement Program (LTIP). This is in place of a \$200 million transfer from the Budget Stabilization Fund in FY 2009 that was authorized by H.B. 554, the Jobs Stimulus Bill of the 127th General Assembly.**

Sections: 512.30, 610.10

Same as the Executive.

Same as the Executive.

**Fiscal effect: Same as the Executive.**

Sections: 512.30, 610.10

Same as the Executive.

Same as the Executive.

**Fiscal effect: Same as the Executive.**

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

68 RSC - 9 Appropriations - Federal Stimulus

**Section: 321.10**

**Section: 321.10**

No provision.

Requires the federal payments for the Vocational Rehabilitation Program under ARRA to be credited to the Consolidated Federal Fund (Fund 3790).

Same as the House.

No provision.

Requires the federal payments for the Independent Living Program under ARRA to be credited to the Independent Living/Vocational Rehabilitation Fund (Fund 3L40).

Same as the House.

No provision.

Specifies that related appropriation items 415616, Federal - Vocational Rehabilitation, 415612, Federal Independent Living Centers or Services, and 415617, Independent Living/Vocational Rehabilitation Programs, be used in accordance with the requirements of ARRA.

Same as the House.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

69 DOT - 3 Deputy Inspector General for ODOT Funding

R.C. 121.51, Section 512.40

Removes the requirements that (1) the Inspector General certify to OBM the costs expected to be incurred by the Deputy Inspector General for the Department of Transportation, and (2) OBM transfer that amount to the Deputy Inspector General for ODOT Fund (Fund 5FA0) from Department of Transportation appropriations made for general administrative purposes.

States that Fund 5FA0 is to consist of money credited to the fund for payment of costs incurred in the performance of the Deputy Inspector General's duties.

Requires the Inspector General to recoup the costs of investigating DOT via ISTV billings and limits the amount that may be reimbursed to \$400,000 annually, to be paid out of Highway Operating Fund appropriation item 799491, Administration - State.

Specifies that the Director of DOT, with the consent of the Director of OBM and with notice to the Director of DOT, may seek Controlling Board approval for additional appropriations, if needed.

Transfers \$115,000 in cash from the Highway Operating Fund (Fund 7002) to Fund 5FA0 in FY 2010 and appropriates this amount to provide seed money for investigations before the Inspector General begins billing DOT for these expenses.

R.C. 121.51, Section 512.40

Same as the Executive.

Same as the Executive.

Replaces ISTV billing with semiannual transfers of cash of \$200,000, occurring on July 1 and January 1 in each fiscal year, from the Highway Operating Fund (Fund 7002) to the Deputy Inspector General for ODOT Fund (Fund 5FA0) in order to fund the Deputy Inspector General's duties.

Same as the Executive.

No provision.

R.C. 121.51, Section 512.40

Same as the Executive.

Same as the Executive.

Same as the House.

Same as the Executive, but eliminates the requirement that the Inspector General provide notice to the Director of Transportation when seeking Controlling Board approval.

No provision.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

70 DOT - 1 Snow and Ice Removal Contracts

R.C. 125.11

Exempts contracts for snow and ice removal materials from Buy Ohio requirements deeming that two or more qualified bids offering products produced or mined in Ohio constitutes sufficient competition.

**Fiscal effect: In effect, removes a preference for Ohio products that may or may not affect the cost of these materials bought by DOT for its own use or on behalf of political subdivisions.**

R.C. 125.11, Section 812.30

Same as the Executive, but provides that the exemption for acquisition of necessary snow and ice removal materials by the Department of Transportation from certain provisions of the Buy Ohio program may not be deemed to conflict with the preferences for United States and Ohio products established in law and puts this provision into immediate effect.

**Fiscal effect: Same as the Executive.**

No provision.

71 DOT - 36 Traffic Generator Sign Program

No provision.

No provision.

R.C. 4511.108

Requires the Director of DOT to establish a traffic generator sign program and to develop the specifications for a uniform system of traffic generator signs and the criteria for participation in the program.

Requires DOT to operate, construct, and maintain the program and allows the Director of DOT to establish an annual participation fee for a qualifying business, which would be deposited into the Highway Operating Fund (Fund 7002).

**Fiscal effect: Increase in Fund 7002 expenditures for program operation, to be offset by gains in fee revenue from participating businesses.**

R.C. 4511.108

Same as the House, but requires the Director of Transportation to adopt rules under the Administrative Procedures Act to establish the program.

Same as the House, but makes the authority of the Director to revise the annual fee to be charged for a qualifying private business to participate in the traffic sign program subject to approval by the Controlling Board.

**Fiscal effect: Same as the House.**

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

72 DOT - 51 Speed Transition Zones

No provision.

No provision.

R.C. 4511.21

Requires DOT to establish speed transition zones on state highways at locations where the posted speed limit decreases by 20 or more miles per hour.

No provision.

No provision.

Requires the speed transition zones to consist of, at a minimum, the preceding 1,000 feet and have a speed limit of ten miles more per hour than the speed limit to which the posted speed limit decreases by 20 or more miles per hour.

No provision.

No provision.

Specifies that the reduced speed limit is effective when DOT erects appropriate signs giving notice of the change.

**Fiscal effect: DOT is likely to incur signage costs of about \$500 per location to install a set of new speed limit signs where required.**

73 DOT - 59 Speed Limit for Certain Motor Vehicles and Noncommercial Buses

No provision.

No provision.

R.C. 4511.21

Increases from 55 to 65 miles per hour the speed at which motor vehicles weighing more than 8,000 pounds when empty and noncommercial buses are permitted to travel on certain freeways.

Executive

As Passed by the House

As Reported by Senate Highways  
and Transportation

**Fiscal effect: For most locations, DOT would be required to remove existing signs posted with a 55 mph speed limit or provide an overlay on the posted speed limit on single signs with two speed limits. The total cost to the state may be around \$170,000 for either replacing or overlaying signs, based on the approximate number of signs to replace and costs of approximately \$100 per sign. Local authorities could also incur the cost of any change in sign posting of approximately the same amount per sign for portions of freeways or highways under their jurisdictions if they do not have an agreement with DOT. The state and local governments will experience a decrease in speeding ticket fine revenue based on the assumption that the number of speeding citations issued will be reduced.**

74 DOT - 54 Overweight Vehicle Permits

No provision.

