

COMPARISON DOCUMENT

Substitute House Bill 114
129th General Assembly

Transportation Budget Bill
(FY 2012-FY 2013)

As Introduced
As Reported by House Finance and Appropriations

Legislative Service Commission
March 9, 2011

Executive

As Reported by House Finance and Appropriations

COMCD1

Wine at Outdoor Performing Arts Centers

No provision.

R.C. 4301.62

Modifies an acreage limit in current law to allow patrons to possess opened or unopened containers of wine on a D-2 liquor permit premises that is an outdoor performing arts center open from April 1 to October 31 and located on "not less than 150 acres" rather than on "not less than 800 acres," as under current law.

Fiscal effect: None, but potentially allows patrons to bring their own wine to other performing arts centers that are D-2 liquor permit holders as a result of the lower acreage requirement, instead of only the Blossom Music Center in Cuyahoga Falls, which recently sold 635 of 800 acres of land.

Executive

As Reported by House Finance and Appropriations

CEBCD1

Controlling Board Membership

R.C. 127.12

No provision.

Permits the vice-chairpersons of the House Finance and Appropriations and Senate Finance Committees to serve regularly on the Controlling Board, alternatively to the chairpersons of those committees, as designated by the Speaker of the House and the Senate President.

Fiscal effect: None.

Executive

As Reported by House Finance and Appropriations

DEVCD4 Definition of "Alternative Fuel" for Alternative Fuel Transportation Grants

No provision.

R.C. 122.075

Applies the broader definition of "alternative fuel" from the Department of Administrative Services' fleet management law to the Department of Development's Alternative Fuel Transportation Grant Program, effectively adding E85 blend fuel, natural gas, liquefied petroleum gas, hydrogen, and other power sources including electricity to the list of alternative fuels eligible for the program.

DEVCD1 Roadwork Development Fund

Section: 207.10

(1) Requires the Roadwork Development Fund (Fund 4W00) to be used for road improvements associated with economic development projects to retain or attract businesses in Ohio. Defines "road improvements" as improvements to public roadway facilities located on, serving, or that are capable of serving a project site.

(2) Requires the Department of Transportation to provide funds in accordance with the guidelines and requirements of Department of Development appropriation item 195412, Business Development, including Controlling Board review and approval, as well as constitutional requirements for the use of motor fuel tax revenues. Permits the Department of Transportation to assist the Department of Development with project completion and to enter into contracts on behalf of the Department of Development. Permits funds to be used in conjunction with appropriation item 195412 or any other state funding for infrastructure improvements.

Section: 207.10

(1) Same as the Executive.

(2) Same as the Executive.

Executive

As Reported by House Finance and Appropriations

(3) Requires the Director of Budget and Management, pursuant to a plan submitted by the Director of Development or as otherwise determined, to set a cash transfer schedule to meet the needs of Fund 4W00, and requires such transfers to be made according to the schedule from the Highway Operating Fund (Fund 7002).

(3) Same as the Executive.

DEVCD2 Transportation Improvement Districts

Section: 207.10

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

Section: 207.10

Replaces the \$250,000 earmarks for individual Transportation Improvement Districts with a single earmark of \$2,750,000 in each fiscal year for Transportation Improvement Districts in general. Requires Transportation Improvement Districts to be certified as eligible by the Director of Development in order to receive funds, requires funds to be used for specific projects, and prohibits funds from covering the full cost of a project or any administrative costs.

DEVCD3 Security Deposit Fund Cash Transfer

Section: 207.10

Requires the Director of Budget and Management to transfer \$32,027.17 in cash from the Security Deposit Fund (Fund R052) to the Roadwork Development Fund (Fund 4W00).

Section: 207.10

Same as the Executive.

Executive

As Reported by House Finance and Appropriations

JFSCD1

Cash Transfers from the Tobacco Use Prevention and Control Foundation Endowment Fund

Sections: 610.10, 610.11

No provision.

Adds to the allowable uses of the dollars transferred from the Tobacco Use Prevention and Control Foundation Endowment Fund to the Child and Adult Protective Services Fund (Fund 5GV0), used by the Ohio Department of Job and Family Services, and previously appropriated in Am. Sub. H.B. 1 of the 128th General Assembly, any allowable service activity that county departments of job and family services must expend allocations received from GRF appropriation item 600533, Child, Family, and Adult Community & Protective Services.

Executive

As Reported by House Finance and Appropriations

DPSCD19 Director of Public Safety and the Registrar of Motor Vehicles Grant Authority

R.C. 4501.02, 5502.011

Permits the Director of Public Safety and the Registrar of Motor Vehicles to apply for, allocate, disburse, and account for grants from federal, state, or private sources.

Fiscal effect: None.

R.C. 4501.02, 5502.011

Same as the Executive.

DPSCD17 Clerk of Courts Title Fee Increases

R.C. 4501.06, 4505.09, 4519.59

Increases the \$15 fee that currently is charged for certain certificate of title and duplicate certificate of title to \$25 effective October 1, 2011, and requires the \$10 increase to be credited to the State Highway Safety Fund (Fund 7036).

Fiscal effect: This fee increase could, depending on the number of transactions in a given year, generate up to \$31.5 million or more annually for deposit in Fund 7036 to support the Highway Patrol.

No provision.

DPSCD18 Bonds Issued Pursuant to Article VIII, Section 2g of the Ohio Constitution

R.C. 4501.06

Removes obsolete language relating to the State Highway Safety Fund (Fund 7036), the Highway Improvement Bond Retirement Fund, and bonds issued pursuant to Article VIII, Section 2g of the Ohio Constitution.

Fiscal effect: None.

R.C. 4501.06

Same as the Executive.

Fiscal effect: Same as the Executive.

Executive

As Reported by House Finance and Appropriations

DPSCD25

Bureau of Motor Vehicles Next of Kin Information Form

No provision.

R.C. 4501.81

Provides that when a person submits an application to the Registrar of Motor Vehicles or a deputy registrar for a new or renewal driver's license, commercial driver's license, temporary instruction permit, motorcycle operator's license or endorsement, or identification card, the individual must be furnished with a next of kin information form on which the individual may list information for inclusion in the next of kin database of the Bureau of Motor Vehicles.

