

As Introduced

**124th General Assembly
Regular Session
2001-2002**

H. B. No. 73

REPRESENTATIVE Buehrer

A B I L L

To amend sections 151.01, 163.10, 163.22, 4503.191, 1
5501.17, 5501.31, 5502.12, 5516.10, 5517.011, and 2
5529.03, to enact new section 4509.27 and sections 3
4501.35, 5503.12, 5526.01, 5526.02, 5526.03, 4
5526.04, 5526.05, 5526.06, 5526.07, and 5526.08, 5
and to repeal sections 4509.27 and 5501.18 of the 6
Revised Code to make appropriations for programs 7
related to transportation and public safety for the 8
biennium beginning July 1, 2001, and ending June 9
30, 2003, and to provide authorization and 10
conditions for the operation of those programs. 11

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 151.01, 163.10, 163.22, 4503.191, 12
5501.17, 5501.31, 5502.12, 5516.10, 5517.011, and 5529.03 be 13
amended and new section 4509.27 and sections 4501.35, 5503.12, 14
5526.01, 5526.02, 5526.03, 5526.04, 5526.05, 5526.06, 5526.07, and 15
5526.08 of the Revised Code be enacted to read as follows: 16

Sec. 151.01. (A) As used in sections 151.01 to 151.08 of the 17
Revised Code and in the applicable bond proceedings unless 18
otherwise provided: 19

(1) "Bond proceedings" means the resolutions, orders, 20

agreements, and credit enhancement facilities, and amendments and
supplements to them, or any one or more or combination of them,
authorizing, awarding, or providing for the terms and conditions
applicable to or providing for the security or liquidity of, the
particular obligations, and the provisions contained in those
obligations.

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(2) "Bond service fund" means the respective bond service
fund created by section 151.03, 151.04, 151.05, 151.06, 151.07, or
151.08 of the Revised Code, and any accounts in that fund,
including all moneys and investments, and earnings from
investments, credited and to be credited to that fund and accounts
as and to the extent provided in the applicable bond proceedings.

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(3) "Capital facilities" means capital facilities or projects
as referred to in section 151.03, 151.04, 151.05, 151.06, 151.07,
or 151.08 of the Revised Code.

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(4) "Costs of capital facilities" means the costs of
acquiring, constructing, reconstructing, rehabilitating,
remodeling, renovating, enlarging, improving, equipping, or
furnishing capital facilities, and of the financing of those
costs. "Costs of capital facilities" includes, without limitation,
and in addition to costs referred to in section 151.03, 151.04,
151.05, 151.06, 151.07, or 151.08 of the Revised Code, the cost of
clearance and preparation of the site and of any land to be used
in connection with capital facilities, the cost of any indemnity
and surety bonds and premiums on insurance, all related direct
administrative expenses and allocable portions of direct costs of
the issuing authority, costs of engineering and architectural
services, designs, plans, specifications, surveys, and estimates
of cost, financing costs, interest on obligations from their date
to the time when interest is to be paid from sources other than
proceeds of obligations, amounts necessary to establish any
reserves as required by the bond proceedings, the reimbursement of

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all moneys advanced or applied by or borrowed from any person or
governmental agency or entity for the payment of any item of costs
of capital facilities, and all other expenses necessary or
incident to planning or determining feasibility or practicability
with respect to capital facilities, and such other expenses as may
be necessary or incident to the acquisition, construction,
reconstruction, rehabilitation, remodeling, renovation,
enlargement, improvement, equipment, and furnishing of capital
facilities, the financing of those costs, and the placing of the
capital facilities in use and operation, including any one, part
of, or combination of those classes of costs and expenses.

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(5) "Credit enhancement facilities," "financing costs," and
"interest" or "interest equivalent" have the same meanings as in
section 133.01 of the Revised Code.

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(6) "Debt service" means principal, including any mandatory
sinking fund or redemption requirements for retirement of
obligations, interest and other accreted amounts, interest
equivalent, and any redemption premium, payable on obligations. If
not prohibited by the applicable bond proceedings, debt service
includes costs relating to credit enhancement facilities that are
related to and represent, or are intended to provide a source of
payment of or limitation on, other debt service.

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(7) "Issuing authority" means the Ohio public facilities
commission created in section 151.02 of the Revised Code for
obligations issued under section 151.03, 151.04, 151.05, or 151.07
of the Revised Code, or the treasurer of state, or the officer who
by law performs the functions of that office, for obligations
issued under section 151.06 or 151.08 of the Revised Code.

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(8) "Net proceeds" means amounts received from the sale of
obligations, excluding amounts used to refund or retire
outstanding obligations, amounts required to be deposited into
special funds pursuant to the applicable bond proceedings, and

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amounts to be used to pay financing costs. 85

(9) "Obligations" means bonds, notes, or other evidences of 86
obligation of the state, including any appertaining interest 87
coupons, issued pursuant to sections 151.01 to 151.08 of the 88
Revised Code. 89

(10) "Principal amount" means the aggregate of the amount as 90
stated or provided for in the applicable bond proceedings as the 91
amount on which interest or interest equivalent on particular 92
obligations is initially calculated. Principal amount does not 93
include any premium paid to the state by the initial purchaser of 94
the obligations. 95

(11) "Special funds" or "funds," unless the context indicates 96
otherwise, means the bond service fund, and any other funds, 97
including any reserve funds, created under the bond proceedings 98
and stated to be special funds in those proceedings, including 99
moneys and investments, and earnings from investments, credited 100
and to be credited to the particular fund. Special funds do not 101
include the school building program assistance fund created by 102
section 3318.25 of the Revised Code, the higher education 103
improvement fund created by division (F) of section 154.21 of the 104
Revised Code, the highway capital improvement bond fund created by 105
section 5528.53 of the Revised Code, the state parks and natural 106
resources fund created by section 1557.02 of the Revised Code, the 107
coal research and development fund created by section 1555.15 of 108
the Revised Code, or other funds created by the bond proceedings 109
that are not stated by those proceedings to be special funds. 110

(B) Subject to section 21, 2m, 2n, or 15, and Section 17 of 111
Article VIII, Ohio Constitution, the state, by the issuing 112
authority, is authorized to issue and sell, as provided in 113
sections 151.03 to 151.08 of the Revised Code, and in respective 114
aggregate principal amounts as from time to time provided or 115
authorized by the general assembly, general obligations of this 116

state for the purpose of paying costs of capital facilities or 117
projects identified by or pursuant to general assembly action. 118

(C) Each issue of obligations shall be authorized by 119
resolution or order of the issuing authority. The bond proceedings 120
shall provide for or authorize the manner for determining the 121
principal amount or maximum principal amount of obligations of an 122
issue, the principal maturity or maturities, the interest rate or 123
rates, the date of and the dates of payment of interest on the 124
obligations, their denominations, and the place or places of 125
payment of debt service which may be within or outside the state. 126
Unless otherwise provided by law, the latest principal maturity 127
may not be later than the earlier of the thirty-first day of 128
December of the twenty-fifth calendar year after the year of 129
issuance of the particular obligations or of the twenty-fifth 130
calendar year after the year in which the original obligation to 131
pay was issued or entered into. Sections 9.96, 9.98, 9.981, 9.982, 132
and 9.983 of the Revised Code apply to obligations. The purpose of 133
the obligations may be stated in the bond proceedings in general 134
terms, such as, as applicable, "financing or assisting in the 135
financing of projects as provided in Section 2l of Article VIII, 136
Ohio Constitution," "financing or assisting in the financing of 137
highway capital improvement projects as provided in Section 2m of 138
Article VIII, Ohio Constitution," "paying costs of capital 139
facilities for a system of common schools throughout the state as 140
authorized by Section 2n of Article VIII, Ohio Constitution," 141
"paying costs of capital facilities for state-supported and 142
state-assisted institutions of higher education as authorized by 143
Section 2n of Article VIII, Ohio Constitution," "paying costs of 144
coal research and development as authorized by Section 15 of 145
Article VIII, Ohio Constitution," or "financing or assisting in 146
the financing of local subdivision capital improvement projects as 147
authorized by Section 2m of Article VIII, Ohio Constitution." 148

(D) The issuing authority may appoint or provide for the 149
appointment of paying agents, bond registrars, securities 150
depositories, clearing corporations, and transfer agents, and may 151
without need for any other approval retain or contract for the 152
services of underwriters, investment bankers, financial advisers, 153
accounting experts, marketing, remarketing, indexing, and 154
administrative agents, other consultants, and independent 155
contractors, including printing services, as are necessary in the 156
judgment of the issuing authority to carry out its functions under 157
Chapter 151. of the Revised Code. When the issuing authority is 158
the Ohio public facilities commission, the issuing authority also 159
may without need for any other approval retain or contract for the 160
services of attorneys and other professionals for that purpose. 161
Financing costs are payable, as may be provided in the bond 162
proceedings, from the proceeds of the obligations, from special 163
funds, or from other moneys available for the purpose. 164

(E) The bond proceedings may contain additional provisions 165
customary or appropriate to the financing or to the obligations or 166
to particular obligations including, but not limited to, 167
provisions for: 168

(1) The redemption of obligations prior to maturity at the 169
option of the state or of the holder or upon the occurrence of 170
certain conditions, and at particular price or prices and under 171
particular terms and conditions; 172

(2) The form of and other terms of the obligations; 173

(3) The establishment, deposit, investment, and application 174
of special funds, and the safeguarding of moneys on hand or on 175
deposit, in lieu of the applicability of provisions of Chapter 176
131. or 135. of the Revised Code, but subject to any special 177
provisions of sections 151.01 to 151.08 of the Revised Code with 178
respect to the application of particular funds or moneys. Any 179
financial institution that acts as a depository of any moneys in 180

special funds or other funds under the bond proceedings may 181
furnish indemnifying bonds or pledge securities as required by the 182
issuing authority. 183

(4) Any or every provision of the bond proceedings being 184
binding upon the issuing authority and upon such governmental 185
agency or entity, officer, board, commission, authority, agency, 186
department, institution, district, or other person or body as may 187
from time to time be authorized to take actions as may be 188
necessary to perform all or any part of the duty required by the 189
provision; 190