No provision.

R.C. 4513.34

Requires the Director of DOT to include in rules the issuance of a continuing annual overweight vehicle permit over routes reported to the Director.

**Fiscal effect: Currently, continuing annual permits have been discontinued as DOT studies the impact of continuing special hauling permits on the state's roads. According to rules filed October 16, 2008, DOT intends to resume issuing continuing annual permits no later than July 1, 2009.**

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

75 DOT - 11 Aircraft Exempt from License Tax

R.C. 4561.17, 4561.18

Removes from the listing of aircraft exempt from the annual aircraft license tax a reference to aircraft operated under a certificate of convenience and necessity issued by the Civil Aeronautics Board or its successor.

**Fiscal effect: None apparent. This certificate is not issued by the Federal Aviation Administration, successor to the Civil Aeronautics Board, but rather by the U.S. Department of Transportation.**

R.C. 4561.17, 4561.18

Same as the Executive.

**Fiscal effect: Same as the Executive.**

R.C. 4561.17, 4561.18

Same as the Executive.

**Fiscal effect: Same as the Executive.**

76 DOT - 12 Commercial Cargo Aircraft License Tax

R.C. 4561.18

Changes the annual aircraft license tax on commercial cargo aircraft based in Ohio from \$750 per aircraft to an amount equal to \$15 per seat, based on the manufacturer's maximum listed seating capacity.

**Fiscal effect: Potential gain in revenue of up to \$500,000 each fiscal year to the Airport Assistance Fund (Fund 5W90).**

R.C. 4561.18

Same as the Executive.

**Fiscal effect: Same as the Executive.**

R.C. 4561.18

Same as the Executive.

**Fiscal effect: Same as the Executive.**

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

77 DOT - 13 Disposition of Fine Imposed for Failure to Register Aircraft

R.C. 4561.21

Requires that fines imposed for each aircraft that an owner fails to register be deposited in the Airport Assistance Fund (Fund 5W90) instead of the GRF, as required under current law.

**Fiscal effect: Potential gain in revenue to the Airport Assistance Fund (Fund 5W90) and corresponding loss in revenue to the GRF.**

R.C. 4561.21

Same as the Executive.

**Fiscal effect: Same as the Executive.**

R.C. 4561.21

Same as the Executive.

**Fiscal effect: Same as the Executive.**

78 DOT - 40 Ohio Rail Development Commission Membership

No provision.

R.C. 4981.02

Adds an additional member to the 14-member Ohio Rail Development Commission, to be appointed by the Governor, representing the interests of manufacturers and having contracting responsibility for rail and nonrail freight transportation. Modifies the voting requirements so that an affirmative vote of six members is necessary to take action.

**Fiscal effect: Potential minimal increase in meals, mileage, and lodging reimbursements, which are paid from the GRF.**

No provision.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

79 DOT - 41 Rail Study

R.C. 4981.40

No provision.

Requires DOT and the Ohio Rail Development Commission (ORDC) to include all federally designated high-speed rail corridors in Ohio and all passenger rail corridors in the Ohio Hub Study in any overall programmatic environmental impact study or other comprehensive high-speed rail project development study.

No provision.

No provision.

Requires DOT and ORDC to work with Amtrak to improve existing service between Toledo and Cleveland.

No provision.

No provision.

Requires DOT and ORDC to examine the financial and economic feasibility of developing a passenger rail system between Toledo and Columbus, including necessary characteristics of a viable connection between the cities.

No provision.

**Fiscal effect: Potential increase in costs to examine the feasibility of developing a passenger rail system between Toledo and Columbus.**

80 DOT - 9 Transportation Innovation Authorities (TIAs)

R.C. 5539.01 - 5539.11

Subject to the approval of the Director of DOT, authorizes the creation of a transportation innovation authority (TIA) by specified governmental agencies for the purpose of encouraging the investment of public and private resources in the planning and implementation of innovative transportation projects to enhance the efficiency of the state's transportation system.

R.C. 5539.01 - 5539.11

Same as the Executive, but establishes TIAs as a pilot project and limits the Director of Transportation to the approval of no more than four TIAs.

No provision.

Executive	As Passed by the House	As Reported by Senate Highways and Transportation
Sets forth the minimum requirements of an agreement among governmental agencies forming a TIA.	Same as the Executive, but requires an agreement to specify how the TIA may expand membership and how a member may end its membership.	No provision.
Establishes the powers of a TIA, which include the authority to acquire and dispose of property, but not the authority to appropriate property, the authority to issue bonds but not the authority to levy taxes, and the authority to develop toll projects under the proposed toll authority being given to DOT.	Same as the Executive, but requires toll revenues generated by an authority to be used for transportation projects within the geographical jurisdiction of the authority.	No provision.
Requires an authority to submit an annual audited financial report to the Director of DOT, which must also contain two-year budget projections of the operating expenses for the authority and specific transportation project funding.	Same as the Executive, but requires an authority to submit its annual audited financial report to the General Assembly, in addition to the Director of DOT.	No provision.
No provision.	Requires a TIA, upon creation, to (1) develop a proposed land use plan for the area within the authority that includes recommended changes to current land use and zoning policies and other measures that promote land use consistent with the authority's proposed transportation projects, and (2) to submit the plan to each governmental agency and DOT documenting the changes that the governmental agency must make to that agency's current land use and zoning policies and requires the governmental agency to express its intent to take action to change its land use policies and regulations.	No provision.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

**Fiscal effect: Creates a new transportation funding mechanism, or Transportation Innovation Area (TIA), which can be formed by local governments and other organizations to construct multimodal projects. Gives TIAs the authority to issue bonds and toll, potentially allow certain projects to be funded that otherwise would not have been. Prohibits state dollars from being used to support the operating costs of TIAs.**

**Fiscal effect: Same as the Executive.**

81 DOT - 2 Department of Transportation Collaboration with Local Governments and the Private Sector

R.C. 5501.03, 5501.311, 5515.01, 5515.07

Permits DOT to enter into leases or lease-purchase agreements with the proposed transportation innovation authorities for land under DOT control.

