

COMPARISON DOCUMENT

Substitute House Bill 114
129th General Assembly

Transportation Budget Bill
(FY 2012-FY 2013)

As Introduced
As Passed by the House
As Reported by Senate Highways and Transportation

Legislative Service Commission
March 23, 2011

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

COMCD2 S Liquor Permits for Brand Owners or Importers of Beer

(1) No provision.

(1) No provision.

R.C. 4303.232, 4301.10

(1) Authorizes an S liquor permit to be issued to certain brand owners and importers of beer, in addition to wine as in existing law, located inside or outside Ohio to allow those owners and importers to sell beer to personal consumers.

(2) No provision.

(2) No provision.

(2) Exempts manufacturers that produce and ship beer into Ohio and that hold an S liquor permit from the existing \$300 supplier registration fee (conforms with current law exempting wine manufacturers from this fee).

(3) No provision.

(3) No provision.

(3) Specifies that an S permit holder that does not sell its beer to wholesale distributors of beer in Ohio is not required to submit to the Division of Liquor Control territory designation forms (conforms with current law exempting B-2a and S permit holders that do not sell wine to wholesale distributors in this state from submitting to such forms)

(4) No provision.

(4) No provision.

(4) Requires an S permit holder who sells beer to pay the appropriate taxes, including sales and use tax.

Fiscal effect: Potential gain in revenue to the Liquor Control Fund (Fund 7043) and the GRF from various permit fees. Any new beer products intended to be sold in this state would be subject to a \$50 product registration fee, the revenue from which is deposited into Fund 7043. The \$25 fee for an S liquor permit is initially deposited into Fund 7043, though once each fiscal year, the revenue of such fees is transferred to the GRF. Potential minimal gain in various taxes associated with the sale of beer.

Executive As Passed by the House As Reported by Senate Highways and Transportation

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.

(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).

Section: 207.10

(1) Same as the Executive.

(2) Same as the Executive.

(3) Same as the Executive.

Section: 207.10

(1) Same as the Executive.

(2) Same as the Executive.

(3) Same as the Executive.

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| Executive | As Passed by the House | As Reported by Senate Highways and Transportation |
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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.

No provision.

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.

Section: 207.10

Same as the Executive.

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| Executive | As Passed by the House | As Reported by Senate Highways and Transportation |
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| JFSCD1 | Cash Transfers from the Tobacco Use Prevention and Control Foundation Endowment Fund |
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Sections: 610.10, 610.11

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.

Same as the House.

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| Executive | As Passed by the House | As Reported by Senate Highways and Transportation |
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| DNRCD1 | FY 2011 Waterways Improvement Funding Increase |
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No provision.

No provision.

Section: 610.10

Amends Section 343.10 of H.B. 1 of the 128th General Assembly to increase Fund 7086 appropriation item 725414, Waterways Improvement, by \$750,000 in FY 2011, from \$4,265,575 to \$5,015,575.

Fiscal effect: Provides an additional \$750,000 in FY 2011 funding for DNR's lake dredging program.

Executive As Passed by the House As Reported by Senate Highways and Transportation

DPSCD25 Bureau of Motor Vehicles Next of Kin Information Form

R.C. 4501.81

No provision.

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).

R.C. 4501.81

Same as the House.

Fiscal effect: Same as the House.

DPSCD31 Clerk of Court of Common Pleas Eligible to Act as Deputy Registrar

R.C. 4503.03

(1) No provision.

(1) 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.

R.C. 4503.03

(1) Same as the House, but modifies the population threshold to between 40,000 and 50,000.

(2) No provision.

(2) No provision.

(2) Allows the Registrar, notwithstanding the county population restrictions governing a clerk of courts serving as a deputy registrar, to ask the clerk to serve as the deputy registrar for a county, if no person applies to act under contract as a deputy registrar in the county and the county

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| Executive | As Passed by the House | As Reported by Senate Highways and Transportation |
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Fiscal effect: None.

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| DPSCD46 | Deputy Registrar Vending Business |
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No provision.

No provision.