(5) The maintenance of each pledge or instrument comprising 191
part of the bond proceedings until the state has fully paid or 192
provided for the payment of the debt service on the obligations or 193
met other stated conditions; 194

(6) In the event of default in any payments required to be 195
made by the bond proceedings, or by any other agreement of the 196
issuing authority made as part of a contract under which the 197
obligations were issued or secured, including a credit enhancement 198
facility, the enforcement of those payments by mandamus, a suit in 199
equity, an action at law, or any combination of those remedial 200
actions; 201

(7) The rights and remedies of the holders or owners of 202
obligations or of book-entry interests in them, and of third 203
parties under any credit enhancement facility, and provisions for 204
protecting and enforcing those rights and remedies, including 205
limitations on rights of individual holders or owners; 206

(8) The replacement of mutilated, destroyed, lost, or stolen 207
obligations; 208

(9) The funding, refunding, or advance refunding, or other 209
provision for payment, of obligations that will then no longer be 210
outstanding for purposes of this section or of the applicable bond 211

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| proceedings; | 212 |
| (10) Amendment of the bond proceedings; | 213 |
| (11) Any other or additional agreements with the owners of obligations, and such other provisions as the issuing authority determines, including limitations, conditions, or qualifications, relating to any of the foregoing. | 214 215 216 217 |
| (F) The great seal of the state or a facsimile of it may be affixed to or printed on the obligations. The obligations requiring execution by or for the issuing authority shall be signed as provided in the bond proceedings. Any obligations may be signed by the individual who on the date of execution is the authorized signer although on the date of these obligations that individual is not an authorized signer. In case the individual whose signature or facsimile signature appears on any obligation ceases to be an authorized signer before delivery of the obligation, that signature or facsimile is nevertheless valid and sufficient for all purposes as if that individual had remained the authorized signer until delivery. | 218 219 220 221 222 223 224 225 226 227 228 229 |
| (G) Obligations are investment securities under Chapter 1308. of the Revised Code. Obligations may be issued in bearer or in registered form, registrable as to principal alone or as to both principal and interest, or both, or in certificated or uncertificated form, as the issuing authority determines. Provision may be made for the exchange, conversion, or transfer of obligations and for reasonable charges for registration, exchange, conversion, and transfer. Pending preparation of final obligations, the issuing authority may provide for the issuance of interim instruments to be exchanged for the final obligations. | 230 231 232 233 234 235 236 237 238 239 |
| (H) Obligations may be sold at public sale or at private sale, in such manner, and at such price at, above or below par, all as determined by and provided by the issuing authority in the | 240 241 242 |

bond proceedings. 243

(I) Except to the extent that rights are restricted by the 244
bond proceedings, any owner of obligations or provider of a credit 245
enhancement facility may by any suitable form of legal proceedings 246
protect and enforce any rights relating to obligations or that 247
facility under the laws of this state or granted by the bond 248
proceedings. Those rights include the right to compel the 249
performance of all applicable duties of the issuing authority and 250
the state. Each duty of the issuing authority and that authority's 251
officers, staff, and employees, and of each state entity or 252
agency, or using district or using institution, and its officers, 253
members, staff, or employees, undertaken pursuant to the bond 254
proceedings, is hereby established as a duty of the entity or 255
individual having authority to perform that duty, specifically 256
enjoined by law and resulting from an office, trust, or station 257
within the meaning of section 2731.01 of the Revised Code. The 258
individuals who are from time to time the issuing authority, 259
members or officers of the issuing authority, or those members' 260
designees acting pursuant to section 154.02 of the Revised Code, 261
or the issuing authority's officers, staff, or employees, are not 262
liable in their personal capacities on any obligations or 263
otherwise under the bond proceedings. 264

(J)(1) Subject to section 2l, 2m, 2n, or 15, and Section 17, 265
of Article VIII, Ohio Constitution and sections 151.01 to 151.08 266
of the Revised Code, the issuing authority may, in addition to the 267
authority referred to in division (B) of this section, authorize 268
and provide for the issuance of: 269

(a) Obligations in the form of bond anticipation notes, and 270
may provide for the renewal of those notes from time to time by 271
the issuance of new notes. The holders of notes or appertaining 272
interest coupons have the right to have debt service on those 273
notes paid solely from the moneys and special funds that are or 274

may be pledged to that payment, including the proceeds of bonds or
renewal notes or both, as the issuing authority provides in the
bond proceedings authorizing the notes. Notes may be additionally
secured by covenants of the issuing authority to the effect that
the issuing authority and the state will do all things necessary
for the issuance of bonds or renewal notes in such principal
amount and upon such terms as may be necessary to provide moneys
to pay when due the debt service on the notes, and apply their
proceeds to the extent necessary, to make full and timely payment
of debt service on the notes as provided in the applicable bond
proceedings. In the bond proceedings authorizing the issuance of
bond anticipation notes the issuing authority shall set forth for
the bonds anticipated an estimated schedule of annual principal
payments the latest of which shall be no later than provided in
division (C) of this section. While the notes are outstanding
there shall be deposited, as shall be provided in the bond
proceedings for those notes, from the sources authorized for
payment of debt service on the bonds, amounts sufficient to pay
the principal of the bonds anticipated as set forth in that
estimated schedule during the time the notes are outstanding,
which amounts shall be used solely to pay the principal of those
notes or of the bonds anticipated.

(b) Obligations for the refunding, including funding and
retirement, and advance refunding with or without payment or
redemption prior to maturity, of any obligations previously
issued. Refunding obligations may be issued in amounts sufficient
to pay or to provide for repayment of the principal amount,
including principal amounts maturing prior to the redemption of
the remaining prior obligations, any redemption premium, and
interest accrued or to accrue to the maturity or redemption date
or dates, payable on the prior obligations, and related financing
costs and any expenses incurred or to be incurred in connection

with that issuance and refunding. Subject to the applicable bond
proceedings, the portion of the proceeds of the sale of refunding
obligations issued under division (J)(1)(b) of this section to be
applied to debt service on the prior obligations shall be credited
to an appropriate separate account in the bond service fund and
held in trust for the purpose by the issuing authority or by a
corporate trustee. Obligations authorized under this division
shall be considered to be issued for those purposes for which the
prior obligations were issued.

(2) Except as otherwise provided in sections 151.01 to 151.08
of the Revised Code, bonds or notes authorized pursuant to
division (J) of this section are subject to the provisions of
those sections pertaining to obligations generally.

(3) The principal amount of refunding or renewal obligations
issued pursuant to division (J) of this section shall be in
addition to the amount authorized by the general assembly as
referred to in division (B) of the following sections: section
151.03, 151.04, 151.05, 151.06, 151.07, or 151.08 of the Revised
Code.

(K) Obligations are lawful investments for banks, savings and
loan associations, credit union share guaranty corporations, trust
companies, trustees, fiduciaries, insurance companies, including
domestic for life and domestic not for life, trustees or other
officers having charge of sinking and bond retirement or other
special funds of the state and political subdivisions and taxing
districts of this state, the sinking fund, the administrator of
workers' compensation subject to the approval of the workers'
compensation board, the state teachers retirement system, the
public employees retirement system, the school employees
retirement system, and the Ohio police and fire pension fund,
notwithstanding any other provisions of the Revised Code or rules
adopted pursuant to those provisions by any state agency with

respect to investments by them, and are also acceptable as 339
security for the repayment of the deposit of public moneys. The 340
exemptions from taxation in Ohio as provided for in particular 341
sections of the Ohio Constitution and section 5709.76 of the 342
Revised Code apply to the obligations. 343

(L)(1) Unless otherwise provided or provided for in any 344
applicable bond proceedings, moneys to the credit of or in a 345
special fund shall be disbursed on the order of the issuing 346
authority. No such order is required for the payment, from the 347
bond service fund or other special fund, when due of debt service 348
or required payments under credit enhancement facilities. 349

(2) Payments received by the state under interest rate hedges 350
entered into as credit enhancement facilities under this chapter 351
shall be deposited to the credit of the bond service fund for the 352
obligations to which those credit enhancement facilities relate. 353
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(M) The full faith and credit, revenue, and taxing power of 355
the state are and shall be pledged to the timely payment of debt 356
service on outstanding obligations as it comes due, all in 357
accordance with Section 21, 2m, 2n, or 15 of Article VIII, Ohio 358
Constitution, and section 151.03, 151.04, 151.05, 151.06, 151.07, 359
or 151.08 of the Revised Code. Moneys referred to in Section 5a of 360
Article XII, Ohio Constitution, may not be pledged or used for the 361
payment of debt service except on obligations referred to in 362
section 151.06 of the Revised Code. The state covenants, and that 363
covenant shall be controlling notwithstanding any other provision 364
of law, that the state and the applicable officers and agencies of 365
the state, including the general assembly, shall, so long as any 366
obligations are outstanding in accordance with their terms, 367
maintain statutory authority for and cause to be levied, collected 368
and applied sufficient pledged excises, taxes, and revenues of the 369
state so that the revenues shall be sufficient in amounts to pay 370

debt service when due, to establish and maintain any reserves and
other requirements, and to pay financing costs, including costs of
or relating to credit enhancement facilities, all as provided for
in the bond proceedings. Those excises, taxes, and revenues are
and shall be deemed to be levied and collected, in addition to the
purposes otherwise provided for by law, to provide for the payment
of debt service and financing costs in accordance with sections
151.01 to 151.08 of the Revised Code and the bond proceedings.

(N) The general assembly may from time to time repeal or
reduce any excise, tax, or other source of revenue pledged to the
payment of the debt service pursuant to Section 2l, 2m, 2n, or 15
of Article VIII, Ohio Constitution, and sections 151.01 to 151.08
of the Revised Code, and may levy, collect and apply any new or
increased excise, tax, or revenue to meet the pledge, to the
payment of debt service on outstanding obligations, of the state's
full faith and credit, revenue and taxing power, except fees,
excises or taxes referred to in Section 5a of Article XII, Ohio
Constitution, for other than obligations referred to in section
~~151.05~~ 151.06 of the Revised Code and except net state lottery
proceeds for other than obligations referred to in section 151.03
of the Revised Code. Nothing in division (N) of this section
authorizes any impairment of the obligation of this state to levy
and collect sufficient excises, taxes, and revenues to pay debt
service on obligations outstanding in accordance with their terms.