Fiscal effect: The Bureau of Motor Vehicles' operating costs will increase by no more than \$100,000 annually in order to comply with this provision. The increased expenditures would likely be covered by moneys appropriated from the State Bureau of Motor Vehicles Fund (Fund 4W40).

DPSCD31

Clerk of Court of Common Pleas Eligible to Act as Deputy Registrar

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 deputy registrar.

Fiscal effect: Presumably, a clerk of a court of common pleas would only apply to act under contract as a deputy registrar if the revenues generated would exceed to operating costs. However, the magnitude by which the revenues would exceed those costs is uncertain.

Executive

As Reported by House Finance and Appropriations

DPSCD35

Co-location of Clerk of Court of Common Pleas and Deputy Registrar

R.C. 4503.031

(1) No provision.

(1) Requires the clerk of the court of common pleas to inform the Registrar of Motor Vehicles if space is available at any location at which the clerk has an office and requires the Registrar to give the appropriate deputy registrars located in that county the opportunity to use the space to carry out the deputy registrar's duties.

(2) No provision.

(2) Permits a clerk of the court of common pleas and a deputy registrar to occupy a location at which neither the clerk nor the deputy is an occupant, subject to the approval of the Registrar, who must give due consideration to all issues and aspects of the proposed arrangement, including security at the location and service to the public.

Fiscal effect: Presumably, the clerk of court and a deputy registrar would not occupy the same location unless there was some savings in building operating expenses and there were not significant concerns related to security and services.

DPSCD30

County Auditor Designated to Act as Deputy Registrar

R.C. 4503.037

No provision.

Allows a county auditor who is designated to act as a deputy registrar and the clerk of courts to allocate motor vehicle-related duties between the respective offices under certain circumstances.

Executive

As Reported by House Finance and Appropriations

Fiscal effect: Presumably, a county auditor and the clerk of courts would not enter into such an arrangement unless a savings effect were produced. The potential annual magnitude of such a savings effect is uncertain.

DPSCD33 Motor Vehicle Registration Late Fee Exemption

No provision.

R.C. 4503.04

Exempts farm trucks and farm buses from the \$20 motor vehicle registration late fee and requires the waiver of that late fee in any case involving the registration of a motor vehicle that is used on a seasonal basis if sufficient proof of such seasonal use accompanies the registration application for the vehicle.

Fiscal effect: The State Highway Safety Fund (Fund 7036) could lose up to \$1.26 million or more annually in late fee revenues that might have otherwise been collected.

DPSCD21 Uses of "Share the Road" License Plate Contributions

R.C. 4503.521

Permits the \$5 contribution that a person pays when obtaining "Share the Road" license plates to be used to create and distribute bicycle safety education materials rather than just to distribute a booklet on proper methods and procedures of riding bicycles on the streets and highways.

Fiscal effect: None.

R.C. 4503.521

Same as the Executive.

Fiscal effect: Same as the Executive.

Executive

As Reported by House Finance and Appropriations

DPSCD20 Registration of Apportionable Motor Vehicles

R.C. 4503.62

(1) Requires the Registrar of Motor Vehicles to adopt rules to establish a program to permit the registration of apportionable motor vehicles over the Internet no later than December 31, 2012.

(2) Permits the program to provide for the registration of nonapportionable commercial vehicles over the Internet.

(3) Requires the program to provide an option for the payment of all registration taxes and fees by use of a financial transaction device.

(4) Permits, if the Director of Public Safety approves, the Registrar to contract with a third party to accept and process payments on behalf of the Bureau of Motor Vehicles.

Fiscal effect: The cost for the Bureau of Motor Vehicles to develop, implement, and maintain the required Internet Registration Program is uncertain.

R.C. 4503.62

(1) Same as the Executive, except changes the date by which the Registrar of Motor Vehicles must adopt rules to December 31, 2011.

(2) Same as the Executive.

(3) Same as the Executive.

(4) Same as the Executive.

Fiscal effect: Same as the Executive.

DPSCD36 "Teen Driver Education" License Plates

R.C. 4503.94, 4501.14 (Repealed), and 4501.21

(1) Requires the contributions the Registrar of Motor Vehicles collects from persons who obtain "Teen Driver Education" license plates to be deposited to the credit of the existing License Plate Contribution Fund (Fund 5V10) instead of the Teen Driver Education License Plate Fund.

(2) Eliminates the Teen Driver Education License Plate Fund, but continues to require that the Registrar pay the

R.C. 4503.94, 4501.14 (Repealed), and 4501.21

(1) Same as the Executive.

(2) Same as the Executive.

Executive

As Reported by House Finance and Appropriations

contributions to the Michelle's Leading Star Foundation to fund the rental, lease, or purchase of the simulated driving curriculum of the Foundation by boards of education of city, exempted village, local, and joint vocational school districts.

Fiscal effect: None.

Fiscal effect: Same as the Executive.

DPSCD28

Application for a Certificate of Title by an Electronic Motor Vehicle Dealer

No provision.

R.C. 4505.06

Requires the Registrar of Motor Vehicles, not later than 60 days after the effective date of the bill, to enable all electronic motor vehicle dealers to electronically file applications for certificates of title on behalf of purchasers of motor vehicles directly with the Registrar and not through a third party.

Fiscal effect: Uncertain.

DPSCD15

Title Defect Recision Fund and Certain Automated Title Processing Fund Certificate of Title Fees

Section: 755.20

(1) Reduces, until July 1, 2013, the fee paid for each certificate of title issued to a motor vehicle dealer for resale purposes from \$5 to \$4.50, and the amount of each fee for a certificate of title issued to a motor vehicle dealer for resale purposes that is distributed to the Automated Title Processing Fund (Fund 8490) from \$2 to \$1.50 and (2) establishes, until July 1, 2013, a \$0.50 fee collected at the time a certificate of title is issued to a licensed motor vehicle dealer for resale purposes that is paid into the Title Defect Recision Fund (Fund 4Y70) used by the Office of the Attorney General.

R.C. 4505.09

Same as the Executive, except makes the provision permanent.

Executive

As Reported by House Finance and Appropriations

Fiscal effect: The annual revenue loss to Fund 8490 and the resulting revenue gain to Fund 4Y70 is estimated at \$400,000 in each of FYs 2012 and 2013.