R.C. 4503.03

Permits a deputy registrar, in accordance with guidelines established by the Director of Public Safety, to operate or contract for the operation of a vending machine at a deputy registrar location if products of the vending machine are consistent with the functions of a deputy registrar.

Fiscal effect: Potential commission revenues for state or local governmental entities operating as a deputy registrar, as per the sales agreement with the vending machine company.

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| DPSCD47 | Clerks of Court and County Auditor Performing Deputy Registrar Functions |
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No provision.

No provision.

R.C. 4503.03

Specifies that a county auditor or clerk of a court of common pleas who is performing deputy registrar functions is not required to file the political contribution disclosure form or pay the filing fee otherwise required for persons acting under contract as a deputy registrar.

Fiscal effect: Potential, at most minimal, annual loss in required annual filing statement fees that would otherwise be collected by the Registrar of Motor Vehicles for deposit in the state treasury to the credit of the GRF.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

DPSCD49 Deputy Registrar Accept Reinstatement Fees

R.C. 4503.03, 4507.1612, 4507.45, 4509.101, 4509.81, 4510.10, 4510.22, 4510.72, and 4511.191

(1) No provision.

(1) No provision.

(1) Requires the Registrar of Motor Vehicles to adopt rules for a deputy registrar who requests such authority to collect reinstatement fees.

(2) No provision.

(2) No provision.

(2) Allows a deputy registrar who collects reinstatement fees to also collect a \$10 service fee of which the deputy retains \$8 and transmits \$2 to the Registrar for deposit into the State Bureau of Motor Vehicles Fund (Fund 4W40).

(3) No provision.

(3) No provision.

(3) Requires the Registrar to use the \$2 portion of the service fee to pay for deputy registrar equipment necessary in connection with accepting reinstatement fees.

(4) No provision.

(4) No provision.

(4) Requires the Registrar, not later than January 1, 2012, to ensure that at least one deputy registrar in each county has the necessary equipment and is able to accept reinstatement fees.

Fiscal effect: Additional service fee revenues are likely to be collected annually for deposit in the State Bureau of Motor Vehicles Fund (Fund 4W40), and additional, presumably one-time, expenditures will be made from the fund to pay for the equipment needed by participating deputy registrars. Additional revenues in the form of service fees, possibly exceeding minimal annually, may be collected by local jurisdictions acting as a deputy registrar.

Executive As Passed by the House As Reported by Senate Highways and Transportation

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 magntiude of such a savings effect is uncertain. Fiscal effect: Same as the House.

DPSCD33 Motor Vehicle Registration Late Fee Exemption

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| No provision. | <p>R.C. 4503.04</p> <p>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.</p> <p>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.</p> | <p>R.C. 4503.04</p> <p>Same as the House.</p> <p>Fiscal effect: Same as the House.</p> |
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DPSCD45 Noncommercial Trailers

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| No provision. | No provision. | <p>R.C. 4503.04, 4501.01</p> <p>Clarifies the definition of "noncommercial trailer" and permits a noncommercial trailer to have a gross weight of not greater than 10,000 pounds.</p> <p>Fiscal effect: Uncertain.</p> |
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Executive

As Passed by the House

As Reported by Senate Highways and Transportation

Fiscal effect: Potential annual gain in revenue for Fund 5V10, depending on the number of license plates sold.

DPSCD37 Realtor Special License Plate

(1) No provision.

(1) No provision.

R.C. 4503.751, 7501.21

(1) Creates a realtor special license plate, available to persons who are members of a national, state, or local association of realtors, for a contribution of \$15 (plus all standard taxes, fees, and the \$10 additional fee to be deposited to the credit of the State Bureau of Motor Vehicles Fund (Fund 4W40) for services in issuing the plate).

(2) No provision.

(2) No provision.

(2) Directs that the \$15 contribution be paid to the License Plate Contribution Fund (Fund 5V10) for distribution to the Ohio Association of Realtors, which is directed to deposit the contributions into a property disaster relief fund maintained under the Ohio Realtors Charitable and Education Foundation.