(O) Each bond service fund is a trust fund and is hereby
pledged to the payment of debt service on the applicable
obligations. Payment of that debt service shall be made or
provided for by the issuing authority in accordance with the bond
proceedings without necessity for any act of appropriation. The
bond proceedings may provide for the establishment of separate
accounts in the bond service fund and for the application of those
accounts only to debt service on specific obligations, and for

other accounts in the bond service fund within the general 403
purposes of that fund. 404

(P) Subject to the bond proceedings pertaining to any 405
obligations then outstanding in accordance with their terms, the 406
issuing authority may in the bond proceedings pledge all, or such 407
portion as the issuing authority determines, of the moneys in the 408
bond service fund to the payment of debt service on particular 409
obligations, and for the establishment and maintenance of any 410
reserves for payment of particular debt service. 411

(Q) The issuing authority shall by the fifteenth day of the 412
July of each fiscal year, certify or cause to be certified to the 413
office of budget and management the total amount of moneys 414
required during the current fiscal year to meet in full all debt 415
service on the respective obligations and any related financing 416
costs payable from the applicable bond service fund and not from 417
the proceeds of refunding or renewal obligations. The issuing 418
authority shall make or cause to be made supplemental 419
certifications to the office of budget and management for each 420
debt service payment date and at such other times during each 421
fiscal year as may be provided in the bond proceedings or 422
requested by that office. Debt service, costs of credit 423
enhancement facilities, and other financing costs shall be set 424
forth separately in each certification. If and so long as the 425
moneys to the credit of the bond service fund, together with any 426
other moneys available for the purpose, are insufficient to meet 427
in full all payments when due of the amount required as stated in 428
the certificate or otherwise, the office of budget and management 429
shall at the times as provided in the bond proceedings, and 430
consistent with any particular provisions in sections 151.03 to 431
151.08 of the Revised Code, transfer a sufficient amount to the 432
bond service fund from the revenues derived from excises, taxes, 433
and other revenues, including net state lottery proceeds in the 434

case of obligations referred to in section 151.03 of the Revised Code. 435
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(R) Unless otherwise provided in any applicable bond 437
proceedings, moneys to the credit of special funds may be invested 438
by or on behalf of the state only in one or more of the following: 439

(1) Notes, bond, or other direct obligations of the United 440
States or of any agency or instrumentality of the United States, 441
or in no-front-end-load money market mutual funds consisting 442
exclusively of those obligations, or in repurchase agreements, 443
including those issued by any fiduciary, secured by those 444
obligations, or in collective investment funds consisting 445
exclusively of those obligations; 446

(2) Obligations of this state or any political subdivision of 447
this state; 448

(3) Certificates of deposit of any national bank located in 449
this state and any bank, as defined in section 1101.01 of the 450
Revised Code, subject to inspection by the superintendent of 451
financial institutions; 452

(4) The treasurer of state's pooled investment program under 453
section 135.45 of the Revised Code. 454

The income from investments referred to in division (R) of 455
this section shall, unless otherwise provided in sections 151.01 456
to 151.08 of the Revised Code, be credited to special funds or 457
otherwise as the issuing authority determines in the bond 458
proceedings. Those investments may be sold or exchanged at times 459
as the issuing authority determines, provides for, or authorizes. 460

(S) The treasurer of state shall have responsibility for 461
keeping records, making reports, and making payments, relating to 462
any arbitrage rebate requirements under the applicable bond 463
proceedings. 464

Sec. 163.10. The assessment of compensation may be made at a 465
regular or special term of court. The jury shall be selected from 466
the jurors drawn as prescribed in sections 2313.19 to 2313.26 of 467
the Revised Code, and qualified as in civil actions. However, it 468
shall be grounds for challenge for cause if a juror has served in 469
two appropriation trials in the current term of court. ~~Depositions~~ 470
~~may be taken as in other civil cases, subject to the requirements~~ 471
~~of section 5501.21 of the Revised Code. Depositions of the~~ 472
~~officers, agents, or employees of the agency or owner shall be~~ 473
~~taken as on cross-examination. No evidence may be adduced or~~ 474
~~elicited in depositions as to value or appraisals on~~ 475
~~cross-examination, unless raised by direct examination.~~ 476

Sec. 163.22. All proceedings brought under sections 163.01 to 477
163.22, ~~inclusive,~~ of the Revised Code, shall be governed by the 478
law applicable in civil actions ~~in the court of common pleas and~~ 479
the Rules of Civil Procedure, including, but not limited to, the 480
rules governing discovery, except as otherwise provided in ~~such~~ 481
~~those~~ sections. ~~Such~~ The proceedings shall be advanced as a matter 482
of immediate public interest and concern and shall be heard by the 483
court at the earliest practicable moment. 484

Sec. 4501.35. There is hereby created in the state treasury 485
the film production reimbursement fund. The fund shall be used by 486
the department of public safety for the purpose of depositing 487
moneys received from other agencies for services and supplies 488
provided for the production of public service announcements, media 489
materials, and training materials. Moneys in the fund shall be 490
expended only for supplies and maintenance of equipment necessary 491
to perform such services. 492

Sec. 4503.191. (A) The identification license plate shall be 494

issued for a multi-year period as determined by the director of 495
public safety, and shall be accompanied by a validation sticker, 496
to be attached to the license plate. The validation sticker shall 497
indicate the expiration of the registration period to which the 498
motor vehicle for which the license plate is issued is assigned, 499
in accordance with rules adopted by the registrar of motor 500
vehicles. During each succeeding year of the multi-year period 501
following the issuance of the plate and validation sticker, upon 502
the filing of an application for registration and the payment of 503
the tax therefor, a validation sticker alone shall be issued. The 504
validation stickers required under this section shall be of 505
different colors or shades each year, the new colors or shades to 506
be selected by the director. 507

(B) Identification license plates, ~~validation stickers, and~~ 508
~~county identification stickers~~ shall be produced by Ohio penal 509
industries. ~~However, the registrar and Validation stickers and~~ 510
~~county identification stickers shall be produced by Ohio penal~~ 511
~~industries may enter into an agreement under which unless the~~ 512
~~bureau of motor vehicles at certain times may registrar adopts~~ 513
~~rules that permit the registrar or deputy registrars to print or~~ 514
~~otherwise produce certain types of validation and county~~ 515
~~identification stickers. The agreement shall specify those times~~ 516
~~and types of stickers them.~~ 517

Sec. 4509.27. There is hereby created in the state treasury 518
the security deposit fund. All security deposits that the 519
registrar of motor vehicles requires to be paid under section 520
4509.12 of the Revised Code and that the registrar receives shall 521
be deposited into the fund. Moneys in the fund shall be applied 522
only to the payment of a judgment for damages arising out of an 523
accident as provided in section 4509.28 of the Revised Code and to 524
the return of security deposits as provided in sections 4509.25 525
and 4509.29 of the Revised Code. All investment earnings on the 526

cash balance in the fund shall be credited to the fund.

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Sec. 5501.17. The director of transportation may employ such assistants as are necessary to prepare plans and surveys. Compensation paid for the preparation of plans, surveys, and specifications shall be regarded as a part of the cost and expense of the improvement for which they were made and shall be paid from funds set aside for ~~such~~ the improvement.

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The director may appoint additional clerks and stenographers, and such other engineers, inspectors, technicians, and other employees as are necessary to carry out Chapters 5501., 5503., 5511., 5513., 5515., 5516., 5517., 5519., 5521., 5523., 5525., 5527., 5528., 5529., 5531., 5533., and 5535. of the Revised Code. All such technicians employed under the authority of this section shall be eligible to receive pay during periods of on the job training or while attending special training schools conducted by the department of transportation. Such employees and appointees, in addition to their salaries, shall receive their actual necessary traveling expenses when on official business.

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~~The director may employ consulting engineers and may enter into contracts for consulting engineering services with any qualified person, firm, partnership, corporation, or association. If the total contract price for a construction project is twenty million dollars or more, based upon preliminary estimates of the department, the director may present the preliminary estimates regarding the construction project to the controlling board for the purpose of requesting authority to enter into contracts for consulting engineering services for that particular project without the consent of the controlling board. The controlling board, in its discretion, may approve, conditionally approve, or disapprove such a request. In the awarding of such contracts, compliance with section 5525.01 of the Revised Code is not~~

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~~required. The director shall cause to be kept itemized records if
the amounts of money spent under each contract. At least once a
year, the director or his designee shall appear before the
controlling board and present those records for its review.~~

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~~The use of consulting engineers shall be restricted to:~~

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~~(A) Locating, surveying, and the preparation of detailed
plans and estimates of individual construction projects on primary
routes, the cost of which exceeds one million dollars based upon
preliminary estimates by the department;~~

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~~(B) Preliminary engineering investigation and report with
respect to location, grade, and estimated cost of limited access
highways, freeways, or bridges;~~

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~~(C) Laying out, inspecting, and generally supervising the
construction of construction projects;~~

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~~(D) The surveying and designing and the preparation of
detailed plans and specifications, and to the laying out,
inspecting, and generally supervising the construction for the
replacement of narrow, weak, and inadequate bridges on the state
highway system;~~

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~~(E) The preparation of all or any part of comprehensive
transportation and land use studies and major thoroughfare reports
for urban areas and surrounding areas affected by such urban
areas;~~

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~~(F) The surveying and designing and the preparation of
detailed plans and specifications, and to the laying out,
inspecting, and generally supervising the construction on the
state highway system of highway lighting and traffic control
projects.~~

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~~Compensation paid for the services covered in divisions (A),
(B), (C), (D), and (F) of this section shall be regarded as a part~~

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~~of the cost and expense of the improvements for which they were 588
rendered and shall be paid from funds set aside for those 589
improvements. Compensation for the services set forth in division 590
(E) of this section shall be paid from any funds available to the 591
department. 592~~

The director may contract with regional, county, or municipal 593
planning commissions or county engineers having adequate staffs, 594
and with planning agencies of adjacent states, for the preparation 595
of comprehensive transportation and land use studies and major 596
thoroughfare reports, or parts thereof, and pay the commissions, 597
county engineers, or planning agencies of adjacent states for such 598
work from funds available to the department. 599