Fiscal effect: Same as the Executive, except makes the revenue effect on the two state funds permanent.

DPSCD16 Elimination of the Late Fee for Driver's License Renewals

R.C. 4506.08, 4507.23

Eliminates the \$20 late fee that is imposed if a driver or commercial driver license is renewed more than seven days after its expiration date.

Fiscal effect: The late fee for driver's licenses generates approximately 25% of the total annual amount of late fee revenues (for both driver licenses and motor vehicle registrations). In calendar year (CY) 2010, the revenue from driver's license late fees amounted to approximately \$4,000,000. As people become aware of the late fee and more promptly renew a license to avoid its imposition, the annual revenue loss to the Department and, more specifically, the State Highway Safety Fund (Fund 7036), in future years would likely be lower than the \$4,000,000 received in CY 2010.

R.C. 4506.08, 4507.23

Same as the Executive.

Fiscal effect: Same as the Executive.

DPSCD27 Motorcycle Temporary Instruction Permits and Parking

(1) No provision.

(2) No provision.

R.C. 4507.05, 4511.53, and 4511.69

(1) Codifies motorcycle operation restrictions that apply to motorcycle temporary instruction permit holders.

(2) Permits a motorcycle operator to back the motorcycle into an angled parking space.

Fiscal effect: Negligible.

Executive

As Reported by House Finance and Appropriations

DPSCD23 Deposit of Immobilizing and Disabling Device Certification Payments

R.C. 4510.43

Requires that a manufacturer's payment to the Director of Public Safety for certifying its immobilizing or disabling device be credited to the existing state Indigent Drivers Alcohol Treatment Fund (Fund 7049) used by the Ohio Department of Alcohol and Drug Addiction Services rather than to the Drivers' Treatment and Intervention Fund, which no longer exists.

Fiscal effect: A negligible amount of additional revenue may be generated annually for deposit in Fund 7049.

R.C. 4510.43

Same as the Executive.

Fiscal effect: Same as the Executive.

DPSCD24 Windshield Display of Electronic Devices

R.C. 4513.24

Allows the display of an electronic tolling transponder (used on the Ohio Turnpike for E-ZPass) in the lower corner of the front windshield of a motor vehicle as an exception to the general prohibition against the display of material on the windshield.

Fiscal effect: None.

R.C. 4513.24

Same as the Executive, except allows the placement of any electronic device on or inside a windshield subject to certain restrictions.

Fiscal effect: Same as the Executive.

DPSCD26 Construction Equipment Auction License

(1) No provision.

R.C. 4517.01, 4517.02, 4517.16, 4517.17, 4517.171, 4517.18, and 4517.33

(1) Establishes a construction equipment auction license to be administered by the Registrar of Motor Vehicles in the same manner as motor vehicle dealer licenses.

Executive

As Reported by House Finance and Appropriations

(2) No provision.

(2) Establishes eligibility for the license, including physical requirements for a place of business and acceptable percentages of the business that may derive from selling large equipment compared to smaller motor vehicles.

(3) No provision.

(3) Prohibits any person from auctioning large construction or transportation equipment unless the person is a construction equipment auctioneer or is a motor vehicle auction owner who uses a licensed auctioneer.

(4) No provision.

(4) Establishes license application procedures, including a fee of \$7,500 to be assessed every five years to be deposited to the credit of the State Bureau of Motor Vehicles Fund (Fund 4W40).

(5) No provision.

(5) Allows the Registrar to deny or revoke a license based on specified personal and business standards.

(6) No provision.

(6) Establishes standards for a licensee to sell equipment at auction, including a requirement to have title present for all vehicles sold at auction, and penalties for violating the standards.

Fiscal effect: Uncertain.

Executive

As Reported by House Finance and Appropriations

DPSCD22 Public Safety Participation in the Retained Applicant Fingerprint Database for Licensed Private Investigators and Security Guards

R.C. 4749.031

Requires: (1) the Department of Public Safety to participate in receiving notifications through the Bureau of Criminal Identification and Investigation's (BCII) Retained Applicant Fingerprint (RAP) Database of the arrest or conviction of licensed private investigators and security guard providers and (2) license applicants to pay any initial or annual fee established by BCII for the continuous record monitoring services.

Fiscal effect: BCII currently charges each individual entered into the RAP Database an initial \$5 fee and annual fee of \$5 thereafter. BCII would likely collect up to \$150,000 or more annually from up to 30,000 or more private investigators and security guard providers (30,000 x \$5). Those moneys would be deposited to the credit of the General Reimbursement Fund (Fund 1060) used by the Attorney General and will likely be sufficient cover any additional RAP Database operating expenses BCII incurs in monitoring the criminal records of licensed private investigators and security guard providers.

R.C. 4749.031

Same as the Executive.

Fiscal effect: Same as the Executive.

DPSCD1 Motor Vehicle Registration

Section: 205.10

(1) Permits the Registrar of Motor Vehicles to deposit certain motor vehicle registration fee revenues to meet the cash needs of the State Bureau of Motor Vehicles Fund (Fund 4W40).

Section: 205.10

(1) Same as the Executive.

Executive

As Reported by House Finance and Appropriations

(2) Requires the revenues deposited in (1) above 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 enforcing the law relative to the operating and registration of motor vehicles.

(2) Same as the Executive.

(3) Requires certain state motor vehicle registration revenues be paid into Fund 4W40 before being paid into any other fund.

(3) Same as the Executive.

(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.

DPSCD2

Capital Projects

Section: 205.10

Permits 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 (headquarters building and warehouse facility).

Section: 205.10

Same as the Executive.

DPSCD3

OBA Bond Authority/Lease Rental Payments

Section: 205.10

Requires HSF Fund 7036 appropriation item 761401, Lease Rental Payments, be used to make lease payments to the Ohio Building Authority (OBA), and permits 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.

Executive

As Reported by House Finance and Appropriations

DPSCD4

Hilltop Transfer

Section: 205.10

Requires the Director of Public Safety to determine, per an agreement with the Director of Transportation, the latter's share of the debt service payments made out of the State Highway Safety Fund (Fund 7036) appropriation 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 Fund 7036.

Section: 205.10

Same as the Executive.