Allows the Director of DOT to grant leases, easements, or licenses for lands under the control of ODOT independent of any lease or lease-purchase the Director may execute relative to all or part of a transportation facility.

Permits DOT to enter into agreements with utilities for the construction of alternative energy generating facilities on DOT property.

Eliminates a condition for the issuance of a permit for an individual, firm, or corporation to use or occupy a portion of a road or highway that is part of the state highway system whereby the occupancy of the road or highway must be in the location that the Director of DOT prescribes. Instead, provides that the Director of DOT may issue a permit to any individual, firm, or corporation for any use of a road or highway on the state highway system that is consistent with applicable federal law or federal regulations.

R.C. 5501.03, 5501.311, 5515.01, 5515.07

Same as the Executive.

Same as the Executive.

Same as the Executive.

Same as the Executive.

R.C. 5501.311, 5515.01, 5515.07

No provision.

Same as the Executive.

No provision.

Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

Modifies a current law provision requiring an applicant for a telecommunications service provider permit to provide proof that it is a party to a lease, easement, or license for the construction, placement, or operation of a telecommunications facility in or on a transportation facility by including carbon dioxide infrastructure as eligible for a permit to use or occupy such portion of a road or highway on the state highway system, provided that the permit will not impede or inconvenience the traveling public.

Same as the Executive.

No provision.

Permits DOT to contract with local authorities and private entities to maintain and operate highway rest areas and other appropriate facilities in exchange for a fee or concession rights.

Same as the Executive.

Same as the Executive.

**Fiscal effect: Potential gain in fee or concession revenue, as well as lease or lease purchase payments, for the Highway Operating Fund (Fund 7002). Potential decrease in direct costs from reduced facilities maintenance expenditures. Potential decrease in energy costs by allowing local governments and the private sector to place solar and wind power generating equipment on DOT property.**

**Fiscal effect: Same as the Executive.**

**Fiscal effect: Same as the Executive, but less of a gain in potential revenue to and a smaller potential decrease in expenditures from Fund 7002.**

82 DOT - 4 Sale of Surplus DOT Real Property

R.C. 5501.34

Increases from \$2,000 to \$5,000 the maximum value a surplus parcel of DOT real property that can be sold at public auction to the highest bidder without regard to the appraised value if an abutting landowner chooses not to buy the parcel.

R.C. 5501.34

Same as the Executive.

No provision.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

Permits the Director of Transportation to accept a survey or appraisal of a surplus parcel of real property that DOT owns and wishes to sell that was commissioned by an interested party, but prohibits DOT from reimbursing the party for the cost of the survey or appraisal.

Same as the Executive.

No provision.

**Fiscal effect: Might allow DOT to sell more surplus real property than under the current \$2,000 threshold.**

**Fiscal effect: Same as the Executive.**

83 DOT - 57 Reimbursement for Utility Facilities Relocated by Highway Projects

No provision.

No provision.

R.C. 5501.51

Provides that if a relocation of utility facilities is directed by the state or a local government and is necessitated by the construction, reconstruction, improvement, maintenance, or repair of a road, highway or bridge financed in whole or in part by federal economic stimulus funds, the state or local government must reimburse the utility for the cost of relocation. Provides that, for the purposes of this provision, "utility" includes a cable operator.

**Fiscal effect: Potential increase in reimbursements by DOT and local governments to the extent that utility facilities require relocation. Current law contains a similar reimbursement requirement.**

84 DOT - 52 DOT Guardrails

No provision.

No provision.

R.C. 5501.60

Prohibits DOT from erecting a guardrail or any other barrier that blocks or otherwise interferes in any manner with the only right-of-way to a parcel of real property.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

No provision.

No provision.

Requires DOT to remove any such guardrail or barrier. If DOT fails to remove such a guardrail or other barrier, permits the owner or occupier of the parcel of real property to remove it and requires DOT to reimburse the owner or occupier for the actual cost of the removal.

**Fiscal effect: Potential minimal increase to remove such guardrails or barriers or reimburse owners or occupants to the extent this circumstance occurs.**

85 DOT - 5 Design-build Contracts

R.C. 5517.011

Suspends until July 1, 2015, the provisions of law limiting the total dollar value of DOT design-build contracts to \$250 million per biennium.

R.C. 5517.011, 5525.01

Same as the Executive, but through June 20, 2011, replaces the provision of law limiting the total dollar value of DOT design-build contracts to \$250 million per biennium with an overall limit of \$1 billion for such contracts and after that date restores the total dollar value of DOT design-build contracts to \$250 million per biennium (unless otherwise authorized by the General Assembly).

R.C. 5517.011

Same as the House.

No provision.

Allows DOT to use a value-based selection process, combining technical qualifications and competitive bidding elements, including consideration for minority or disadvantaged businesses that may include joint ventures, when letting special projects that contain both design and construction elements into a single contract.

No provision.

**Fiscal effect: Potential increase in project delivery efficiencies and potential decrease in overall design and construction costs if design-build contracts are used more frequently.**

**Fiscal effect: Same as the Executive.**

**Fiscal effect: Same as the Executive.**

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

86 DOT - 37 Incentive to Certain DOT Project Bidders

No provision.

R.C. 5525.012

Permits the Director of DOT to provide an incentive to bidders who have adopted business practices that reduce harmful air emissions and other threats to the environment in the form of a reduction of up to 5% in such bidder's lowest competent and responsible bid.

**Fiscal effect: Likely no effect on overall project cost.**

No provision.

87 DOT - 6 Publication of DOT Confidential Cost Estimates

R.C. 5525.15

Requires DOT's confidential cost estimate for a construction project to be published after all bids have been received rather than the cost estimate being publicly read at that time before the bids are opened.

**Fiscal effect: Negligible.**

R.C. 5525.15

Same as the Executive.

**Fiscal effect: Same as the Executive.**

R.C. 5525.15

Same as the Executive.

**Fiscal effect: Same as the Executive.**

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

88 DOT - 8 Tolling Authority

R.C. 5531.11 - 5531.18, 5531.99

Allows DOT to construct and operate tolled new capacity projects and requires the Director of DOT to adopt a plan for tolls in rule. Allows the Director to adjust proposed plans, schedules, or systems to implement a toll or other charge without further public notice and opportunity for public comment. Requires the Director to establish a procedure for a transportation innovation authority (TIA) to request that DOT construct and operate a tolled project and grants other authority necessary for the operation of tolled projects.