Fiscal effect: Potential annual gain in revenue to Fund 4W40 and Fund 5V10, dependent on the number of license plates sold.

DPSCD36 "Teen Driver Education" License Plates

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

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

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.

(1) Same as the Executive.

(1) Same as the Executive.

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| Executive | As Passed by the House | As Reported by Senate Highways and Transportation |
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(2) Eliminates the Teen Driver Education License Plate Fund, but continues to require that the Registrar pay the 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.

(2) Same as the Executive.

(2) Same as the Executive.

Fiscal effect: None.

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive.

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| DPSCD28 | Application for a Certificate of Title by an Electronic Motor Vehicle Dealer |
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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: The Bureau of Motor Vehicles anticipates that the cost to permit the electronic filing of such applications will result in approximately \$834,000 in one-time costs.

R.C. 4505.06

Same as the House, except changes the deadline to implement to not later than December 31, 2011.

Fiscal effect: Same as the House.

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| DPSCD51 | Power of Attorney for Certificate of Title |
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No provision.

No provision.

R.C. 4505.08

Allows a clerk of a court of common pleas, in accordance with rules adopted by the Registrar of Motor Vehicles, to issue a certificate of title applied for by an agent of a licensed motor vehicle dealer when that agent has a properly executed power of attorney from the dealer.

Executive As Passed by the House As Reported by Senate Highways and Transportation

Fiscal effect: None.

DPSCD15 Title Defect Recision Fund and Certain Automated Title Processing Fund Certificate of Title Fees

Section: 755.20

R.C. 4505.09

R.C. 4505.09

(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.

Same as the Executive, except makes the provision permanent.

Same as the House.

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.

Fiscal effect: Same as the House.

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

R.C. 4506.08, 4507.23

R.C. 4506.08, 4507.23

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.

Same as the Executive.

Same as the Executive.

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| Executive | As Passed by the House | As Reported by Senate Highways and Transportation |
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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.

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive.

DPSCD27 Motorcycle Temporary Instruction Permits and Parking

R.C. 4507.05, 4511.53, and 4511.69

R.C. 4507.05, 4511.53, and 4511.69

(1) No provision.

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

(1) Same as the House.

(2) No provision.

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

(2) Same as the House.

Fiscal effect: Negligible.

Fiscal effect: Same as the House.

Executive As Passed by the House As Reported by Senate Highways and Transportation

DPSCD48 Disposal of Vehicles in the Possession of Law Enforcement

No provision.

No provision.

R.C. 4513.61

Prohibits a sheriff or police chief from charging to file an affidavit related to disposing of a vehicle the sheriff or chief ordered into storage.

Fiscal effect: Potential annual loss in revenues for those county and municipal law enforcement agencies that currently charge a fee to file an affidavit.

DPSCD26 Construction Equipment Auction License

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

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

(1) No provision.

(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.

(1) Same as the House, except requires that rules for a construction equipment auction license be specific to that license and distinct from other dealer licensing rules.

(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.

(2) Same as the House.

(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.

(3) Same as the House.

(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).

(4) Same as the House.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

(5) No provision.

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

(5) Same as the House.

(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, a limit on the number of auctions that can be held annually, and the ability to sell vehicles with a manufacturer's statement of origin when authorized by the vehicle manufacturer, and penalties for violating the standards.

(6) Same as the House, except removes the limit on the number of auctions that can be held annually and prohibits selling vehicles with a manufacturer's statement of origin.

Fiscal effect: The Department of Public Safety anticipates that these provisions will generate minimal revenues and expenditures annually.

Fiscal effect: Same as the House.

DPSCD52

Sale of Motor Vehicles by Leasing or Renting Dealers

No provision.

No provision.

R.C. 4517.03

Establishes two additional exceptions to the general requirement of current law for a motor vehicle leasing dealer or renting dealer to own a vehicle for 90 days before selling it: (1) allows a motor vehicle leasing dealer to sell a motor vehicle previously titled to an ultimate purchaser to another licensed motor vehicle dealer (that is, a person with a title to a vehicle was not operating the vehicle under a lease from a leasing dealer) and (2) allows a motor vehicle leasing dealer to sell a motor vehicle when the motor vehicle has been titled in the dealer's name (or in the name of an affiliated entity) in this state or another state for a cumulative period of 90 days.