DPSCD5

Cash Transfers Between Funds

Section: 205.10

Permits the Director of Budget and Management, upon the request of the Director of Public Safety, to approve the transfer of cash between the following six funds: the Trauma and Emergency Medical Services Fund (Fund 83M0), the Homeland Security Fund (Fund 5DS0), the Investigations Fund (Fund 5FL0), the Emergency Management Agency Service and Reimbursement Fund (Fund 4V30), the Justice Program Services Fund (Fund 4P60), and the State Bureau of Motor Vehicles Fund (Fund 4W40).

Section: 205.10

Same as the Executive.

Executive

As Reported by House Finance and Appropriations

DPSCD6 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.

DPSCD7 State Disaster Relief

Section: 205.10

Permits the State Disaster Relief Fund (Fund 5330):

- (1) To accept cash and appropriations transferred from Controlling Board appropriation items for Ohio Emergency Management Agency (Ohio EMA) disaster response costs and disaster program management costs.
- (2) To accept transfers of cash and appropriations from Controlling Board appropriation items for Ohio EMA public assistance and mitigation program match costs to reimburse eligible local governments and private nonprofit organizations for disaster-related costs.
- (3) To accept and transfer cash to reimburse the costs associated with Emergency Management Assistance Compact (EMAC) deployments.

Section: 205.10

- (1) Same as the Executive.
- (2) Same as the Executive.
- (3) Same as the Executive.

Executive

As Reported by House Finance and Appropriations

(4) To accept and transfer cash to reimburse the costs associated with Emergency Management Assistance Compact (EMAC) deployments.

(4) Same as the Executive.

(5) To accept disaster-related reimbursement from federal, state, and local governments, and permits the Director of Budget and Management to transfer cash from reimbursements to other state funds from which transfers were originally approved by the Controlling Board.

(5) Same as the Executive.

(6) 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, and 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.

(6) Same as the Executive.

DPSCD8

Justice Assistance Grant Fund

Section: 205.10

Requires that the federal payments made to the state for the Byrne Justice Assistance Grants Program under Title II of Division A of the American Recovery and Reinvestment Act of 2009 be deposited to the credit of the Justice Assistance Grant Fund (Fund 3DE0).

Section: 205.10

Same as the Executive.

Executive

As Reported by House Finance and Appropriations

DPSCD9

Federal Stimulus - Justice Programs

Section: 205.10

Requires that the federal payments made to the state for the Violence Against Women Formula Grant under Title II of Division A of the American Recovery and Reinvestment Act of 2009 be deposited to the credit of the Federal Stimulus - Justice Programs Fund (Fund 3DH0).

Section: 205.10

Same as the Executive.

DPSCD10

Transfer from State Fire Marshal Fund to Emergency Management Agency Service and Reimbursement Fund

Section: 205.10

Requires: (1) the Director of Budget and Management to transfer \$200,000 in cash in each of FYs 2012 and 2013 from the State Fire Marshal Fund (Fund 5460) used by the Department of Commerce to the Emergency Management Agency Service and Reimbursement Fund (Fund 4V30) used by the Department of Public Safety and (2) the transferred cash to be distributed to the Ohio Task Force One - Urban Search and Rescue Unit and other urban search and rescue programs around the state.

Section: 205.10

Same as the Executive.

Executive

As Reported by House Finance and Appropriations

DPSCD11

Family Violence Prevention Fund

Section: 205.10

Requires: (1) 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 SSR appropriation item 768689, Family Violence Shelter Programs, (2) the next \$400,000 in revenues received in each fiscal year be appropriated to SSR appropriation item 768687, Criminal Justice Services - Operating, and (3) any remaining revenues received be appropriated to SSR appropriation 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.

DPSCD12

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 R.C. Chapter 3750.

Section: 205.10

Same as the Executive.

Executive

As Reported by House Finance and Appropriations

DPSCD13 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 the General Revenue Fund) 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 R.C. Chapter 4117. and, for exempt employees, under R.C. 124.152.

Section: 205.10

Same as the Executive.

DPSCD14 Cash Balance Fund Review

Section: 205.10

Requires the Director of Budget and Management to review in each of FYs 2012 and 2013, the cash balances for each fund in the State Highway Safety Fund Group, except the State Highway Safety Fund (Fund 7036) and the State Bureau of Motor Vehicles Fund (Fund 4W40), and recommend to the Controlling Board an amount to be transferred from each of those funds to the credit of Fund 7036 or Fund 4W40, as appropriate.

Section: 205.10

Same as the Executive.

Executive

As Reported by House Finance and Appropriations

DPSCD34

Cash Transfers from State Bureau of Motor Vehicles Fund to State Highway Safety Fund

No provision.

Section: 205.10

Requires the Director of Budget and Management to transfer cash in the amount of \$6,675,207 by April 1, 2012 and \$7,643,657 by April 1, 2013 from the State Bureau of Motor Vehicles Fund (Fund 4W40) to the State Highway Safety Fund (Fund 7036).

DPSCD32

Cash Transfers from the International Registration Plan Distribution Fund to the State Highway Safety Fund

No provision.

Section: 515.50

Requires the Director of Budget and Management to transfer cash in the amount of \$25 million in FY 2012 and \$24 million in FY 2013 from the International Registration Plan Distribution Fund (Fund 7050) to the State Highway Safety Fund (Fund 7036).

Executive

As Reported by House Finance and Appropriations

PUCCD1

Transportation of Certain Radioactive Materials

No provision.

R.C. **4905.801, 4163.07, 4905.802**

Repeals the provision that requires a person shipping, or who causes to be shipped, certain radioactive material within or through this state to pay a fee to the Public Utilities Commission at least four days prior to the date of shipment. Current statute levies a fee of \$2,500 for each shipment by motor carrier, \$4,500 for a cask shipped by rail, and \$3,000 for each additional cask shipped by rail by the same entity in the same shipment, and establishes civil penalties for violating the fee requirement.

Fiscal effect: Minimal loss of revenue to the Radioactive Waste Transportation Fund (Fund 5HD0). The existing fee provision was originally enacted in FY 2010, and yielded approximately \$35,000 in revenue to Fund 5HD0 through FY 2010 and the first seven months of FY 2011. Corresponding expenditures from the fund were less than \$5,000.