Creates the Ohio Toll Fund to receive toll revenues and allows toll revenue to be pledged for the repayment of bonds and the cost of maintaining, improving, repairing, constructing, and operating the tolled project as well as the Ohio transportation system.

Requires the State Highway Patrol to police tolled projects and enforce the traffic control rules DOT develops that are punishable as criminal offenses.

Provides that all public or private property damaged or destroyed in connection with DOT tolled projects must be repaired and placed in its original condition, or adequate compensation or consideration be paid from tolled project money.

R.C. 5531.11 - 5531.18, 5531.99

Same as the Executive, but specifies that adjustments to a plan, schedule or system of tolls cannot be made without public notice and comment, but must be made in accordance with the Administrative Procedure Act, Chapter 119. of the Revised Code.

Same as the Executive, but specifies that money generated by toll projects must be used for tolled projects and other highway projects within one mile of a tolled project.

Same as the Executive.

Provides that if property is damaged, an action for damages against the state must be filed in the Court of Claims, rather than the property be repaired or restored or consideration paid from tolled project money.

No provision.

No provision.

No provision.

No provision.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

89 DOT - 7 New Generation State Infrastructure Bank

R.C. 5531.09

Creates the New Generation Infrastructure Bank Fund within the State Infrastructure Bank, consisting of assistance received by the state as may be provided by law, to provide financial assistance to transportation innovation authorities (TIAs), a new form of special district proposed in the bill.

Removes authority to use the Highway and Transit Infrastructure Bank Fund, the Aviation Infrastructure Bank Fund, and the Rail Infrastructure Bank Fund (all within the State Infrastructure Bank) to pay debt service on obligations whose proceeds have been deposited into the Infrastructure Bank Obligations Fund (federal GARVEE bonds).

**Fiscal effect: Creates a new form of project financing intended to contribute to the multi-modal transportation capabilities, including roads, bridges, transit, freight, and passenger rail. Project financing methods may involve loans or bonds. New Generation Infrastructure Bank Funds will come from a variety of sources, such as state motor fuel taxes for highway projects and non-gas tax revenues for public transit and rail portion projects. Tolling may also be used to support bonds issued for such projects. Funds not used in FY 2010 may be carried forward into FY 2011 under temporary law provided in the bill.**

R.C. 5531.09

Same as the Executive, but recognizes that the New Generation State Infrastructure Bank Fund may consist of more than one fund.

Same as the Executive.

**Fiscal effect: Same as the Executive.**

No provision.

No provision.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

90 DOT - 56 Fred Krum Memorial Interchange

No provision.

No provision.

R.C. 5533.93

Designates the interchange of Interstate Route 77 and Shuffel Street, NW, in Stark County, as the Fred Krum Memorial Interchange, and allows DOT to erect markers indicating so at the location.

**Fiscal effect: Permissive. DOT may incur minimal costs to install and maintain the markers at the designated interchange.**

91 DOT - 58 Roads on Nonmaintained Status

No provision.

No provision.

R.C. 5541.05, 5571.20

Provides that certain procedures for the termination of nonmaintained status of certain county and township roads do not apply if such a road, prior to being placed on nonmaintained status, was not certified by the board of county commissioners or the board of township trustees as mileage in the county or township that is used by and maintained for the public.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

Fiscal effect: Clarifies provisions of H.B. 318 of the 127th General Assembly, scheduled to take effect on April 7, 2009, regarding a review procedure for owners of land adjoining roads placed on nonmaintained status if the road provides the exclusive means of access to the land. By limiting the review to roads that used to be certified as mileage, there may be fewer instances where a county or township must pay the costs of upgrading, maintaining, or repairing a road previously placed on nonmaintained status.

92 DOT - 50 Concrete Transport Truck Weights

No provision.

No provision.

R.C. 5577.042

Adds a concrete transport truck transporting and mixing concrete to the list of vehicles (coal truck, farm truck or farm machinery, log truck, and solid waste haul vehicle) that may exceed statutory weight limits by 7.5% on non-interstate highways under certain conditions without penalty.

Fiscal effect: Potential decrease in fine revenues distributed to the GRF, the Security, Investigations, and Policing Fund (Fund 8400), the Trauma and Emergency Medical Services Grants Fund (Fund 83P0), or local funds.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

93 DOT - 10 Motor Fuel Evaporation Tax Credit

R.C. 5703.053, 5703.70, 5735.06, 5735.141 (repealed), 5735.145, 5735.16, 5735.23, Section 503.10

R.C. 5735.06, 5735.141, Sections 503.10, 812.30

Eliminates the motor fuel shrinkage allowance for distributors and retail dealers of motor fuel. (Current law provides for an allowance of 1.0% for distributors and 0.5% for retailers until June 30, 2009 and an allowance of 3.0% for distributors and 1.0% for retailers beginning July 1, 2009.)

Provides an allowance of 0.5% for distributors of motor fuel and 0.15% for retailers for fuel lost through evaporation or other unaccounted causes.

No provision.

Specifies that, beginning July 1, 2009 and on the first day of every month thereafter and before making certain statutory distributions of the motor fuel tax, the Treasurer of State is to deposit the first 3% of motor fuel tax receipts received for the preceding month to the credit of the Highway Operating Fund (Fund 7002).

Same as the Executive, but reduces to 2.5% the percentage of motor fuel tax receipts deposited into Fund 7002 before any other allocations are paid.

No provision.

Specifies that, of the amounts transferred, \$54 million annually must be used to offset the cost of requirements that direct DOT to use proceeds in the Highway Operating Fund (Fund 7002) for the following purposes:  
 (1) At least \$24,350,000 in FY 2010 and at least \$14,350,000 in FY 2011 to support public transit, rail, maritime, and aviation, or any planning and design activity related to those modes in Ohio; and  
 (2) Up to \$19,650,000 in each fiscal year for transportation purposes.

Same as the Executive, but reduces the amount required to be used to offset the costs of the funding requirements each year from \$54 million to \$43.5 million. Reduces the funding requirement for non-highway modes of transportation to \$14.5 million in FY 2010 and to \$4.5 million in FY 2011. Reduces the funding requirement for transportation purposes to \$19 million in each fiscal year.