Sec. 5501.31. The director of transportation shall have 600
general supervision of all roads comprising the state highway 601
system. The director may alter, widen, straighten, realign, 602
relocate, establish, construct, reconstruct, improve, maintain, 603
repair, and preserve any road or highway on the state highway 604
system, and, in connection therewith, relocate, alter, widen, 605
deepen, clean out, or straighten the channel of any watercourse as 606
the director considers necessary, and purchase or appropriate 607
property for the disposal of surplus materials or borrow pits, 608
and, where an established road has been relocated, establish, 609
construct, and maintain such connecting roads between the old and 610
new location as will provide reasonable access thereto. 611

The director may purchase or appropriate property necessary 612
for the location or construction of any culvert, bridge, or 613
viaduct, or the approaches thereto, including any property needed 614
to extend, widen, or alter any feeder or outlet road, street, or 615
way adjacent to or under the bridge or viaduct when the extension, 616
widening, or alteration of the feeder road, street, or way is 617
necessary for the full utilization of the bridge or viaduct, or 618

for any other highway improvement. The director ~~also~~ may purchase
or appropriate, for such length of time as is necessary and
desirable, any additional property required for the construction
and maintenance of slopes, detour roads, sewers, roadside parks,
rest areas, recreational park areas, bikeways, bicycle paths, park
and ride facilities, and park and carpool or vanpool facilities,
scenic view areas, drainage systems, or land to replace wetlands,
incident to any highway improvement, that the director is or may
be authorized to locate or construct. Title Also incident to any
authorized highway improvement, the director may purchase property
from a willing seller to replace, preserve, or conserve any
environmental resource if the replacement, preservation, or
conservation is required by state or federal law.

Title to property purchased or appropriated by the director
shall be taken in the name of the state either in fee simple or in
any lesser estate or interest that the director considers
necessary or proper, in accordance with forms to be prescribed by
the attorney general. The deed shall contain a description of the
property and be recorded in the county where the property is
situated and, when recorded, shall be kept on file in the
department of transportation. The property may be described by
metes and bounds or by the department of transportation parcel
number as shown on a right of way plan recorded in the county
where the property is located.

Provided that when property, other than property used by a
railroad for operating purposes, is acquired in connection with
improvements involving projects affecting railroads wherein the
department is obligated to acquire property under grade separation
statutes, or on other improvements wherein the department is
obligated to acquire lands under agreements with railroads, or
with a public utility, political subdivision, public corporation,
or private corporation owning transportation facilities for the

readjustment, relocation, or improvement of their facilities, a
fee simple title or an easement may be acquired by purchase or
appropriation in the name of the railroad, public utility,
political subdivision, public corporation, or private corporation
in the discretion of the director. When the title to lands, which
are required to adjust, relocate, or improve such facilities
pursuant to agreements with the director, is taken in the name of
the state, then, in the discretion of the director, the title to
such lands may be conveyed to the railroad, public utility,
political subdivision, or public corporation for which they were
acquired. The conveyance shall be prepared by the attorney general
and executed by the governor and bear the great seal of the state
of Ohio.

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The director, in the maintenance or repair of state highways,
is not limited to the use of the materials with which the
highways, including the bridges and culverts thereon, were
originally constructed, but may use any material that is proper or
suitable. The director may aid any board of county commissioners
in establishing, creating, and repairing suitable systems of
drainage for all highways within the jurisdiction or control of
the board and advise with it as to the establishment,
construction, improvement, maintenance, and repair of the
highways.

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Chapters 5501., 5503., 5511., 5513., 5515., 5516., 5517.,
5519., 5521., 5523., 5525., 5527., 5528., 5529., 5531., 5533., and
5535. of the Revised Code do not prohibit the federal government,
or any individual or corporation, from contributing a portion of
the cost of the establishment, construction, reconstruction,
relocating, widening, resurfacing, maintenance, and repair of the
highways.

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Except in the case of maintaining, repairing, erecting
traffic signs on, or pavement marking of state highways within

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villages, which is mandatory as required by section 5521.01 of the
Revised Code, and except as provided in section 5501.49 of the
Revised Code, no duty of constructing, reconstructing, widening,
resurfacing, maintaining, or repairing state highways within
municipal corporations, or the bridges and culverts thereon, shall
attach to or rest upon the director, but the director may
construct, reconstruct, widen, resurface, maintain, and repair the
same with or without the cooperation of any municipal corporation,
or with or without the cooperation of boards of county
commissioners upon each municipal corporation consenting thereto.

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Sec. 5502.12. The accident reports submitted pursuant to
section 5502.11 of the Revised Code shall be for the use of the
director of public safety for purposes of statistical, safety, and
other studies. The director of public safety law enforcement
agency that submitted a report shall search and furnish a copy of
such report and associated documents to any person claiming an
interest arising out of a motor vehicle accident, or to the
person's attorney, upon the payment of a nonrefundable fee ~~of~~
three that shall not exceed four dollars. With respect to
accidents investigated by the state highway patrol, the director
of public safety shall furnish to such person all related reports
and statements upon the payment of a nonrefundable fee of four
dollars. The cost of photographs shall be in addition to the
nonrefundable four-dollar fee.

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Such state highway patrol reports, statements, and
photographs, in the discretion of the director of public safety,
may be withheld until all criminal prosecution has been concluded;
the director of public safety may require proof, satisfactory to
the director, of the right of any applicant to be furnished such
documents.

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Sec. 5503.12. (A) The superintendent of the state highway

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patrol, with the approval of the director of public safety, may 714
authorize the registrar of motor vehicles and designated deputy 715
registrars to collect inspection and testing fees on behalf of the 716
state highway patrol. The superintendent and the registrar jointly 717
shall determine and designate the deputy registrars who shall 718
collect inspection and testing fees under this section. 719

(B)(1) In addition to collecting the inspection and testing 720
fees, the registrar and each designated deputy registrar may 721
collect and retain a service fee in the amount specified in 722
division (D) of section 4503.10 of the Revised Code for each 723
inspection and testing fee collected on behalf of the state 724
highway patrol. 725

(2) Each designated deputy registrar, upon receipt of any 726
inspection and testing fee, shall transmit the fees to the 727
registrar in the manner prescribed by the registrar. 728

(3) The registrar shall deposit the inspection and testing 729
fees collected by and transmitted to the registrar to the credit 730
of the fund specified by law. 731

(C) The superintendent, with the approval of the director, 732
shall establish appropriate procedures to be used by the registrar 733
and designated deputy registrars for determining proof of payment 734
of inspection and testing fees. 735

(D) As used in this section, "inspection and testing fees" 736
includes the following: 737

(1) Fees for vehicle inspections conducted under sections 738
4505.11, 4505.111, 4513.52, 4513.53, 4519.56, 4519.61, and 4766.07 739
of the Revised Code; 740

(2) Fees for testing of commercial driver's license 741
applicants under section 4506.09 of the Revised Code; 742

(3) Except as may otherwise be specifically provided by law, 743

any statutory fees for similar vehicle inspections or driver 744
testing conducted by the state highway patrol that the 745
superintendent may specify for collection under this section. 746

Sec. 5516.10. (A) No person shall do either of the following 747
without first obtaining a permit and permit plates from the 748
director of transportation: 749

(1) Erect, use, maintain, operate, construct, or cause or 750
permit to be erected, used, maintained, operated, or constructed, 751
any advertising device located in either of the following: 752

(a) Commercial or industrial zones traversed by segments of 753
the interstate system within the boundaries of a municipal 754
corporation as such boundaries existed on September 21, 1959; ~~or~~ 755

(b) ~~Located in zoned~~ Zoned or unzoned industrial or 756
commercial areas adjacent to highways on the primary system; ~~or,~~ 757

(2) Maintain any nonconforming advertising device. 758

(B) Applications for such a permit shall be made on forms 759
prescribed by the director, and a separate application ~~must~~ shall 760
be submitted for each sign face. The director shall adopt rules 761
setting forth the requirements for completion of the application 762
process and the issuance of permits consistent with ~~the provisions~~ 763
~~of~~ this section. 764

(1) As part of the application process, the director may 765
require an acknowledgment to be signed by the owner or person in 766
lawful possession or control of the proposed location of the 767
advertising device. Such acknowledgment may include, but shall not 768
be limited to, a statement that the applicant has the right to 769
occupy the land at the subject location, that if at any time 770
removal is required, the owner or person in lawful possession or 771
control of the location may be jointly liable, and that the 772
applicant may only occupy the land for a specified time period. If 773

legal use of the location is terminated at any time during the 774
permit period, the permit is subject to cancellation pursuant to 775
section 5516.12 of the Revised Code. 776

(2) As part of the application process, the director may 777
require an applicant or the applicant's authorized representative 778
to certify in a notarized signed statement that the applicant has 779
not knowingly provided materially false, misleading, or inaccurate 780
information. 781

(3) Each application shall be accompanied by the appropriate 782
application fee as set forth in the fee schedule established by 783
the director. Such fee schedule shall be based on the reasonable 784
cost of administering and processing such permits. Application 785
fees shall be nonrefundable. 786

(4) Applications for permits ~~will~~ shall be disapproved and 787
permits ~~will~~ shall not be issued under any of the following 788
conditions: 789

(a) The proposed location for an advertising device is not 790
visible from the main traveled portion of the highway due to 791
existing landscaping on the right-of-way of any highway~~+~~. 792

(b) The advertising device can be erected or maintained only 793
from the right-of-way of an interstate or primary highway system~~+~~. 794

(c) The proposed location for the advertising device is on 795
land that is used principally as a residence~~+~~. 796

(d) The advertising device is erected or maintained on trees, 797
or painted or drawn upon rocks or other natural features~~+~~. 798

(e) The advertising device would be a traffic hazard or a 799
danger to the safety of the traveling public~~+~~. 800

(f) The advertising device would prevent the driver of a 801
motor vehicle from having a clear and unobstructed view of 802
official signs and approaching or merging traffic~~+~~. 803