Executive

As Reported by House Finance and Appropriations

PWCCD4

Cuyahoga County Public Works Integrating Committee

R.C. 164.04

Permits two members of the District One (Cuyahoga County) Public Works Integrating Committee to be appointed by the Chief Executive Officer of Cuyahoga County, in addition to any who were appointed by the Board of County Commissioners, which ceased to exist on January 1, 2011.

R.C. 164.04

Same as the Executive.

PWCCD5

State Capital Improvements Program

(1) No provision.

(2) No provision.

R.C. 164.08, Sections 209.20, 209.21, 209.30, 209.40, and 209.50

(1) Revises the formula for allocating, in each program year, the proceeds of obligations issued for public infrastructure capital improvements under the State Capital Improvements Program (SCIP) by (a) increasing, from \$12 million to \$15 million, the amount that must first be allocated to villages and certain townships (referred to as the SCIP Small Government program) and (b) by increasing, from \$2.5 million to \$3 million, the amount that may next be allocated to local subdivisions for projects the Director of PWC believes are necessary for the immediate preservation of the health, safety, and welfare of the citizens of those local subdivisions (referred to as the SCIP Emergency Funds program).

(2) Requires Fund 7038 capital appropriation item C15000, Local Public Infrastructure, to be used in accordance with sections 164.01 to 164.12 of the Revised Code and permits the Director of PWC to certify to the Director of

Executive

As Reported by House Finance and Appropriations

(3) No provision.

OBM that a need exists to appropriate investment earnings to be used in accordance with sections 164.01 to 164.12 of the Revised Code. Appropriates such amounts if the Director of OBM determines that investment earnings are available to support additional appropriations.

(3) Authorizes the issuance of up to \$150 million in general obligation bonds to assist in the financing of local subdivision capital improvements projects through SCIP. Credits bond proceeds to the State Capital Improvements Fund (Fund 7038).

(4) No provision.

(4) Requires Fund 7040 capital appropriation C15030, Revolving Loan, to be used in accordance with sections 164.01 to 164.12 of the Revised Code and requires revenues to Fund 7040 to consist of all repayments of loans made to local subdivisions for capital improvements, investment earnings, and moneys obtained from federal or private grants or from other sources for the purpose of making loans to finance or assist in the financing of local capital improvement projects.

(5) No provision.

(5) Specifies that the appropriations from the State Capital Improvements Fund (Fund 7038) and the State Capital Improvements Revolving Loan Fund (Fund 7040) must be released upon a presentation of a request to release the funds by the Director of PWC to the Director of OBM, thus exempting Fund 7038 and Fund 7040 appropriations from the requirement that they be released by the Controlling Board.

(6) No provision.

(6) Specifies that Fund 7038-funded capital improvements are determined to be capital improvements and capital facilities for local subdivision capital improvement projects and designates the capital improvements as capital facilities for which the proceeds of SCIP general

Executive

As Reported by House Finance and Appropriations

obligations may be used.

Fiscal effect: Makes SCIP capital appropriations of \$150 million and SCIP Revolving Loan Program capital appropriations of \$49 million for the FY 2011-FY 2012 biennium. Makes adjustments to the SCIP Small Government and Emergency Funds program set-asides in proportion to the scheduled increase in SCIP issuance authority from \$120 million to \$150 million beginning in FY 2012 (Program Year 25 of SCIP).

PWCCD1 Public Works Operating Expenses

Section: 209.10

Requires Fund 7038 appropriation item 150321, State Capital Improvements Program-Operating Expenses, to be used by the Ohio Public Works Commission to administer the State Capital Improvement Program under sections 164.01 to 164.16 of the Revised Code.

Section: 209.10

Same as the Executive.

PWCCD2 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. 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.

Executive

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PWCCD3

Reappropriations

Section: 209.10

Reappropriates unencumbered appropriations from the Local Transportation Improvement Program Fund (Fund 7052) from Am. Sub. H.B. 2 of the 128th General Assembly for use during FY 2012 and FY 2013 for the same purpose.

Fiscal effect: Allows PWC to continue to use unencumbered funds from prior fiscal years for various local road and bridge projects.

Section: 209.10

Same as the Executive.

Fiscal effect: Same as the Executive.

Executive

As Reported by House Finance and Appropriations

TAXCD1

CAT Exemption for Certain Transactions Involving Petroleum Products

No provision.

R.C. 5751.01

Exempts from the commercial activity tax amounts realized from exchanges of petroleum products between motor fuel dealers if the dealers receive no monetary compensation from the exchange and delivery occurs at a refinery, terminal, pipeline, or marine vessel. Applies retrospectively to July 1, 2005.

Fiscal effect: Reduces revenues from the CAT by several millions per year. Additional revenue losses, potentially in the millions, from the refund feature. CAT revenues in the next biennium are earmarked mostly for reimbursing school districts and other local governments for the reduction and phase out of most tangible personal property taxes. The reduction in revenues from the CAT will reduce distributions to the School District Tangible Property Tax Replacement Fund (Fund 7047) and the Local Government Tangible Property Tax Replacement Fund (Fund 7081). Under current law, the GRF is to subsidize the funds if CAT revenues are insufficient for the required reimbursements.

Executive

As Reported by House Finance and Appropriations

DOTCD1 Traffic Generator Sign Program

R.C. 4511.108

- (1) Allows the Director of DOT to contract with any person to operate, construct, maintain, or market the traffic generator sign (brown signs) program used to promote areas of recreational and cultural interest.
- (2) Permits the Director to consider the skill, expertise, prior experience, and other qualifications of each applicant in awarding the contract.
- (3) Requires any contract to allow for a reasonable profit by the successful applicant.
- (4) Directs money collected from fees for participating in the program to the Highway Operating Fund (Fund 7002).

Fiscal effect: Potential gain in revenue to the Highway Operating Fund (Fund 7002).

R.C. 4511.108

- (1) Same as the Executive.
- (2) Same as the Executive.
- (3) Same as the Executive, but specifies that the contract may allow for a reasonable profit by the successful applicant, thereby making this language consistent with that governing the Business Logo ("Blue Sign") program.
- (4) Same as the Executive.

Fiscal effect: Same as the Executive.