No provision.

In addition, up to \$10 million in FY 2010 and up to \$20 million in FY 2011 must be used to offset the amounts transferred by the Treasurer of State to pay for the debt service of state highway capital improvement bonds.

Same as the Executive.

No provision.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

No provision

Makes the changes to the motor fuel tax evaporation allowance under R.C. 5735.06 and 5735.141 effective July 1, 2009.

No provision.

No provision.

Eliminates the requirement that both the report be timely filed and the tax be timely paid for motor fuel distributors and retail dealers to claim an allowance for fuel lost through evaporation or other unaccounted for loss, so long as at least one is done in a timely manner.

No provision.

**Fiscal effect: Gain in motor fuel tax revenue (MFT) receipts to Fund 7002 from the elimination of the motor fuel evaporation allowance for distributors and retail dealers. This would not have any fiscal effect, however, on distributions to the Waterways Safety Fund, the Wildlife Boater-Angler Fund, and municipalities, counties, and townships.**

**Fiscal effect: Same as the Executive, but reduces the gain in revenue to Fund 7002 by \$10.5 million each fiscal year.**

**Fiscal effect: Reverts the shrinkage allowance to the 3.0% for distributors and 1.0% for retailers specified in statute by allowing the temporary reductions in the allowance to expire July 1, 2009. By returning the shrinkage allowances to statutory amounts, there would be a loss in motor fuel tax revenue totaling \$54 million to the Highway Operating Fund (Fund 7002) compared to the executive proposal.**

Revenue retained from eliminating the credit will be used to offset the cost of the \$54 million in earmarked funding noted above. DOT would use flexible federal dollars to fulfill those funding requirements. The moneys generated by the elimination of the credit will be available to backfill the federal dollars directed toward non-highway modes.

The portion allocated to debt service makes DOT whole for the additional debt service costs created by authorizing an additional \$200 million of state highway bonds over DOT's original bonding plan. The extra bonding offsets the transfer of \$200 million over the biennium to the Local Transportation Improvement Program Fund (Fund 7052).

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

94 DOT - 45 Public Access Roads for DNR Facilities

No provision.

Section: 203.11

Earmarks \$5 million in each fiscal year from Highway Operating Fund appropriation item 772421, Highway Construction - State, for the construction, reconstruction, or maintenance of public access roads, including support features, to and within state facilities owned or operated by the Department of Natural Resources.

Section: 203.11

Same as the House.

95 DOT - 44 Public Access Roads for Parks and Expositions Commission Facilities

No provision.

Section: 203.12

Allows the Department of Transportation to use Highway Operating Fund appropriation item 772421, Highway Construction - State, to perform related roadwork on behalf of the Ohio Expositions Commission at the state fairgrounds.

Section: 203.12

Same as the House.

No provision.

Earmarks \$2,228,000 in each fiscal year from Highway Operating Fund appropriation item 772421, Highway Construction - State, for the construction, reconstruction, or maintenance of park drives or park roads within the boundaries of metropolitan parks.

Same as the House.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

96 DOT - 14 Direct Investment in Public Transit

Section: 203.13

Earmarks \$10 million in each fiscal year from Highway Operating Fund appropriation item 772422, Highway Construction - Federal, to provide grants to local transit authorities to purchase or improve public transit vehicles. Requires that new transit vehicles purchased and improvements made to a local transit authority's existing fleet of vehicles with these funds foster the goals of increasing fuel efficiency, reducing emissions, and using alternative fuels, as appropriate.

Section: 203.13

Same as the Executive, but decreases the amount of the earmark to \$7.5 million.

Section: 203.13

Same as the House.

97 DOT - 34 Diesel Emissions Reduction Pilot Program

No provision.

Section: 203.16

Earmarks \$600,000 in FY 2010 from Highway Operating Fund appropriation item 772422, Highway Construction - Federal, for a truck stop electrification pilot project to reduce diesel emissions from commercial vehicles.

No provision.

98 DOT - 15 Issuance of Bonds

Section: 203.20

Authorizes the issuance of \$352 million in state highway bonds for highway purposes. Bond proceeds will be credited to the Highway Capital Improvement Fund (Fund 7042).

Section: 203.20

Same as the Executive.

Section: 203.20

Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

**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.**

**Fiscal effect: Same as the Executive.**

**Fiscal effect: Same as the Executive.**

99 DOT - 16 Transfer of Highway Operating Fund Appropriations

**Section: 203.30**

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

**Fiscal effect: Provides DOT with cash management flexibility during emergency situations or unforeseen conditions over the biennium.**

**Section: 203.30**

Same as the Executive.

**Fiscal effect: Same as the Executive.**

**Section: 203.30**

Same as the Executive.

**Fiscal effect: Same as the Executive.**

100 DOT - 17 Transfer of Appropriations - Federal Highway and Federal Transit

**Section: 203.30**

Allows the Director of OBM to approve requests for the transfer of appropriations between appropriation items 772422, Highway Construction - Federal, 775452, Public Transportation - Federal, 775454, Public Transportation - Other, and 775459, Elderly and Disabled Special Equipment as long as the transit project meets federal funding guidelines. Requires that the transfers be reported to the Controlling Board.

**Section: 203.30**

Same as the Executive.

**Section: 203.30**

Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

**Fiscal effect: Provides DOT with cash management flexibility to meet federal funding guidelines for transit capital projects.**

**Fiscal effect: Same as the Executive.**

**Fiscal effect: Same as the Executive.**

101 DOT - 18 Transfer of Appropriations and Cash - State Infrastructure Bank

**Section: 203.30**

Allows the Director of OBM to transfer appropriations and cash in the State Infrastructure Bank (SIB) funds used by DOT, including transfers between fiscal years 2010 and 2011. Allows the Director of OBM to transfer appropriations between the Highway Operating Fund (Fund 7002) to SIB funds. Specifies that transfers from the SIB funds to Fund 7002 can only be up to the amounts originally transferred to the SIB funds. Prohibits transfers between modes and different funding sources. The transfers are to be reported to the Controlling Board.

**Section: 203.30**

Same as the Executive.

**Section: 203.30**

Same as the Executive.