Fiscal effect: None.

Executive As Passed by the House As Reported by Senate Highways and Transportation

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).

(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.

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

(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.

Section: 205.10

(1) Same as the Executive.

(2) Same as the Executive.

(3) Same as the Executive.

(4) Same as the Executive.

Section: 205.10

(1) Same as the Executive.

(2) Same as the Executive.

(3) Same as the Executive.

(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.

Section: 205.10

Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

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.

Section: 205.10

Same as the Executive.

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.

Section: 205.10

Same as the Executive, except removes the Seat Belt Education Fund (Fund 8440) from the list of funds.

Executive As Passed by the House As Reported by Senate Highways and Transportation

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.

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

(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.

(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

Section: 205.10

(1) Same as the Executive.

(2) Same as the Executive.

(3) Same as the Executive.

(4) Same as the Executive.

(5) Same as the Executive.

(6) Same as the Executive.

Section: 205.10

(1) Same as the Executive.

(2) Same as the Executive.

(3) Same as the Executive.

(4) Same as the Executive.

(5) Same as the Executive.

(6) Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

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.

Section: 205.10

Same as the Executive.

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.

Section: 205.10

Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

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.

R.C. 4905.801, 4163.07, 4905.802

Same the House but only the shipper, as opposed to the carrier or the shipper, is required to provide notice to the Emergency Management Agency within the Department of Public Safety.

Fiscal effect: Same as the House.

| Executive | As Passed by the House | As Reported by Senate Highways and Transportation |
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| PWCCD4 | Cuyahoga County Public Works Integrating Committee | |
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| R.C. 164.04 | R.C. 164.04 | R.C. 164.04 |
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| 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. | | |
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| | Same as the Executive. | |
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| PWCCD5 | State Capital Improvements Program | |
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| | R.C. 164.08, Sections 209.20, 209.21, 209.30, 209.40, and 209.50 | R.C. 164.08, Sections 209.20, 209.21, 209.30, 209.40, and 209.50 |
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| (1) No provision. | | (1) Same as the House. |
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| | (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). | |
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| (2) No provision. | | (2) Same as the House. |
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| | (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 OBM that a need exists to appropriate investment earnings to be used in | |
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| Executive | As Passed by the House | As Reported by Senate Highways and Transportation |
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| (3) No provision. | <p>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.</p> <p>(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).</p> | (3) Same as the House. |
| (4) No provision. | <p>(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.</p> | (4) Same as the House. |
| (5) No provision. | <p>(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.</p> | (5) Same as the House. |
| (6) No provision. | <p>(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 obligations may be used.</p> | (6) Same as the House. |

Executive

As Passed by the House

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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).

Fiscal effect: Same as the House.

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.

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.

Section: 209.10

Same as the Executive.

| Executive | As Passed by the House | As Reported by Senate Highways and Transportation |
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| PWCCD3 | Reappropriations | |
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| Section: 209.10 | Section: 209.10 | Section: 209.10 |
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| 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. | Same as the Executive. | Same as the Executive. |
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| Fiscal effect: Allows PWC to continue to use unencumbered funds from prior fiscal years for various local road and bridge projects. | Fiscal effect: Same as the Executive. | Fiscal effect: Same as the Executive. |
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| Executive | As Passed by the House | As Reported by Senate Highways and Transportation |
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| BORCD3 | University of Cincinnati Capital Appropriations |
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No provision.

No provision.

Section: 610.20

Amends H.B. 462 of the 128th General Assembly to transfer Cincinnati State capital appropriation item C36120, Blue Ash City Conference Center, with an appropriation of \$150,000, to University of Cincinnati capital appropriation item C26657, Blue Ash City Conference Center, with an appropriation of \$150,000.