DOTCD2 Revocation of Overweight Vehicle Permits

R.C. 4513.34

Gives the Director of DOT and local authorities the power to deny or revoke an overweight or oversize vehicle permit if the permit holder violates the terms or conditions of the permit, rather than their current authority to withhold permits.

No provision.

Executive

As Reported by House Finance and Appropriations

Fiscal effect: No apparent direct fiscal effect, although this provision could help in limiting potential roadway damage caused by vehicle operators violating the terms of their permits. This new authority would apply most commonly to multi-day permits (permits covering 90 or 365-day periods, for example).

DOTCD3 Reimbursement of a Utility for Certain Relocation Costs

R.C. 5501.51

Restricts the utility relocation costs necessitated by the construction of a highway project for which a utility may claim reimbursement to those costs that are eligible for reimbursement under federal law.

Fiscal effect: Potential reduction in utility reimbursements to the extent that utility companies currently request reimbursement for costs that are not eligible under federal law.

R.C. 5501.51

Same as the Executive.

Fiscal effect: Same as the Executive.

DOTCD4 Investigations of Incidents by Transit Systems Operating a Rail Fixed Guideway System

R.C. 5501.55

Makes a report that results from the investigation of an incident by a transit agency operating a rail fixed guideway system confidential and not subject to disclosure under the Public Records Law.

Fiscal effect: None. The change is in response to a recent court ruling that current law does not protect investigations of incidents by rail fixed guideway authorities.

R.C. 5501.55

Same as the Executive.

Fiscal effect: Same as the Executive.

Executive

As Reported by House Finance and Appropriations

DOTCD5

Public-Private Partnership Authority

R.C. 5501.70, 5501.71-5501.83

- | | |
|---|--------------------------|
| <p>(1) Authorizes DOT to enter into public-private agreements based on solicited and unsolicited proposals from private entities relating to transportation facilities.</p> | <p>(1) No provision.</p> |
| <p>(2) Establishes the procedures for selecting a proposal and the terms of an agreement, including grounds for terminating an agreement.</p> | <p>(2) No provision.</p> |
| <p>(3) Allows affected local governments to participate in a public-private agreement.</p> | <p>(3) No provision.</p> |
| <p>(4) Allows State Infrastructure Bank obligations to be issued to fund the development or financing of a transportation facility.</p> | <p>(4) No provision.</p> |
| <p>(5) Allows DOT to combine federal, state, local, and private funds to finance a transportation facility operated under a public-private partnership and authorizes DOT to (a) accept federal grants, loans, or other financial assistance, (b) enter into any necessary agreements for the federal funds, and (c) accept any grant, donation, gift, or other form of conveyance of land, money, other real or personal property, or other item of value from any source.</p> | <p>(5) No provision.</p> |
| <p>(6) Exempts transportation facilities operated under a public-private agreement from state taxes and local property taxes.</p> | <p>(6) No provision.</p> |
| <p>(7) Allows DOT to use eminent domain to acquire property, rights-of-way, or other rights in property for transportation projects that are part of a public-private initiative.</p> | <p>(7) No provision.</p> |

Executive

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(8) Provides that all state and local law enforcement officers (a) have the same powers and jurisdiction within the limits of the transportation facility operated under a public-private agreement as they have in their respective jurisdictions and (b) access to the facility at any time for the purpose of exercising their powers and jurisdiction.

(8) No provision.

(9) Grants DOT rule-making authority to carry out the purposes of the public-private agreements.

(9) No provision.

Fiscal effect: Provides DOT additional ways to finance, construct, operate, or maintain transportation projects. The specific fiscal effects will depend on the terms of each public-private partnership arrangement.

DOTCD6

Outdoor Advertising Control by Local Zoning Authorities

R.C. 5516.11

(1) Declares that the state law that governs outdoor advertising along interstate and state primary highways does not affect the authority of local zoning authorities to establish rules and regulations controlling the size, lighting, and spacing of outdoor advertising devices within commercial and industrial areas.

(1) No provision.

(2) Allows the Director of DOT to certify to the Federal Highway Administration that a zoning authority has established rules and regulations controlling outdoor advertising devices that are consistent with (not equivalent and consistent with, as under current law) the intent of the Highway Beautification Act of 1965, and establishes that upon certification, the rules are accepted in lieu of the statutory provisions governing outdoor advertising.

(2) No provision.

Executive

As Reported by House Finance and Appropriations

(3) Eliminates a current requirement that a zoning authority furnish DOT with a copy of new comprehensive zoning rules or regulations adopted.

(3) No provision.

Fiscal effect: By allowing greater local control over outdoor advertising, this will reduce state compliance costs associated with the Highway Beautification Act of 1965. These state costs are covered by outdoor advertising permit fees that are deposited into the Highway Operating Fund (Fund 7002) and which generate approximately \$1 million in revenue every two years. Local governments are likely to gain revenue from issuing permits.

DOTCD7 Design-Build Contracting Authority

R.C. 5517.011

(1) Permanently authorizes DOT to use a value-based selection process for design-build projects, combining technical qualifications and competitive bidding elements, instead of for only FY 2010-FY 2011 under current law.

(1) No provision.

(2) Establishes that the amount of money that may be spent on design-build projects per fiscal year cannot exceed \$1 billion, rather than \$1 billion for the current biennium and \$250 million per biennium thereafter under existing law.

(2) No provision.

(3) Authorizes DOT to pay compensation for a preliminary design concept to an unsuccessful bidder, but limits to compensation from exceeding the value of the concept.

(3) No provision.

Fiscal effect: This contract type would presumably be used where it improves project delivery efficiencies and reduces overall design and construction costs for the state.

Executive

As Reported by House Finance and Appropriations

DOTCD8 Confidentiality of Certain Portions of DOT Cost Estimates

R.C. 5525.15

Provides that, for a DOT construction project, unit price components of the official engineer's estimate of the project's costs are not public records even after the bid opening for the project has occurred.

Fiscal effect: No direct fiscal effect apparent.

R.C. 5525.15

Same as the Executive, but restores the authority of the Director of DOT to declare that, prior to the bid opening for a DOT construction project, the estimate of the cost of the project is confidential information.

Fiscal effect: Same as the Executive.

DOTCD36 Vehicle Weight Limit Allowances

No provision.