**Fiscal effect: Provides DOT with cash management flexibility to transfer these funds where needed.**

**Fiscal effect: Same as the Executive.**

**Fiscal effect: Same as the Executive.**

102 DOT - 19 Transfer of Appropriations and Cash - Tolling Funds

**Section: 203.30**

Allows the Director of OBM to transfer appropriations and cash of the Ohio Toll Fund, including transfers between FY 2010 and FY 2011. Requires that the transfers be reported to the Controlling Board.

**Section: 203.30**

Same as the Executive.

No provision.

**Fiscal effect: Provides DOT the cash management flexibility to transfer these funds where needed.**

**Fiscal effect: Same as the Executive.**

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

103 DOT - 20 Increasing Appropriations - State Funds

Section: 203.30

Allows the Controlling Board to increase appropriations from the Highway Operating Fund (Fund 7002) in the event receipts or unexpended balances are credited to Fund 7002 over the biennium.

**Fiscal effect: Allows DOT to use additional moneys that are credited to Fund 7002 over the biennium, such as additional motor fuel tax revenues.**

Section: 203.30

Same as the Executive.

**Fiscal effect: Same as the Executive.**

Section: 203.30

Same as the Executive.

**Fiscal effect: Same as the Executive.**

104 DOT - 21 Increasing Appropriations - Federal and Local Funds

Section: 203.30

Allows the Controlling Board to increase appropriations of federal moneys from the Highway Operating Fund (Fund 7002).

**Fiscal effect: Allows DOT to use receipts or unexpected balances, apportionments, or allocations made available from the federal government and local governments that exceed appropriations. 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: 203.30

Same as the Executive.

**Fiscal effect: Same as the Executive.**

Section: 203.30

Same as the Executive.

**Fiscal effect: Same as the Executive.**

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

105 DOT - 22 Reappropriations

Section: 203.30

Requires that all appropriations of the Highway Operating Fund (Fund 7002), Highway Capital Improvement Fund (Fund 7042), and the Infrastructure Bank funds remaining unencumbered at the end of FY 2009 and FY 2010 be reappropriated in FY 2010 and FY 2011, respectively. Requires these amounts to be reported to the Controlling Board.

**Fiscal effect: Allows DOT to continue to use unencumbered funds from prior fiscal years for various highway projects.**

Section: 203.30

Same as the Executive.

**Fiscal effect: Same as the Executive.**

Section: 203.30

Same as the Executive.

**Fiscal effect: Same as the Executive.**

106 DOT - 23 Liquidation of Unforeseen Liabilities

Section: 203.30

Allows for any Highway Operating Fund (Fund 7002) appropriation, unless restricted by law, to be used to liquidate unforeseen liabilities arising from contractual agreements of prior years when the prior year encumbrance is insufficient.

Section: 203.30

Same as the Executive.

Section: 203.30

Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

107 DOT - 24 Maintenance of Interstate Highways

Section: 203.40

Authorizes DOT to provide maintenance on interstate highways located within the boundaries of municipal corporations and to reimburse municipalities for their costs in providing such maintenance if there are agreements to do so.

Section: 203.40

Same as the Executive.

Section: 203.40

Same as the Executive.

108 DOT - 25 Public Transportation Highway Purpose Grants

Section: 203.50

Allows the Director of DOT to use state motor fuel tax revenues to match federal grants to support local or state funded public transportation highway projects. Includes the construction and repair of high-occupancy vehicle lanes; the acquisition and construction of park and ride facilities and transit loops; and repair of bridges used by public transportation vehicles. Prohibits motor fuel tax revenues from being used for operating assistance or for the purchase of vehicles, equipment, or maintenance of facilities.

Section: 203.50

Same as the Executive.

Section: 203.50

Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

109 DOT - 26 Rental Payments - OBA

Section: 203.60

Requires Highway Operating Fund appropriation item 770003, Administration - State - Debt Service, to be used to pay rent to the Ohio Building Authority for various buildings used by DOT. Requires rental payments to be made from revenues from the state motor fuel tax. Provides the Director of DOT with the responsibility of overseeing the capital construction of DOT'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 Highway Operating Fund appropriation items 772421, Highway Construction - State, 773431, Highway Maintenance - State, and 779491, Administration - State.**

Section: 203.60

Same as the Executive.

**Fiscal effect: Same as the Executive.**

Section: 203.60

Same as the Executive.

**Fiscal effect: Same as the Executive.**

110 DOT - 42 Appropriations - Federal Stimulus

Section: 325.10

(1) No provision.

(1) Requires the federal payments for highway infrastructure and transit agencies under ARRA to be credited to the Highway Operating Fund (Fund 7002).

Sections: 325.10, 325.11

Same as the House.

(2) No provision.

(2) Authorizes the Director of Budget and Management to approve written requests from the Director of Transportation, based on the requirements of ARRA, to transfer appropriations among appropriation items 771412, Planning and Research - Federal, 772422, Highway Construction -

Same as the House.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

No provision.

Federal, 772424, Highway Construction - Other, 775452, Public Transportation - Federal, 776462, Grade Crossing - Federal, and 777472, Airport Improvements - Federal.

No provision.

Requires that each of the Department of Transportation's 12 districts be allocated at least \$15 million in federal stimulus funding for highway infrastructure.

111 DOT - 43 Appropriations - Federal Stimulus

No provision.

**Sections: 327.10, Section 521.30**

Reappropriates the unexpended, unencumbered portions of the appropriation items made in Sections 303.10, 305.10, 307.10, 309.10, 311.10, 313.10, 315.10, 317.10, 319.10, 321.10 and 325.10 of this act at the end of FY 2009 to FY 2010 for the same purposes.

**Sections: 327.10, Section 521.30**

Same as the House.

No provision.

Requires that federal stimulus moneys, to the extent possible, be used in a way that encourages the purchase of supplies and services from Ohio companies and stimulates Ohio job growth and retention.

Same as the House, but requires that, to the extent permitted by federal law, federal stimulus moneys be used in accordance with preferences for goods and services under the Buy Ohio and Buy American programs in Ohio law.

112 DOT - 27 Passenger Rail

**Section: 503.20**

Permits the Ohio Rail Development Commission to use funds made available to it by direct appropriation or through DOT to meet state obligations for the operation of intercity passenger rail service in accordance with section 4981.02 of the Revised Code.