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| BORCD4 | Cuyahoga Community College Capital Appropriations |
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No provision.

No provision.

Section: 610.20

Amends H.B. 462 of the 128th General Assembly to make the following changes:

Transfers Cultural Facilities Commission capital appropriation item C371S1, Museum of Contemporary Art Cleveland, with an appropriation of \$450,000, to Cuyahoga Community College capital appropriation item C37834, Museum of Contemporary Art Cleveland, with an appropriation of \$450,000.

Transfers Cultural Facilities Commission capital appropriation item C371U5, Cleveland Zoological Society, with an appropriation of \$150,000, to Cuyahoga Community College capital appropriation item C37833, Cleveland Zoological Society, with an appropriation of \$150,000.

Creates Cuyahoga Community College capital appropriation item C37835, Western Reserve Historical Society, with an appropriation of \$2,800,000. Cancels encumbrances against

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

Cultural Facilities Commission capital appropriation item C371A9, Western Reserve Historical Society, and reestablishes them against Cuyahoga Community College capital appropriation item C37835, Western Reserve Historical Society.

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| Executive | As Passed by the House | As Reported by Senate Highways and Transportation |
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| TAXCD2 | Real Property Tax Exemption |
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No provision.

No provision.

Section: 757.20

Requires the Tax Commissioner to order real property owned by the state of Ohio to be placed on the tax exempt list, notwithstanding failure to comply with requirements pertaining to exemption in Chapter 5713 or section 5715.27 of the Revised Code, if the property satisfies other qualifications for tax exemption.

Fiscal effect: Will reduce real property tax revenue to units of local government. LSC does not have an estimate of the amount of this revenue loss.

Executive As Passed by the House As Reported by Senate Highways and Transportation

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.

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive.

DOTCD5 Public-Private Partnership Authority

R.C. 5501.70, 5501.71-5501.83

R.C. 5501.70, 5501.71-5501.83, 5531.12, and 5531.18

(1) Authorizes DOT to enter into public-private agreements based on solicited and unsolicited proposals from private entities relating to transportation facilities.

(1) No provision.

(1) Same as the Executive.

(2) Establishes the procedures for selecting a proposal and the terms of an agreement, including grounds for terminating an agreement.

(2) No provision.

(2) Same as the Executive, but also requires that DOT consider the extent that a private entity's proposal (a) addresses the needs identified in a state, regional, or local transportation plan, and (b) is on the transportation improvement program for the affected metropolitan planning organization or the state transportation improvement program. In addition, adds that a public-private agreement must provide for the disposition of the facility upon completion of the agreement.

(3) Allows affected local governments to participate in a public-private agreement.

(3) No provision.

(3) Same as the Executive.

(4) Allows State Infrastructure Bank obligations to be issued to fund the development or financing of a transportation facility.

(4) No provision.

(4) Same as the Executive.

(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

(5) No provision.

(5) Same as the Executive, but adds that DOT must comply with any requirements and restrictions governing the use of federal, state, local, and private funds, including maintaining the funds separately when necessary.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

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.

(6) Exempts transportation facilities operated under a public-private agreement from state taxes and local property taxes.

(6) No provision.

(6) Same as the Executive.

(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.

(7) No provision.

(7) Same as the Executive, but (a) clarifies that DOT must use eminent domain authority in the same manner and for the same transportation purposes established in R.C. 5519.01, (b) specifies that if DOT proposes to use eminent domain authority at the request of a private entity, the acquisition of property must be by DOT in accordance with the Appropriation of Property Law (R.C. Chapter 163.) and only if the Director of DOT first makes a finding that the acquisition of property is for a public transportation use and serves the public transportation purposes of sections 5501.70 to 5501.83 of the bill, and (c) requires the Director of DOT to require that the private party pay the costs of the acquisition of private property.

(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.

(8) Same as the Executive.

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

(9) No provision.

(9) Same as the Executive.

(10) No provision.

(10) No provision.

(10) Eliminates the Ohio Transportation Finance Commission, which is a seven-member body required to approve all DOT tolling projects. Instead, allows the Director

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

(11) No provision.