(1) No provision.

(2) No provision.

(3) No provision.

R.C. 5577.042

Makes the following changes to the law allowing certain vehicles to exceed statutory weight limits by 7.5% on non-interstate highways under certain conditions without penalty:

(1) Extends the weight allowance to (a) a surface mining vehicle transporting minerals from the place where the minerals are removed from the earth to the first place where the minerals are transferred from the vehicle and (b) a vehicle transporting hot mix asphalt material from the place where the material is first mixed to the paving site where the material is discharged

(2) Extends the application of the weight tolerance for log trucks transporting timber to forest product trucks transporting logs, chips, sawdust, mulch, bark, pulpwood, biomass, and firewood.

(3) Adds manure, turf, sod, and silage to the list of qualifying farm commodities that currently includes livestock, bulk milk, corn, soybeans, tobacco, and wheat that may be transported on a farm truck.

Executive

As Reported by House Finance and Appropriations

(4) No provision.

(4) Establishes that no wheel or axle limits apply if the specified vehicles do not exceed 7.5% of the gross vehicle weights.

Fiscal effect: Potentially reduces fines levied on vehicles exceeding statutory maximum vehicle weights. Allowing more types and loads of vehicles to take advantage of the 7.5% weight tolerance may increase the wear and tear on non-interstate roadways, potentially increasing road maintenance costs.

DOTCD9

Public Access Roads for DNR Facilities

Section: 203.20

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: 203.20

Same as the Executive.

DOTCD10

Public Access Roads for Parks and Expositions Commission Facilities

Section: 203.30

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.

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

Section: 203.30

Same as the Executive.

Same as the Executive.

Executive

As Reported by House Finance and Appropriations

fairgrounds.

DOTCD34 Sharonville Rail Yard Study

No provision.

Section: 203.30.10

Earmarks \$25,000 from SSR Fund 4N40 appropriation item 776664, Rail Transportation - Other, for a study of the capacity and design of the Sharonville Rail Yard. Specifies that the study is also to include recommendations for possible improvements to or redesign of the rail yard.

DOTCD11 Issuance of Bonds

Section: 203.40

Authorizes the issuance of \$123 million in state highway bonds for highway purposes. Credits bond proceeds to the Highway Capital Improvement Fund (Fund 7042).

Section: 203.40

Same as the Executive.

DOTCD12 Transfer of Highway Operating Fund Appropriations

Section: 203.50

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

Section: 203.50

Same as the Executive.

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

Fiscal effect: Same as the Executive.

Executive

As Reported by House Finance and Appropriations

DOTCD13

Transfer of Appropriations - Federal Highway, Transit, Aviation, and Rail and Local Transit

Section: 203.50

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, 775459, Elderly and Disabled Special Equipment, 776475, Federal Rail Administration, and 777472, Airport Improvements - Federal. Requires that the transfers be reported to the Controlling Board.

Fiscal effect: Provides DOT with cash management flexibility.

Section: 203.50

Same as the Executive.

Fiscal effect: Same as the Executive.

DOTCD14

Transfer of Appropriations - ARRA

Section: 203.50

Allows the Director of OBM to approve requests for the transfer of appropriations between appropriation items 771412, Planning and Research - Federal, 772422, Highway Construction - Federal, 772424, Highway Construction - Other, 775452, Public Transportation - Federal, 776462, Grade Crossings - Federal, and 777472, Airport Improvements - Federal, based on the requirements of the American Recovery and Reinvestment Act that apply to the money appropriated. Requires that the transfers be reported to the Controlling Board.

Section: 203.50

Same as the Executive.

Executive

As Reported by House Finance and Appropriations

DOTCD15

Transfer of Appropriations and Cash - State Infrastructure Bank

Section: 203.50

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 2012 and 2013. 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. Requires such transfers to be reported to the Controlling Board.

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

Section: 203.50

Same as the Executive.

Fiscal effect: Same as the Executive.

DOTCD16

Transfer of Appropriations and Cash - Tolling Funds

Section: 203.50

Allows the Director of OBM to transfer appropriations and cash of the Ohio Toll Fund, including transfers between FY 2012 and FY 2013. Requires that the transfers be reported to the Controlling Board.

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

Section: 203.50

Same as the Executive.

Fiscal effect: Same as the Executive.

Executive

As Reported by House Finance and Appropriations

DOTCD17 Increasing Appropriations - State Funds

Section: 203.50

Allows the Controlling Board to increase appropriations from the Highway Operating Fund (Fund 7002) in the event that receipts or unexpended balances credited to Fund 7002 exceed the estimates upon which the appropriations have been made.

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: 203.50

Same as the Executive.

Fiscal effect: Same as the Executive.

DOTCD18 Increasing Appropriations - Federal and Local Funds

Section: 203.50

Allows the Controlling Board to increase appropriations of federal or local 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: 203.50

Same as the Executive.

Fiscal effect: Same as the Executive.

Executive

As Reported by House Finance and Appropriations

DOTCD19 Reappropriations

Section: 203.50

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 2011 and FY 2012 be reappropriated in FY 2012 and FY 2013, 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 transportation projects.

Section: 203.50

Same as the Executive.

Fiscal effect: Same as the Executive.

DOTCD20 Liquidation of Unforeseen Liabilities

Section: 203.50

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: 203.50

Same as the Executive.

DOTCD21 Maintenance of Interstate Highways

Section: 203.60

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: 203.60

Same as the Executive.

Executive

As Reported by House Finance and Appropriations

DOTCD22

Public Transportation Highway Purpose Grants

Section: 203.70

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, including 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: 203.70

Same as the Executive.

DOTCD23

ARRA Highway Infrastructure or Transit Funds

Section: 203.80

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

Fiscal effect: Permits DOT to continue directing federal reimbursement received for highway and transit projects funded by ARRA to Fund 7002.

Section: 203.80

Same as the Executive.

Fiscal effect: Same as the Executive.

Executive

As Reported by House Finance and Appropriations

DOTCD24 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 2012-FY 2013 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.

DOTCD25 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 should additional appropriations be necessary.

Section: 509.20

Same as the Executive.

DOTCD26 Transfers of Cash Between the Highway Operating Fund and the Highway Capital Improvement Fund

Section: 511.10

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: 511.10

Same as the Executive.