(g) The advertising device is illuminated so as to interfere 804
with the effectiveness of an official sign, signal, or other 805
traffic control device~~7~~. 806

(h) The advertising device attempts, or appears to attempt, 807
to direct the movement of traffic, or interferes with, imitates, 808
or resembles an official sign, signal, or other traffic control 809
device. 810

(C) The issuance of a permit under this section shall not be 811
construed to invalidate municipal ordinances requiring a permit or 812
license or providing for an inspection fee for advertising 813
devices, or regulating such advertising devices. The cost of the 814
application fee for such permits or licenses issued, or the cost 815
of initial inspection fees charged under municipal ordinances 816
shall be credited against and shall reduce the cost of the permit 817
issued by the director under this section. If a permit is issued 818
by a zoning authority pursuant to its ordinances, rules, or 819
regulations controlling outdoor advertising devices, a copy 820
thereof shall be furnished to the director with any application 821
for a new permit required by this section or within thirty days of 822
its issuance by a zoning authority. 823

(D) Where an application is submitted for the erection, use, 824
maintenance, operation, or construction of an advertising device, 825
the director may conditionally approve such application as to 826
location only, and final approval ~~will~~ shall remain pending until 827
the advertising device is erected, used, maintained, or 828
constructed~~7~~, or becomes operational. Upon notification by the 829
permit applicant that the erection, use, maintenance, 830
construction, or operation of the advertising device is completed, 831
the director shall verify that the advertising device complies 832
with the terms and conditions of the conditional permit. Upon 833
verification of compliance with the terms and conditions of the 834
conditional permit, the director may approve and issue a permit 835

and permit plates, which shall be securely and permanently 836
attached in the corner of the face of the advertising device 837
nearest to the highway in such a manner as to be visible from the 838
main traveled way of the interstate or primary highway system. 839
Replacement plates may be issued upon request and upon the payment 840
of a replacement fee to be determined by the director. 841

(E) All permits issued pursuant to this section shall be in 842
effect for a period of ~~one year~~ two years. Permits may be renewed 843
upon application made on forms designated by the director and upon 844
the payment of a nonrefundable renewal fee in an amount to be 845
determined by the director based on the reasonable cost of 846
administering and processing such renewal permits. Any permits 847
that are not renewed, and any permit plates issued in connection 848
with such permits, shall be returned to the director for 849
cancellation by the expiration date. The director may adopt rules 850
for the reinstatement of permits canceled as a result of 851
nonpayment of renewal fees, and shall develop a fee schedule for 852
late renewals. 853

(F) Where the director conditionally approves the issuance of 854
a permit as to location only and the permit applicant fails to 855
exercise the privilege of constructing, erecting, using, 856
operating, or maintaining an advertising device within the period 857
for which the permit was issued, such permit shall not be renewed 858
unless a renewal fee is paid to extend the privilege for one 859
additional permit period. No conditional permit shall be renewed 860
and no extensions shall be granted after the second renewal 861
period. 862

(G) Permits for advertising devices erected and maintained 863
with a valid permit issued before July 1, 1997, may be renewed 864
unless the director finds that the permit application contains 865
materially false, misleading, or inaccurate information or the 866
sign has been erected or maintained contrary to ~~the provisions of~~ 867

this chapter or the rules adopted thereunder, and in such event 868
the director may take appropriate action pursuant to section 869
5516.12 of the Revised Code. An applicant who has a conditional 870
permit issued by the director before ~~the effective date of this~~ 871
~~amendment~~ June 30, 1997, and who has not yet exercised the 872
privilege of constructing, using, operating, erecting, or 873
maintaining an advertising device at the proposed location as of 874
that ~~effective~~ date, shall have until December 31, 1997, to comply 875
with the terms and conditions of the conditional permit or such 876
permit shall be canceled. However, the applicant may request that 877
the conditional permit be renewed by submitting a renewal 878
application and paying a nonrefundable renewal fee to extend the 879
privilege for one additional permit period. 880

(H) Permits may be transferred from one sign owner to another 881
upon written acknowledgment from the current permittee and the 882
payment of a transfer fee in an amount to be determined by the 883
director for each permit to be transferred. The new permit holder 884
is subject to all the terms and conditions of the prior permit 885
holder and shall be subject to ~~all provisions of~~ this chapter and 886
the rules adopted thereunder. 887

Sec. 5517.011. (A)(1) Notwithstanding section 5517.01 of the 888
Revised Code, the director of transportation may establish a pilot 889
program to expedite the sale and construction of no more than six 890
special projects by combining the design and construction elements 891
of a highway or bridge project into a single contract. Except in 892
regard to those requirements relating to providing plans, the 893
director shall award contracts under this section in accordance 894
with section 5525.01 of the Revised Code. 895

(2) On or before December 31, 2000, the director shall 896
prepare and submit to the general assembly a report evaluating the 897
experience of the department of transportation with each project 898
under this division and contract under division (B) of this 899

section, including whether the department realized any cost or
time savings. Regarding those projects and contracts, the report
shall include a discussion of the number and cost of change
orders, the quality of work performed, the number of bids
received, the impact on minority and female contract
participation, and other issues the director considers
appropriate. The director also may make recommendations regarding
the continuation of the program, including the need for any
changes.

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(3) After completion of the sixth project, no projects shall
be commenced under this division unless the general assembly
either approves additional projects to further study the
effectiveness of the procedures or makes the program permanent.

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(B) In addition to the six projects under division (A) of
this section, during the period beginning July 1, 1999, and ending
June 30, 2001, and also during the period beginning July 1, 2001,
and ending June 30, 2003, the director may expand the pilot
program to more contracts combining the design and construction
elements of highway or bridge projects. ~~The~~ For each biennium, the
total dollar value of contracts made under this division shall not
exceed two hundred fifty million dollars. The director may seek
either bids or technical proposals for contracts under this
division.

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(1) When the director determines to award a single contract
for a design-build project under this division through the receipt
of bids, except for those requirements relating to providing
plans, the director shall award contracts in accordance with
Chapter 5525. of the Revised Code. When the director determines to
award a single contract for a design-build project under this
division through the receipt of technical proposals, the director
shall advertise and select the design-build team using a
value-based selection process combining technical qualifications

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and competitive bidding elements.

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(2) If the director elects to utilize the competitive bid option for design-build projects, the director shall prepare and distribute a scope of work document upon which the bidders shall base their bids.

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(3)(a) If the director elects to utilize a value-based selection process for design-build projects through the receipt of technical proposals, the director shall restrict usage of this method ~~annually~~ to no more than ~~sixty~~ eighty-five million dollars and no more than ~~three~~ two projects, whose per-project estimate must exceed ~~ten~~ twenty million dollars. The director shall prepare conceptual documents for review by interested parties, accept letters of interest, and select the three most qualified design-build teams to submit a technical proposal.

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The criteria for selecting the three finalists shall include the qualifications and experience of the design-build team, including the proposed personnel to be utilized, ~~equipment usage,~~ and general proposed project approach. The schedule of activities and financial resources of the design-build team also shall be factors in the selection process. ~~In addition, the director shall take into consideration the design-build team's affirmative action policies and record with regard to employees and subcontracts.~~

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(b) After the director selects the three finalists, the finalists shall prepare both a technical proposal and a price proposal. The technical proposal shall state the finalist's qualifications and experience, including prior performance by the design-build team on similar projects, the identity of the members of each team, and a detailed project approach and schedule, including. The technical proposal also may include innovative design and construction techniques, aesthetics, environmental protection, a maintenance of traffic plan, and the type and duration of warranty coverage. The finalists shall submit the

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price proposal separately as requested by the director. 964

The director first shall review the submitted technical 965
proposals and ascribe a numerical score to each proposal. The 966
technical numerical scores shall be equated to a percentage 967
adjustment to be applied to the finalists' price proposals, using 968
a predetermined schedule of adjustment made known to the finalists 969
at the time of advertising. In no case shall the technical 970
proposal rating exceed twenty-five per cent of the value-based 971
technical and price selection criteria. The director shall reserve 972
the right to consider a technical proposal as being nonresponsive, 973
thereby eliminating that finalist from further consideration. 974

Upon completion of the rating of technical proposals, the 976
director shall apply to the price proposals the percentage 977
adjustments predetermined from the numerical scores assigned to 978
the technical proposals. Unless all proposals are rejected, the 979
director shall select the finalist with the lowest adjusted price. 980
The adjusted price shall be used for selection only. The contract 981
shall be based on the price proposal as submitted. 982

The department shall compensate each responsive finalist not 983
selected in an amount generally equal to one-fourth of one per 984
cent of the unadjusted price proposal amount submitted by the 985
selected finalist or by an amount the director establishes at the 986
time of advertising. The proposals of the two unsuccessful 987
finalists shall become the property of the director unless an 988
unsuccessful finalist elects to waive the compensation. The 989
director shall return the proposal of any unsuccessful finalist 990
who waives the compensation. 991

Sec. 5526.01. As used in this chapter: 992

(A) "Firm" means any person or limited liability company that 993
is legally engaged in rendering professional services. 994