(11) No provision.

of DOT to approve toll projects.

(11) Broadens the restriction on ODOT's current tolling authority relative to existing roads by establishing that the tolling authority cannot be construed to permit tolls to be charged on existing nontoll public roads (rather than just highways).

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.

Fiscal effect: Same as the Executive.

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.

(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.

(2) No provision.

(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.

(3) No provision.

Executive As Passed by the House As Reported by Senate Highways and Transportation

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.

R.C. 5525.15

Same as the House.

Fiscal effect: Same as the Executive.

DOTCD36 Vehicle Weight Limit Allowances

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:

R.C. 5577.042

Revises the vehicle weight tolerance limits as follows:

(1) No provision.

(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

(1) Same as the House, but limits the maximum vehicle weight tolerance to 5% for surface mining trucks and vehicles transporting hot mix asphalt and adds vehicles transporting concrete from the place where the material is first mixed to the site where the material is discharged to the list of vehicles eligible for the 5% weight tolerance.

(2) No provision.

(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.

(2) Same as the House, but limits the vehicle weight tolerance to 5% for vehicles transporting chips, sawdust, mulch, bark, pulpwood, biomass, or firewood (log trucks transporting timber would still be eligible for the 7.5% weight tolerance).

(3) No provision.

(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

(3) Same as the House, but limits the weight tolerance to 5% for vehicles transporting manure, turf, sod, or silage from the site where the material is first produced to the first place of

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

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| (4) No provision. | <p>on a farm truck.</p> <p>(4) Establishes that no wheel or axle limits apply if the specified vehicles do not exceed 7.5% of the gross vehicle weights.</p> <p>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.</p> | <p>delivery (vehicles transporting farm commodities, including livestock, bulk milk, corn, soybeans, tobacco, and wheat would still be eligible for the 7.5% weight tolerance).</p> <p>(4) Same as the House, but limits the wheel or axle weight tolerance to 5% for surface mining trucks transporting minerals; vehicles transporting hot mix asphalt materials; vehicles transporting manure, turf, sod, or silage; and vehicles transporting chips, sawdust, mulch, bark, pulpwood, biomass, or firewood; and adds vehicles transporting concrete to the 5% wheel or axle weight tolerance.</p> <p>Fiscal effect: Same as the House, though a lower weight tolerance of 5% would apply to the vehicles described above, potentially reducing the increase on roadway wear and tear.</p> |
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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.

Section: 203.20

Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

DOTCD38 Transportation Improvement Districts

(1) No provision.

(1) No provision.

Section: 203.30.20

(1) Earmarks \$3.5 million in each fiscal year from HOF Fund 7002 appropriation item 772421, Highway Construction - State, to be made available for distribution to transportation improvement districts (TIDs) that have facilitated funding for the cost of a project or project in conjunction with other governmental agencies.

(2) No provision.

(2) No provision.

(2) Requires a TID to submit requests for project funding to DOT no later than September 1 of each fiscal year and requires DOT to notify the TID whether it has approved or disapproved the project funding request within 90 days after the day the request was submitted by the TID.

(3) No provision.

(3) No provision.

(3) Prohibits any DOT funding provided to a TID from being used for administrative costs. Requires the funding to be used for a specific project or projects. Prohibits the total amount of a project's cost from being fully funded by the DOT funds. Further, limits the total amount of DOT funding for each project to 10% of total project costs or \$250,000 per fiscal year, whichever is greater. Specifies that TIDs co-sponsoring a specific project may individually apply for up to \$250,000 for that project, but prohibits DOT funds from providing more than 10% of a project's total costs.

(4) No provision.

(4) No provision.

(4) Permits DOT funds for TIDs to be used for preliminary engineering, detailed design, right-of-way acquisition, and construction of a specific project and other project costs under certain circumstances. Requires DOT to reimburse a TID for such expenditures upon receipt of a copy of an invoice for work performed on a specific project.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

(5) No provision.

(5) No provision.