No provision.

**Section: 503.20**

No provision.

Allows the Ohio Rail Development Commission and the Director of Transportation to compete for federal funding to

**Section: 503.20**

No provision.

Same as the House, but allows the Ohio Rail Development Commission and the Director of Transportation to apply

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

No provision.	support the initiation of passenger rail service in Ohio.	specifically for federal funding for passenger rail made available through the federal economic stimulus bill, the American Recovery and Reinvestment Act of 2009.
No provision.	Requires any study used for planning and developing any intercity passenger rail project to include an analysis of market demand, projected ridership, ongoing operating costs, economic impact, and the relationship with freight rail.	No provision.
No provision.	Prohibits the construction or operation of an intercity passenger rail project until the Director of Transportation or the Ohio Rail Development Commission completes such a study.	No provision.
No provision.	Requires expenditures for the construction or operation of an intercity passenger rail project to be approved by the Controlling Board.	No provision.
No provision.	No provision.	Requires an appropriation from the General Assembly before any federal economic stimulus funds for passenger rail projects can be expended.

113 DOT - 28 Authorization for Ohio Building Authority and OBM to Effectuate Certain Lease Rental Payments

Section: 509.10

Requires the Director of OBM to initiate and process payments from lease rental payment appropriation items during the FY 2010-FY 2011 biennium, pursuant to lease agreements for bonds or notes issued under Section 2i of Article VIII, Ohio Constitution and Chapter 152. of the Revised Code. Requires payments to be made upon certification by the Ohio Building Authority of the dates and amounts due on those dates.

Section: 509.10

Same as the Executive.

Section: 509.10

Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

114 DOT - 29 Lease Payments to OBA and Treasurer

Section: 509.20

Provides for increased appropriations for certain lease payments to the Ohio Building Authority (OBA) or the Treasurer of State (TOS) should additional appropriations be necessary.

Section: 509.20

Same as the Executive.

Section: 509.20

Same as the Executive.

115 DOT - 30 Transfers of Cash Between the Highway Operating Fund and the Highway Capital Improvement Fund

Section: 512.10

Allows the Director of OBM to transfer cash from the Highway Operating Fund (Fund 7002) to the Highway Capital Improvement Fund (Fund 7042). Allows the Director of OBM to transfer from Fund 7042 to Fund 7002 up to the amounts previously transferred to Fund 7042.

Section: 512.10

Same as the Executive.

Section: 512.10

Same as the Executive.

116 DOT - 31 Monthly Transfers to Gasoline Excise Tax Fund

Section: 512.20

Requires the Director of OBM to transfer cash in equal monthly increments totaling \$183,493,000 in each fiscal year of the biennium from the Highway Operating Fund (Fund 7002) to the Gasoline Excise Tax Fund (Fund 7060) and specifies how these amounts are to be distributed to municipalities, counties, and townships.

Section: 512.20

Same as the Executive.

Section: 512.20

Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

**Fiscal effect: Provides transfers of motor fuel tax revenues to local governments for road and bridge projects in the following percentages pursuant to a statutory formula: 42.86% to municipalities, 37.14% to counties, and 20.0% to townships.**

**Fiscal effect: Same as the Executive.**

**Fiscal effect: Same as the Executive.**

117 DOT - 35 Diesel Emissions Reduction Grant Program

**Section: 512.43**

**Section: 512.43**

No provision.

Establishes a Diesel Emissions Reduction Grant Program using Congestion Mitigation and Air Quality (CMAQ) program funds for public entities, small businesses and disadvantaged business enterprises to be administered by the Department of Development in consultation with the Directors of EPA and Transportation.

Same as the House.

No provision.

Allows program funds to be used to fund projects involving hybrid or alternative fuel vehicles eligible under Congestion Mitigation and Air Quality (CMAQ) program guidelines.

Same as the House.

No provision.

Provides funds for this program using the Highway Operating Fund (Fund 7002) or transfers from Fund 7002 to the Diesel Emissions Reduction Grant Fund (Fund 3BD0), dependent on the recipient.

Same as the House.

**Fiscal effect: The bill appropriates \$4.4 million in FY 2010 in Department of Development appropriation item 195697, Diesel Emissions Reduction Grants, for this program.**

**Fiscal effect: Same as the House, but increases the appropriation to \$20 million in FY 2010.**

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

118 DOT - 32 Cash Transfer to GRF

Section: 512.50

Transfers the cash balances of the ODOT Memorial Fund (Fund 4T50) and the Transportation Building Fund (Fund 7029) as of June 30, 2009, to the GRF. Abolishes the funds upon completion of the transfers.

Fiscal effect: GRF gain of approximately \$100.

Section: 512.50

Same as the Executive.

Fiscal effect: Same as the Executive.

Section: 512.50

Same as the Executive.

Fiscal effect: Same as the Executive.

119 DOT - 53 Curb Cut on State Route 91 in Lake County

No provision.

No provision.

Section: 523.10

Requires the Director of DOT to permit the construction of a curb cut on State Route 91, near Vine Street, in Lake County.

120 DOT - 33 DOT Environmental Reviews

Section: 755.10

Permits the Director of DOT to enter into agreements with an agency of the U.S. government for the purposes of dedicating staff to the review of environmentally related documents submitted by DOT that are necessary for the approval of federal permits. Specifies the agreements may include advance payment by DOT for labor and all other identifiable costs. Requires the Director of DOT 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.

Section: 755.10

Same as the Executive.

Section: 755.10

Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

**Fiscal effect: Allows DOT to maintain agreements with federal agencies to assist in expeditious environmental reviews, potentially limiting project delays.**

**Fiscal effect: Same as the Executive.**

**Fiscal effect: Same as the Executive.**

121 DOT - 39 Study on State Routes

**Section: 755.50**

**Section: 755.50**

No provision.

Requires DOT to produce a report on the financial and policy implications of DOT assuming the primary responsibility for all state routes throughout Ohio regardless of local government jurisdiction.

Same as the House.

No provision.

Requires DOT to submit the report to the Speaker of the House of Representatives, the President of the Senate, and the Governor no later than December 15, 2009.