Executive

As Reported by House Finance and Appropriations

DOTCD27

Monthly Transfers to Gasoline Excise Tax Fund

Section: 511.20

Requires the Director of OBM to transfer cash in equal monthly increments totaling \$163,918,656 in FY 2012 and in equal monthly increments totaling \$170,424,912 in FY 2013 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.

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. For the FY 2010-FY 2011 biennium, the transfers were set at \$183,493,000 annually. The lower amounts for the FY 2012-FY 2013 biennium are the result of the increased principal and interest payments DOT incurred in borrowing \$200 million to recoup the same amount transferred from Fund 7002 to the Public Works Commission (PWC) for local road and bridge projects. The additional amounts for PWC were authorized by H.B. 554, the Jobs Stimulus Bill of the 127th General Assembly.

Section: 511.20

Same as the Executive.

Fiscal effect: Same as the Executive.

Executive

As Reported by House Finance and Appropriations

DOTCD28 Deputy Inspector General for ODOT Fund Transfers

Section: 511.30

Requires the Director of OBM to make 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.

Permits the Inspector General, with the consent of the Director of OBM, to seek Controlling Board approval for additional transfers of cash and an increase in the amount appropriated from Fund 5FA0 appropriation item 965603, Deputy Inspector General for ODOT, in the amount of the additional transfers if additional amounts of cash and appropriation are necessary.

Section: 511.30

Same as the Executive.

Same as the Executive.

DOTCD29 Cash Transfer to the GRF

Section: 511.40

Transfers the cash balance of the Transit Capital Fund (Fund 5E70) as of June 30, 2011 to the GRF.

Fiscal effect: GRF gain of approximately \$300.

Section: 511.40

Same as the Executive.

Fiscal effect: Same as the Executive.

Executive

As Reported by House Finance and Appropriations

DOTCD30

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

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

Section: 755.10

Same as the Executive.

Fiscal effect: Same as the Executive.

DOTCD31

Motor Fuel Evaporation Tax Credit

Section: 755.30

Continues the temporary motor fuel tax evaporation allowance in effect for the FY 2010-FY 2011 biennium at 1.0% (less 0.5% of the gallonage sold to retail dealers) for distributors and 0.5% for retail dealers for the FY 2012-FY 2013 biennium.

Section: 755.30

Same as the Executive.

Executive

As Reported by House Finance and Appropriations

Fiscal effect: Absent this provision, the allowance would revert to 3.0% as provided in permanent law. The bill thereby increases revenue from the motor fuel tax by approximately \$36 million each year. Section 755.40 of the bill would reserve this increase to Fund 7002. (Absent that provision, Fund 7002 would receive approximately \$25.7 million of the increase each year, with the remainder going to various state and local funds.)

Fiscal effect: Same as the Executive.

DOTCD32 Motor Fuel Tax Revenue Distribution

Section: 755.40

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

Permits the Director of OBM, upon the request of the Director of Public Safety, to make periodic transfers of cash totaling \$15,000,000 in each fiscal year from Fund 7002 to the State Highway Safety Fund (Fund 7036).

Fiscal effect: Suspends existing statutory formulas for distribution of motor fuel tax receipts for approximately \$36 million of those receipts each year. Absent this provision, Fund 7002 would receive approximately \$25.7 million of the \$36 million each year, with the remainder split among the Waterways Safety Fund and the Wildlife Boater Angler Fund used by the Department of Natural Resources, the Local Transportation Improvement Program Fund used by the Public Works Commission, and counties, municipalities, and townships. After the transfers to the Highway Safety Fund (Fund 7036) are accounted for, Fund 7002 would realize a net gain of \$21 million.

Section: 755.40

Same as the Executive.

Same as the Executive, but increases the transfer amount to \$16,200,000 per year.

Fiscal effect: Same as the Executive, but decreases the net gain in revenue to Fund 7002 to \$19.8 million.

Executive

As Reported by House Finance and Appropriations

DOTCD33 ARRA Buy Ohio and Buy American Preferences

Section: 755.50

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.

Section: 755.50

Same as the Executive.

DOTCD37 Joint Legislative Task Force on DOT Funding

No provision.

Section: 757.20

Creates the Joint Legislative Task Force on Department of Transportation Funding to examine the funding needs of DOT and to issue a report containing its findings and recommendations by December 15, 2011.

Executive

As Reported by House Finance and Appropriations

Local Government Provisions

MISCD3 Port Authority Competitive Bid Threshold

No provision.

R.C. 4582.12, 4582.31

Increases the contract amount for the construction by a port authority of a building, structure, or other improvement above which the port authority must use competitive bidding from \$25,000 to the higher of \$100,000 or, commencing January 1, 2012, \$100,000 plus an amount indexed to inflation.

Fiscal effect: By raising the bidding threshold, may reduce the number of smaller port authority construction projects that are competitively bid.

Other Provisions

MISCD1 Buy Ohio Revisions

R.C. 125.11

Eliminates, in regard to the general preference for Ohio products in competitively bid purchase contracts of the state that are made by DAS or other state agencies that follow DAS purchasing, a provision of current law deeming that "there is sufficient competition to prevent an excessive price for a product or the acquiring of a disproportionately inferior product" if there are two or more qualified bids that offer products that have been produced or mined in Ohio.

Fiscal effect: This provision is intended to increase DOT's opportunity to acquire road salt at the most competitive rates possible, but could also affect the process other state agencies use to purchase products.

R.C. 125.11

Same as the Executive.

Fiscal effect: Same as the Executive.

Executive

As Reported by House Finance and Appropriations

MISCD4

Conveyance of State-Owned Real Estate to City of Massillon

Section: 753.10

No provision.

Authorizes the conveyance of state owned real estate in Stark County to the City of Massillon for \$15,000.

No provision.

Requires the grantee, following the conveyance of the real estate, to (1) construct and maintain, at the grantee's expense, a detention basin on the property, (2) permit the state to discharge water into the detention basin, and (3) maintain or relocate the state's existing storm sewer connections.

No provision.

Requires the grantee to pay the costs of the conveyance of the real estate, including recordation costs of the deed.

Fiscal effect: State gain of \$15,000, likely deposited into the GRF.