(5) Requires any TID requesting DOT funds to register with DOT. Permits DOT to register a TID only if the TID has a specific, eligible project and allows DOT to cancel the registration of a TID that is not eligible to receive DOT funds. Prohibits DOT from providing funds to a TID if the TID is not registered.

Fiscal effect: To accommodate this earmark, the bill increases DOT HOF Fund 7002 appropriation item 772421, Highway Construction - State, by \$3.5 million each fiscal year and correspondingly decreases Department of Development SSR Fund 4W00 appropriation item 195629, Roadwork Development, by \$3.5 million each fiscal year.

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.

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.

Section: 203.50

Same as the Executive.

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| Executive | As Passed by the House | As Reported by Senate Highways and Transportation |
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Fiscal effect: Provides DOT with cash management flexibility during emergency situations or unforeseen conditions over the biennium.

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive.

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.

Section: 203.50

Same as the Executive.

Section: 203.50

Same as the Executive.

Fiscal effect: Provides DOT with cash management flexibility.

Fiscal effect: 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.

Section: 203.50

Same as the Executive.

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| Executive | As Passed by the House | As Reported by Senate Highways and Transportation |
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Fiscal effect: Permits DOT to continue directing federal reimbursement received for highway and transit projects funded by ARRA to Fund 7002.

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive.

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.

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.

Section: 509.20

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. 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.

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive.

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: 515.30

Same as the Executive.

Same as the Executive.

Section: 512.30

Same as the Executive.

Same as the Executive.

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| Executive | As Passed by the House | As Reported by Senate Highways and Transportation |
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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.

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).

Section: 755.40

Same as the Executive.

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

Section: 755.40

Same as the Executive.

Same as the House.

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| Executive | As Passed by the House | As Reported by Senate Highways and Transportation |
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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.

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

Fiscal effect: Same as the House.

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.

Section: 755.50

Same as the Executive.

DOTCD40 Prohibition on Cincinnati Streetcar Project Funding

No provision.

No provision.

Section: 755.60

Prohibits any state or federal funds appropriated in this bill or any other appropriations act from being encumbered, transferred, or spent for the Cincinnati Streetcar Project.

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| Executive | As Passed by the House | As Reported by Senate Highways and Transportation |
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| DOTCD37 | Joint Legislative Task Force on DOT Funding |
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Section: 757.20

No provision.

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.

No provision.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

OTCCD2 Failed Grade Separations on the Ohio Turnpike at Certain County and Township Roads

No provision.

No provision.

R.C. 5537.051

Makes the Ohio Turnpike Commission responsible for major maintenance, repairs, and replacement of grade separations at intersections of any turnpike project with county and townships roads in a county that, as of January 1, 2011, had closed one or more roads as a result of grade separation failure.

No provision.

No provision.

Requires major maintenance and repair and replacement of failed grade separations to commence no later than July 1, 2011 and to be completed before December 31, 2014.

No provision.

No provision.

Makes the the appropriate board of county commissioners or the board of township trustees responsible for routine maintenance of such failed grade separations.

Fiscal effect: The Ohio Turnpike Commission will incur significant new costs to perform this work on failing grade separations in Sandusky County, where there are currently 11 grade separations with failing embankments. The cost to repair one quadrant of an overpass is likely to be between \$150,000 and \$250,000, not including engineering costs. If all four quadrants of an overpass require repair, this means that the cost, excluding engineering work, would be in the \$600,000 to \$1 million range.

Executive As Passed by the House As Reported by Senate Highways and Transportation

Local Government Provisions

MISCD7 Ditch Maintenance Fund Assessments

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| (1) No provision. | (1) No provision. | <p>R.C. 1515.29, 6137.112</p> <p>(1) Authorizes a board of county commissioners or a joint board of county commissioners to use certain existing statutory ditch maintenance procedures and requirements to maintain soil and water conservation district improvements.</p> |
| (2) No provision. | (2) No provision. | <p>(2) Authorizes a board of county commissioners to adjust the permanent base of a ditch improvement that is used to calculate maintenance fund assessments, and requires that notice be sent to each owner that would be affected by the adjustment 30 days before the board meets to consider the new permanent base.</p> <p>Fiscal effect: Allows the annual assessments levied on property owners to be adjusted to more closely reflect the current costs of improvements, which could result in additional revenues for soil and water conservation districts.</p> |