Same as the House, but requires that the report also be provided to the Minority Leaders of the House of Representatives and the Senate.

**Fiscal effect: Potential minimal increase in expenditures from the Highway Operating Fund (Fund 7002) to fund any costs associated with the study.**

**Fiscal effect: Same as the House.**

122 DOT - 55 Oversize Vehicle Permit Fee Increases

**Section: 755.90**

No provision.

No provision.

Establishes that DOT permit fees for movement of oversize vehicles shall be at the rates established by rule that took effect on March 1, 2009 and shall remain at those rates until July 1, 2010.

**Fiscal effect: Decrease in anticipated revenue to the Highway Operating Fund (Fund 7002) in FY 2010 from permit fees in relation to what such revenue would have been had the permit fee increases scheduled for July 1, 2009 took effect as planned.**

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

123 DOT - 49 Lancaster Museum/Historical District Signs

No provision.

No provision.

Section: 756.30

Requires DOT to erect and maintain one sign each in the rights-of-way of the northbound and southbound roadways of the State Route 33 bypass approaching each exit to the City of Lancaster that reads "Historic Downtown Lancaster Museum District" and the approximate distance.

**Fiscal effect: Increase in expense from the Highway Operating Fund (Fund 7002) of approximately a few hundred dollars for signage costs.**

## Executive

## As Passed by the House

As Reported by Senate Highways  
and Transportation

## 124 OTC - 1 Bidding for Turnpike Contracts

R.C. 5537.07

Requires bid guaranty and surety bonds for Ohio Turnpike Commission bids and contract awards that are over \$150,000 and for any service facility contract, rather than for all bids and contracts over \$50,000.

**Fiscal effect: Potential decrease in commodity costs for the Ohio Turnpike Commission if the increased threshold for bid guaranty and surety bonds enables additional contractors to bid on smaller projects and the additional bids result in lower contract costs.**

R.C. 5537.07

Same as the Executive.

**Fiscal effect: Same as the Executive.**

R.C. 5537.07

Same as the Executive.

**Fiscal effect: Same as the Executive.**

## 125 OTC - 2 Design-build contracts

R.C. 5537.07

Allows the Turnpike Commission to establish a program to expedite special projects by combining the design and construction elements of any public improvement project into a single contract.

**Fiscal effect: Potential increase in project delivery efficiencies and a potential decrease in overall design and construction costs for Ohio Turnpike projects to the extent that design-build contracts are employed.**

R.C. 5537.07

Same as the Executive.

**Fiscal effect: Same as the Executive.**

R.C. 5537.07

Same as the Executive.

**Fiscal effect: Same as the Executive.**

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

126 OTC - 5 Ohio Turnpike Business Logo Program

No provision.

No provision.

R.C. 5537.30

Requires the Ohio Turnpike Commission to establish a business logo program no later than December 31, 2009, including establishing fees for participating businesses and authority to contract with a private person to operate the program.

**Fiscal effect: Gain in revenue to the Ohio Turnpike Commission after costs for the program and a reasonable profit for the contractor operating the program, if such a contractor is selected, are paid.**

127 OTC - 3 Fines for Overweight Vehicles on the Turnpike

R.C. 5537.99

Establishes that violations of vehicle weight limits on the Turnpike are subject to the same fines as such violations occurring on other roads (dependent generally on the amount by which the overweight vehicle exceeds the established weight limits), rather than being a minor misdemeanor on a first offense and fourth degree misdemeanor on subsequent offenses.

R.C. 5537.99

Same as the Executive.

R.C. 5537.99

Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

Fiscal effect: Potential increase or decrease in the fine revenues distributed, depending on the weight violation. A portion of the revenue from vehicle weight fines is distributed to the GRF after specific amounts are credited to the Security, Investigations, and Policing Fund (Fund 8400) to support certain State Highway Patrol activities. A small portion is credited to the Trauma and Emergency Medical Services Grants Fund (Fund 83P0) and the remainder is distributed to the court that imposes the fine. The bill does not change the distribution of the fine money.

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive.

128 OTC - 4 Ohio Turnpike Commission Green Technology Study

Section: 755.60

Section: 755.60

No provision.

Requires the Ohio Turnpike Commission to conduct a study to examine ways to increase the application of green technology, including the reduction of diesel emissions in the construction, maintenance, improvement, repair, and operation of Ohio Turnpike Commission facilities.

Same as the House, but makes the study permissive and prohibits the Ohio Turnpike Commission from using money from its operation of the Turnpike to conduct the study.

No provision.

Requires the study to evaluate all opportunities to develop energy alternatives, including solar, geothermal, natural gas, and wind, in cooperation with the Power Siting Board and DOT.

Same as the House.

No provision.

Requires the Commission to issues its report no later than six months after the effective date of the bill.

Same as the House, but applies the six-month timeframe for the report only if the Commission chooses to conduct the study and adds the Minority Leaders of the House of Representatives and the Senate to the specified recipients of the study report.

Executive

As Passed by the House

As Reported by Senate Highways  
and Transportation

**Fiscal effect: Increase in Commission expenditures to  
conduct the study.**

**Fiscal effect: Permissive. Due to the restriction  
preventing the use of operating moneys to fund the  
study, the Ohio Turnpike Commission will require some  
alternate source of funding should the study go forward.**

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

Local Government Provisions

129 MIS - 2 Regional Councils of Government Contracting Authority

No provision.

No provision.

R.C. 167.081

Allows a regional council of governments to enter into a contract that establishes a unit price for, and provides upon a per unit basis, materials, labor, services, overhead, profit, and associated expenses for the repair, enlargement, improvement, or demolition of a building or structure if the contract is awarded under the bidding procedure of a specified council member entity.

No provision.

No provision.

Specifies the conditions for meeting public notice requirements pertaining to the contract.

No provision.

No provision.

Prohibits a council member from participating in a contract if it has received bids for the same work under another contract unless the council's contract allows the member to obtain the same work under the same conditions, but at a lower price.

**Fiscal effect: Potentially reduces local government construction costs by permitting regional councils of governments to contract for certain construction projects based on a unit price.**

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<b>(AGR) Department of Agriculture</b>		
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**(JFS) Department of Job and Family Services**

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**(DNR) Department of Natural Resources**

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