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| <u>(B) "Federal Water Pollution Control Act" has the same</u> | 995 |
| <u>meaning as in section 6111.01 of the Revised Code.</u> | 996 |
| <u>(C) "Professional services" means any of the following:</u> | 997 |
| <u>(1) The practice of engineering as defined in section 4733.01</u> | 998 |
| <u>of the Revised Code;</u> | 999 |
| <u>(2) The practice of surveying as defined in section 4733.01</u> | 1000 |
| <u>of the Revised Code;</u> | 1001 |
| <u>(3) The practice of landscape architecture as defined in</u> | 1002 |
| <u>section 4703.30 of the Revised Code;</u> | 1003 |
| <u>(4) The evaluation of environmental impacts performed in</u> | 1004 |
| <u>accordance with the "National Environmental Policy Act of 1969,"</u> | 1005 |
| <u>83 Stat. 852, 42 U.S.C. 4321, as amended, the Federal Water</u> | 1006 |
| <u>Pollution Control Act, or any other applicable law or regulation;</u> | 1007 |
| <u>(5) Right-of-way acquisition services such as right-of-way</u> | 1008 |
| <u>project management, title searches, property valuations,</u> | 1009 |
| <u>appraisals, appraisal reviews, negotiations, relocation services,</u> | 1010 |
| <u>appropriation activities, real estate closings, and property</u> | 1011 |
| <u>management activities that are performed for the purpose of</u> | 1012 |
| <u>properly acquiring private and public property rights in</u> | 1013 |
| <u>conjunction with public highway projects and that conform to</u> | 1014 |
| <u>Chapters 163. and 5501. of the Revised Code; Rules 5501:2-5-01 to</u> | 1015 |
| <u>5501:2-5-06 of the Ohio Administrative Code; the "Uniform</u> | 1016 |
| <u>Relocation Assistance and Real Property Acquisition Policies Act</u> | 1017 |
| <u>of 1970," 84 Stat. 1894, 42 U.S.C. 4601, et seq., as amended; the</u> | 1018 |
| <u>"Surface Transportation and Uniform Relocation Assistance Act of</u> | 1019 |
| <u>1987," Public Law No. 100-17, 101 Stat. 132; applicable provisions</u> | 1020 |
| <u>of Titles 23 and 49 of the Code of Federal Regulations; and any</u> | 1021 |
| <u>applicable policies and procedures established by the department</u> | 1022 |
| <u>of transportation;</u> | 1023 |
| <u>(6) Services related to the department's administration of</u> | 1024 |
| <u>construction contract claims, including, but not limited to, the</u> | 1025 |

| | |
|---|------|
| <u>analysis of claims, assistance in negotiations, and assistance</u> | 1026 |
| <u>during litigation;</u> | 1027 |
| <u>(7) Architectural services related to bridges;</u> | 1028 |
| <u>(8) Any other professional service that is determined by the</u> | 1029 |
| <u>director of transportation or any other designated officials of</u> | 1030 |
| <u>the department to be necessary for the provision of transportation</u> | 1031 |
| <u>services.</u> | 1032 |
| <u>"Professional services" does not mean the practice of</u> | 1033 |
| <u>architecture as regulated under Chapter 4703. of the Revised Code,</u> | 1034 |
| <u>except landscape architecture and architectural services related</u> | 1035 |
| <u>to bridges as provided in divisions (C)(3) and (7) of this</u> | 1036 |
| <u>section.</u> | 1037 |
| <u>(D) "Qualifications" means all of the following:</u> | 1038 |
| <u>(1) The competence of a firm to perform required professional</u> | 1039 |
| <u>services as indicated by the technical training, education, and</u> | 1040 |
| <u>experience of the firm's personnel, in particular the technical</u> | 1041 |
| <u>training, education, and experience of the firm's personnel</u> | 1042 |
| <u>assigned to perform professional services for the department;</u> | 1043 |
| | 1044 |
| <u>(2) The ability of a firm in terms of its workload and the</u> | 1045 |
| <u>availability of qualified personnel, equipment, and facilities to</u> | 1046 |
| <u>perform the required professional services competently and</u> | 1047 |
| <u>expeditiously;</u> | 1048 |
| <u>(3) The past performance of a firm as indicated by</u> | 1049 |
| <u>evaluations of previous clients of the firm with respect to such</u> | 1050 |
| <u>factors as control of costs, quality of work, and meeting of</u> | 1051 |
| <u>deadlines;</u> | 1052 |
| <u>(4) Any other relevant factors as determined by the director.</u> | 1053 |
| | 1054 |

Sec. 5526.02. Notwithstanding Chapter 125. and sections 1055
153.65 to 153.71 of the Revised Code, the director of 1056
transportation may employ or enter into contracts with any 1057
qualified firm for professional services in accordance with this 1058
chapter. 1059

Sec. 5526.03. The director of transportation shall issue 1060
public notice of the intent of the department of transportation to 1061
enter into a contract for professional services. The director 1062
shall advertise the public notice via the internet or by other 1063
means to ensure that qualified firms are notified and given the 1064
opportunity to be considered for the award of the contract. The 1065
director may include more than one contract in a single public 1066
notice. The director may limit the number of contracts to which a 1067
firm may respond for the purpose of ensuring quality in the 1068
performance of those contracts. 1069

A public notice issued under this section shall be issued in 1070
a uniform and consistent manner, shall be issued sufficiently in 1071
advance of the time that responses must be received, and shall do 1072
both of the following: 1073

(A) Include a general description of the project, a statement 1074
of the specific professional services required, and a description 1075
of the qualifications required for the project; 1076

(B) Describe the procedures by which firms may submit 1077
statements of qualifications in order to be considered for a 1078
contract. 1079

Sec. 5526.04. The director of transportation may institute 1080
prequalification requirements for firms seeking to provide 1081
professional services and may require that each prequalified firm 1082
maintain a current statement of qualifications with the department 1083

of transportation. The prequalification requirements shall be 1084
based on the factors set forth in division (D) of section 5526.01 1085
of the Revised Code. 1086

Sec. 5526.05. (A) For every professional service contract for 1087
which the department of transportation provides public notice 1088
under section 5526.03 of the Revised Code, the director of 1089
transportation shall evaluate the qualifications of each firm 1090
seeking to enter into the contract with the department. The 1091
director may hold discussions with any such firm for the purposes 1092
of obtaining more information about a statement of qualifications 1093
submitted by the firm, the scope and nature of the services that 1094
the firm would provide, and the various technical approaches that 1095
the firm may take with respect to the project to which the 1096
proposed contract applies. 1097

(B) Following the evaluation of the qualifications of firms 1098
and any additional discussions with those firms with respect to a 1099
contract for professional services, the director shall do both of 1100
the following: 1101

(1) Select and rank no fewer than three firms that the 1102
director considers to be the most qualified to provide the 1103
required professional services unless the director determines that 1104
fewer than three qualified firms are available, in which case the 1105
director shall select and rank those firms; 1106

(2) Negotiate a contract with the firm that is ranked the 1107
most qualified to perform the required professional services. The 1108
contract negotiations shall be directed toward all of the 1109
following: 1110

(a) Ensuring that the firm and the department have a mutual 1111
understanding of the essential requirements involved in providing 1112
the required professional services; 1113

(b) Determining that the firm will make available the necessary personnel, equipment, and facilities to perform the professional services within the time that will be required in the contract; 1114
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(c) Agreeing on compensation that is fair and reasonable, taking into account the estimated value, scope, complexity, and nature of the services. 1118
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(C) Upon the failure to negotiate a contract with the firm that is ranked most qualified under division (B) of this section, the director shall notify the firm in writing of the termination of negotiations and shall enter into negotiations with the firm that is ranked next most qualified. If negotiations fail with that firm, the director shall negotiate with each subsequently ranked firm in order of ranking until a contract is negotiated and entered into or until the director selects and ranks additional firms under division (D) of this section. All negotiations shall comply with this section and any rules adopted under this chapter. 1121
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(D) If the director fails to negotiate a contract with any of the firms selected under division (B) of this section, the director shall select and rank additional firms based on their qualifications. Negotiations shall continue in the same manner as with the firms selected and ranked under division (B) of this section until a contract is negotiated and entered into. 1131
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(E) When a contract is negotiated, the director, if required under section 127.16 of the Revised Code, shall request approval of the controlling board to make expenditures under the contract. However, if the director is selecting firms for a group of contracts included in a single announcement and the approval of the controlling board is required under that section, the director may present the selections to the controlling board for the board's approval prior to negotiation of the contracts. When approving a group of contracts submitted by the director, the 1137
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board shall approve a total amount for all of the contracts rather than individual amounts for each contract. Final negotiations of the group of contracts may be completed after the controlling board's approval. If the director fails to negotiate a contract with a firm that is selected to perform one of the contracts of a group of contracts, the director shall notify the controlling board of the selection of an alternate firm under division (C) or (D) of this section.

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If the estimated construction cost of a project is twenty million dollars or more, the director may present preliminary estimates regarding the project to the controlling board for the purpose of requesting authority to select firms and enter into contracts for professional services for that project without further consent of the controlling board. The director shall keep itemized records of the funds that are obligated under each contract and shall report those amounts to the controlling board annually.

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Sec. 5526.06. (A) The director of transportation may adopt, amend, or rescind rules in accordance with Chapter 119. of the Revised Code for the purpose of implementing sections 5526.02 to 5526.05 of the Revised Code.

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(B) Sections 5526.02 to 5526.05 of the Revised Code do not apply to any of the following:

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(1) A project with an estimated cost of less than fifty thousand dollars;

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(2) A project that is determined by the director to be an emergency requiring immediate action under section 5526.08 of the Revised Code. When contracting for professional services for the purpose of addressing the emergency, the director shall comply with that section.

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(3) A project requiring special expertise where there exist 1176
fewer than three qualified firms. 1177

Sec. 5526.07. (A) Except for any firm providing professional 1178
services that relate to research or training, right-of-way 1179
acquisition services, or services to assist the department of 1180
transportation in the administration of contract claims, a firm 1181
that renders professional services to the department, during the 1182
period of the performance of professional services for the 1183
department and for any other period of time specified in a 1184
contract with the department, shall have and maintain, or be 1185
covered by, a professional liability insurance policy or policies 1186
with a company or companies that are authorized to do business in 1187
this state and that afford professional liability coverage for the 1188
professional services rendered. The insurance shall be in an 1189
amount considered sufficient by the director of transportation. 1190
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(B) The requirement to have or be covered by professional 1192
liability insurance under division (A) of this section may be 1193
waived by the director for good cause. 1194

Sec. 5526.08. The director of transportation may declare an 1195
emergency if circumstances exist that threaten life, safety, or 1196
health or if a situation arises that would greatly increase the 1197
costs of a project if not addressed. The director shall declare an 1198
emergency by preparing a written statement of the circumstances 1199
that exist that warrant the declaration. Notwithstanding section 1200
127.16 of the Revised Code, the director may then select a firm 1201
with appropriate qualifications and negotiate a contract for the 1202
immediate performance of emergency professional services. Not 1203
later than thirty days after the professional services have been 1204
performed, the director shall submit a written report to the 1205
controlling board indicating the amount of the emergency contract, 1206

the services performed by the firm, and the circumstances giving 1207
rise to the emergency. 1208