MISCD3 Port Authority Competitive Bid Threshold

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| No provision. | <p>R.C. 4582.12, 4582.31</p> <p>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.</p> | <p>R.C. 4582.12, 4582.31</p> <p>Same as the Executive.</p> |
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Executive

As Passed by the House

As Reported by Senate Highways and Transportation

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

Fiscal effect: Same as the Executive.

MISCD12

Port Authority Eminent Domain Requirements Regarding Cable Operators

No provision.

No provision.

R.C. 4582.31

Expands current law requirements for when a port authority appropriates property or facilities of certain entities to include cable operators (currently, when a port authorities uses eminent domain authority, it must restore, relocate, or duplicate the property or facilities of political subdivisions, public utilities or common carriers, or pay compensation to these entities).

Fiscal effect: Potential increase in costs for port authorities when these entities use eminent domain authority.

MISCD11

Transportation Improvement District Project Authority

No provision.

No provision.

R.C. 5540.01

Expands the definition of a "project" for transportation improvement district (TID) purposes to include a parking facility and facilities related to freight rail tracks ("project" is currently defined to include streets or highways).

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| Executive | As Passed by the House | As Reported by Senate Highways and Transportation |
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Other Provisions

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| MISCD8 | American Recovery and Reinvestment Act Signage |
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No provision.

No provision.

R.C. 121.531

Prohibits spending American Recovery and Reinvestment Act of 2009 (ARRA) funds on signs that identify the source of specific project funding.

Fiscal effect: Potential minimal cost savings on ARRA projects where work has not yet begun. Because some federal agencies, such as the U.S. Environmental Protection Agency, require recipients of ARRA funds to display the ARRA logo on ARRA-funded projects, it may be that some state agencies and local governments that receive ARRA funding would be required to use other funds to meet such federal signage requirements on projects that have yet to reach construction phase.

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| MISCD1 | Buy Ohio Revisions |
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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.

R.C. 125.11

Same as the Executive.

R.C. 125.11

Same as the Executive.

Executive

As Passed by the House

As Reported by Senate Highways and Transportation

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.

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive.

MISCD9 Flexibility to Process July 1, 2011 Paycheck in FY 2011

No provision.

No provision.

Section: 509.30

Permits the Director of Budget and Management to, as necessary, make expenditures, adjust appropriations, and transfer cash between funds so that the July 1, 2011 paycheck posts in FY 2011 rather than FY 2012.

MISCD4 Conveyance of State-Owned Real Estate to City of Massillon

Section: 753.10

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

Section: 753.10

Same as the Executive.

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.

Same as the Executive.

No provision.

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

Same as the Executive.

No provision.

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

Fiscal effect: Same as the Executive.

| Executive | As Passed by the House | As Reported by Senate Highways and Transportation |
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| MISCD6 | Conveyance of State-Owned Real Estate to Taylor Chevrolet, Inc. | |
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No provision.

No provision.

Section: 753.20

Authorizes the conveyance of state-owned land in Fairfield County to Taylor Chevrolet, Inc. and requires the proceeds of the conveyance to be deposited to the credit of the State Highway Safety Fund (Fund 7036).

Fiscal effect: One-time gain in revenues to Fund 7036, dependent on the amount of the sale.

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| MISCD10 | Land Conveyance to Delta Upsilon KSU Alumni Chapter, Inc. | |
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No provision.

No provision.

Section: 753.30

Authorizes the conveyance of real estate owned by Kent State University to Delta Upsilon KSU Alumni Chapter, Inc., requires consideration for the conveyance to be determined by the two entities, and requires Delta Upsilon KSU Alumni Chapter, Inc. to pay the costs of the conveyance.

Fiscal effect: Depends on the final negotiated consideration.