Sec. 5529.03. (A)(1) The director of transportation may 1209
acquire by gift, purchase, or appropriation, any interest, estate, 1210
or right in and to real property adjacent to highways of this 1211
state as necessary for the restoration, preservation, and 1212
enhancement of scenic beauty adjacent to ~~said~~ those highways, or 1213
for the establishment of publicly owned and controlled rest and 1214
recreation areas and sanitary and other facilities within or 1215
adjacent to the right-of-way of ~~said~~ those highways to accommodate 1216
the traveling public. Nothing in this section authorizes the 1217
director to appropriate fee simple title to real property further 1218
than three hundred feet from the nearest edge of the highway 1219
right-of-way. 1220

(2) Division (A)(1) of this section does not apply to the 1221
purchase or appropriation of any interest in property under 1222
section 5501.31 of the Revised Code that is required for land to 1223
replace wetlands or to the purchase of property under that section 1224
to replace, preserve, or conserve any environmental resource. 1225

(B) The director may convey or lease any such property 1226
adjacent to the highway right-of-way to any person or entity in 1227
the manner and subject to such reservations, conditions, 1228
covenants, or other contractual arrangements as the director 1229
determines will not substantially interfere with the scenic 1230
character or beauty of the area traversed by the highway. 1231

(C) The director may employ consulting engineers and enter 1232
into contracts for consulting engineering services with any 1233
qualified person, or firm, ~~partnership, corporation, or~~ 1234
~~association~~ to prepare plans and estimates and generally supervise 1235
the construction and landscaping for scenic enhancement and 1236

roadside beautification projects, and in the awarding of such 1237
contracts compliance with sections 5501.17 and 5525.01 of the 1238
Revised Code is not required. 1239

(D) Any instrument by which real property is acquired 1240
pursuant to this section shall identify the agency of the state 1241
that has the use and benefit of the real property as specified in 1242
section 5301.012 of the Revised Code. 1243

Section 2. That existing sections 151.01, 163.10, 163.22, 1244
4503.191, 5501.17, 5501.31, 5502.12, 5516.10, 5517.011, and 1245
5529.03 and sections 4509.27 and 5501.18 of the Revised Code are 1246
hereby repealed. 1247

Section 3. Except as otherwise provided, all appropriation 1248
items in this act are hereby appropriated out of any moneys in the 1249
state treasury to the credit of the designated fund, which are not 1250
otherwise appropriated. For all appropriations made in this act, 1251
the amounts in the first column are for fiscal year 2002 and the 1252
amounts in the second column are for fiscal year 2003. 1253

| Section 4. DOT DEPARTMENT OF TRANSPORTATION | | | | 1254 |
|--|--------------------------------------|---------------|---------------|------|
| FUND | TITLE | FY 2002 | FY 2003 | 1255 |
| | Transportation Planning and Research | | | 1256 |
| | Highway Operating Fund Group | | | 1257 |
| 002 771-411 | Planning and Research | \$ 13,724,000 | \$ 13,408,210 | 1258 |
| | - State | | | |
| 002 771-412 | Planning and Research | \$ 32,190,000 | \$ 32,460,000 | 1259 |
| | - Federal | | | |
| TOTAL HOF Highway Operating | | | | 1260 |
| Fund Group | | \$ 45,914,000 | \$ 45,868,210 | 1261 |
| TOTAL ALL BUDGET FUND GROUPS - | | | | 1262 |
| Transportation Planning | | | | 1263 |
| and Research | | \$ 45,914,000 | \$ 45,868,210 | 1264 |

| | | | | | |
|-----|---------|--|------------------|------------------|------|
| | | Highway Construction | | | 1265 |
| | | Highway Operating Fund Group | | | 1266 |
| 002 | 772-421 | Highway Construction - State | \$ 440,536,920 | \$ 372,980,940 | 1267 |
| 002 | 772-422 | Highway Construction - Federal | \$ 834,567,650 | \$ 834,230,370 | 1268 |
| 002 | 772-424 | Highway Construction - Other | \$ 50,000,000 | \$ 50,000,000 | 1269 |
| 212 | 770-005 | Infrastructure Debt Service - Federal | \$ 28,870,000 | \$ 45,650,000 | 1270 |
| 212 | 772-423 | Infrastructure Lease Payments - Federal | \$ 12,534,300 | \$ 12,537,800 | 1271 |
| 212 | 772-426 | Highway Infrastructure Bank - Federal | \$ 2,500,000 | \$ 2,500,000 | 1272 |
| 212 | 772-427 | Highway Infrastructure Bank - State | \$ 11,700,000 | \$ 11,200,000 | 1273 |
| | | TOTAL HOF Highway Operating Fund Group | \$ 1,380,708,870 | \$ 1,329,099,110 | 1274 |
| | | Highway Capital Improvement Fund Group | | | 1276 |
| 042 | 772-723 | Highway Construction - Bonds | \$ 225,000,000 | \$ 102,500,000 | 1277 |
| | | TOTAL 042 Capital Highway Improvement Fund Group | \$ 225,000,000 | \$ 102,500,000 | 1278 |
| | | Infrastructure Bank Obligations Fund Group | | | 1280 |
| 045 | 772-428 | Highway Infrastructure Bank - Bonds | \$ 300,000,000 | \$ 30,000,000 | 1281 |
| | | TOTAL 045 Infrastructure Bank Obligations Fund Group | \$ 300,000,000 | \$ 30,000,000 | 1282 |
| | | TOTAL ALL BUDGET FUND GROUPS - Highway Construction | \$ 1,905,708,870 | \$ 1,461,599,110 | 1283 |
| | | Highway Maintenance | | | 1284 |

| | | | | | |
|-----------------------------------|----|-------------|----|-------------|------|
| Highway Operating Fund Group | | | | 1287 | |
| 002 773-431 Highway Maintenance - | \$ | 372,636,000 | \$ | 381,176,000 | 1288 |
| State | | | | | |
| TOTAL HOF Highway Operating | | | | 1289 | |
| Fund Group | \$ | 372,636,000 | \$ | 381,176,000 | 1290 |
| TOTAL ALL BUDGET FUND GROUPS - | | | | 1291 | |
| Highway Maintenance | \$ | 372,636,000 | \$ | 381,176,000 | 1292 |
| Intermodal Transportation | | | | 1293 | |
| State Special Revenue Fund Group | | | | 1294 | |
| 4Y2 774-446 Congestion Mitigation | \$ | 50,000 | \$ | 50,000 | 1295 |
| Revolving Fund | | | | | |
| TOTAL SSR State Special Revenue | | | | 1296 | |
| Fund Group | \$ | 50,000 | \$ | 50,000 | 1297 |
| TOTAL ALL BUDGET FUND GROUPS - | | | | 1298 | |
| Intermodal Transportation | \$ | 50,000 | \$ | 50,000 | 1299 |
| Public Transportation | | | | 1300 | |
| Highway Operating Fund Group | | | | 1301 | |
| 002 775-452 Public Transportation | \$ | 27,000,000 | \$ | 27,000,000 | 1302 |
| - Federal | | | | | |
| 002 775-454 Public Transportation | \$ | 1,500,000 | \$ | 1,500,000 | 1303 |
| - Other | | | | | |
| 002 775-459 Elderly and Disabled | \$ | 4,230,000 | \$ | 4,230,000 | 1304 |
| Special Equipment - | | | | | |
| Federal | | | | | |
| TOTAL HOF Highway Operating | | | | 1305 | |
| Fund Group | \$ | 32,730,000 | \$ | 32,730,000 | 1306 |
| TOTAL ALL BUDGET FUND GROUPS - | | | | 1307 | |
| Public Transportation | \$ | 32,730,000 | \$ | 32,730,000 | 1308 |
| Rail Transportation | | | | 1309 | |
| Highway Operating Fund Group | | | | 1310 | |
| 002 776-462 Grade Crossings - | \$ | 15,000,000 | \$ | 15,000,000 | 1311 |
| Federal | | | | | |

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|------------------------------------|----|-------------|----------------|------|
| TOTAL HOF Highway Operating | | | | 1312 |
| Fund Group | \$ | 15,000,000 | \$ 15,000,000 | 1313 |
| TOTAL ALL BUDGET FUND GROUPS - | | | | 1314 |
| Rail Transportation | \$ | 15,000,000 | \$ 15,000,000 | 1315 |
| Aviation | | | | 1316 |
| Highway Operating Fund Group | | | | 1317 |
| 002 777-472 Airport Improvements - | \$ | 405,000 | \$ 405,000 | 1318 |
| Federal | | | | |
| 002 777-475 Aviation | \$ | 4,092,010 | \$ 4,158,690 | 1319 |
| Administration | | | | |
| TOTAL HOF Highway Operating | | | | 1320 |
| Fund Group | \$ | 4,497,010 | \$ 4,563,690 | 1321 |
| TOTAL ALL BUDGET FUND GROUPS - | | | | 1322 |
| Aviation | \$ | 4,497,010 | \$ 4,563,690 | 1323 |
| Administration | | | | 1324 |
| State Special Revenue Fund Group | | | | 1325 |
| 4T5 770-609 Administration | \$ | 5,000 | \$ 5,000 | 1326 |
| Memorial Fund | | | | |
| TOTAL SSR State Special Revenue | | | | 1327 |
| Fund Group | \$ | 5,000 | \$ 5,000 | 1328 |
| Highway Operating Fund Group | | | | 1329 |
| 002 779-491 Administration - State | \$ | 109,042,000 | \$ 110,431,850 | 1330 |
| TOTAL HOF Highway Operating | | | | 1331 |
| Fund Group | \$ | 109,042,000 | \$ 110,431,850 | 1332 |
| TOTAL ALL BUDGET FUND GROUPS - | | | | 1333 |
| Administration | \$ | 109,047,000 | \$ 110,436,850 | 1334 |
| Debt Service | | | | 1335 |
| Highway Operating Fund Group | | | | 1336 |
| 002 770-003 Administration - State | \$ | 14,799,000 | \$ 14,403,400 | 1337 |
| - Debt Service | | | | |
| TOTAL HOF Highway Operating | | | | 1338 |
| Fund Group | \$ | 14,799,000 | \$ 14,403,400 | 1339 |

| | | | |
|------------------------------------|------------------|------------------|------|
| TOTAL ALL BUDGET FUND GROUPS - | | | 1340 |
| Debt Service | \$ 14,799,000 | \$ 14,403,400 | 1341 |
| TOTAL Department of Transportation | | | 1342 |
| TOTAL HOF Highway Operating | | | 1343 |
| Fund Group | \$ 1,975,326,880 | \$ 1,933,272,260 | 1344 |
| TOTAL 042 Highway Capital | | | 1345 |
| Improvement Fund Group | \$ 225,000,000 | \$ 102,500,000 | 1346 |
| TOTAL 045 Infrastructure Bank | | | 1347 |
| Obligations Fund Group | \$ 300,000,000 | \$ 30,000,000 | 1348 |
| TOTAL SSR State Special Revenue | | | 1349 |
| Fund Group | \$ 55,000 | \$ 55,000 | 1350 |
| TOTAL ALL BUDGET FUND GROUPS | \$ 2,500,381,880 | \$ 2,065,827,260 | 1351 |

Section 4.01. ISSUANCE OF BONDS 1353

The Treasurer of State, upon the request of the Director of Transportation, is authorized to issue and sell, in accordance with Section 2m of Article VIII, Ohio Constitution, and Chapter 151. and particularly sections 151.01 and 151.06 of the Revised Code, obligations, including bonds and notes, of the State of Ohio in the aggregate amount of \$257,500,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly.

The obligations shall be dated, issued, and sold from time to time in such amounts as may be necessary to provide sufficient moneys to the credit of the Highway Capital Improvement Fund (Fund 042) created by section 5528.53 of the Revised Code to pay costs charged to the fund when due as estimated by the Director of Transportation, provided, however, that such obligations shall be issued and sold at such time or times so that not more than \$220,000,000 original principal amount of obligations, plus the principal amount of obligations that in prior fiscal years could have been, but were not, issued within the \$220,000,000 limit, may be issued in any fiscal year, and not more than \$1,200,000,000

original principal amount of such obligations are outstanding at 1373
any one time. 1374

HIGHWAY OBLIGATIONS - AUTHORIZATION 1375

The amount of authorization to issue and sell obligations 1376
granted by prior acts of the General Assembly pursuant to Section 1377
2i of Article VIII, Ohio Constitution, and section 5528.30 of the 1378
Revised Code is reduced from \$1,854,695,000 to \$1,745,000,000. 1379

Section 4.02. MAINTENANCE INTERSTATE HIGHWAYS 1380

The Director of Transportation may remove snow and ice and 1381
maintain, repair, improve, or provide lighting upon interstate 1382
highways that are located within the boundaries of municipal 1383
corporations, adequate to meet the requirements of federal law. 1384
When agreed in writing by the Director of Transportation and the 1385
legislative authority of a municipal corporation and 1386
notwithstanding sections 125.01 and 125.11 of the Revised Code, 1387
the Department of Transportation may reimburse the municipal 1388
corporation for all or any part of the costs, as provided by such 1389
agreement, incurred by the municipal corporation in maintaining, 1390
repairing, lighting, and removing snow and ice from the interstate 1391
system. 1392

Section 4.03. TRANSFER OF FUND 002 APPROPRIATIONS - PLANNING 1393
AND RESEARCH, HIGHWAY CONSTRUCTION, HIGHWAY MAINTENANCE, AVIATION, 1394
AND ADMINISTRATION 1395

The Director of Budget and Management may approve requests 1396
from the Department of Transportation for transfer of 1397
appropriations for highway planning and research (appropriation 1398
items 771-411 and 771-412), highway construction (appropriation 1399
items 772-421, 772-422, and 772-424), highway maintenance 1400
(appropriation item 773-431), aviation (appropriation item 1401
777-475), and highway administration (appropriation item 779-491). 1402

Transfers of appropriations may be made upon the written request 1403
of the Director of Transportation and with the approval of the 1404
Director of Budget and Management. Such transfers shall be 1405
reported to the Controlling Board at the next regularly scheduled 1406
meeting of the board. 1407

This transfer authority is intended to provide for emergency 1408
situations and flexibility to meet unforeseen conditions that 1409
could arise during the budget period. It also is intended to allow 1410
the department to optimize the use of available resources and 1411
adjust to circumstances affecting the obligation and expenditure 1412
of federal funds. 1413

TRANSFER OF APPROPRIATIONS - FEDERAL HIGHWAY AND FEDERAL 1414
TRANSIT 1415

The Director of Budget and Management may approve requests 1416
from the Department of Transportation for the transfer of 1417
appropriations between appropriation items 772-422, Highway 1418
Construction - Federal, and 775-452, Public Transportation - 1419
Federal, based upon transit capital projects meeting Federal 1420
Highway Administration and Federal Transit Administration funding 1421
guidelines. Transfers between these appropriation items may be 1422
made upon the written request of the Director of Transportation 1423
and with the approval of the Director of Budget and Management. 1424
Such transfers shall be reported to the Controlling Board at its 1425
next regularly scheduled meeting. 1426

TRANSFER OF APPROPRIATIONS - STATE INFRASTRUCTURE BANK 1427

The Director of Budget and Management may approve requests 1428
from the Department of Transportation for transfer of 1429
appropriations and cash of the Infrastructure Bank funds created 1430
in section 5531.09 of the Revised Code, including transfers 1431
between fiscal years 2002 and 2003. Such transfers shall be 1432
reported to the Controlling Board at its next regularly scheduled 1433

meeting. However, the director may not make transfers out of debt 1434
service and lease payment appropriation items unless the director 1435
determines that the appropriated amounts exceed the actual and 1436
projected debt, rental, or lease payments. 1437

The Director of Budget and Management may approve requests 1438
from the Department of Transportation for transfer of 1439
appropriations and cash from the Highway Operating Fund (Fund 002) 1440
to the Infrastructure Bank funds created in section 5531.09 of the 1441
Revised Code. The Director of Budget and Management may transfer 1442
from the Infrastructure Bank funds to the Highway Operating Fund 1443
up to the amounts originally transferred to the Infrastructure 1444
Bank funds under this section. Such transfers shall be reported to 1445
the Controlling Board at its next regularly scheduled meeting. 1446
However, the director may not make transfers between modes and 1447
transfers between different funding sources. 1448

INCREASE APPROPRIATION AUTHORITY - STATE FUNDS 1449

In the event that receipts or unexpended balances credited to 1450
the Highway Operating Fund exceed the estimates upon which the 1451
appropriations have been made in this act, upon the request of the 1452
Director of Transportation, the Controlling Board may increase 1453
appropriation authority in the manner prescribed in section 131.35 1454
of the Revised Code. 1455

INCREASE APPROPRIATION AUTHORITY - FEDERAL AND LOCAL FUNDS 1456

In the event that receipts or unexpended balances credited to 1457
the Highway Operating Fund or apportionments or allocations made 1458
available from the federal and local government exceed the 1459
estimates upon which the appropriations have been made in this 1460
act, upon the request of the Director of Transportation, the 1461
Controlling Board may increase appropriation authority in the 1462
manner prescribed in section 131.35 of the Revised Code. 1463

REAPPROPRIATIONS 1464

All appropriations of the Highway Operating Fund (Fund 002), 1465
the Highway Capital Improvement Fund (Fund 042), and the 1466
Infrastructure Bank funds created in section 5531.09 of the 1467
Revised Code remaining unencumbered on June 30, 2001, and the 1468
unexpended balance of prior years' appropriations that 1469
subsequently become unencumbered after June 30, 2001, subject to 1470
the availability of revenue as determined by the Director of 1471
Transportation, are hereby reappropriated for the same purpose in 1472
fiscal year 2002 upon the request of the Director of 1473
Transportation and with the approval of the Director of Budget and 1474
Management. Such reappropriations shall be reported to the 1475
Controlling Board at its next regularly scheduled meeting. 1476

All appropriations of the Highway Operating Fund (Fund 002), 1477
the Highway Capital Improvement Fund (Fund 042), and the 1478
Infrastructure Bank funds created in section 5531.09 of the 1479
Revised Code remaining unencumbered as of June 30, 2002, are 1480
reappropriated for use during fiscal year 2003 for the same 1481
purpose. The department shall report all such reappropriations to 1482
the Controlling Board. 1483

Section 4.04. PUBLIC ACCESS ROADS FOR STATE FACILITIES 1484

Of the foregoing appropriation item 772-421, Highway 1485
Construction - State, \$3,145,500 is to be used each fiscal year 1486
during the 2001-2003 biennium by the Department of Transportation 1487
for the construction, reconstruction, or maintenance of public 1488
access roads, including support features, to and within state 1489
facilities owned or operated by the Department of Natural 1490
Resources, as requested by the Director of Natural Resources. 1491

Notwithstanding section 5511.06 of the Revised Code, of the 1492
foregoing appropriation item 772-421, Highway Construction - 1493
State, \$2,228,000 in each fiscal year of the 2001-2003 biennium 1494
shall be used by the Department of Transportation for the 1495

construction, reconstruction, or maintenance of park drives or 1496
park roads within the boundaries of metropolitan parks. 1497

Included in the foregoing appropriation item 772-421, Highway 1498
Construction - State, the department may perform related road work 1499
on behalf of the Ohio Expositions Commission at the state 1500
fairgrounds, including reconstruction or maintenance of public 1501
access roads, including support features, to and within the 1502
facilities as requested by the commission and approved by the 1503
Director of Transportation. 1504

LIQUIDATION OF UNFORESEEN LIABILITIES 1505

Any appropriation made to the Department of Transportation, 1506
Highway Operating Fund, not otherwise restricted by law, is 1507
available to liquidate unforeseen liabilities arising from 1508
contractual agreements of prior years when the prior year 1509
encumbrance is insufficient. 1510

CONGESTION MITIGATION 1511

The foregoing appropriation item 774-446, Congestion 1512
Mitigation Revolving Fund, shall be used to make loans or grants 1513
for the construction, reconstruction, resurfacing, restoring, 1514
rehabilitation, or replacement of public or private transportation 1515
facilities as eligible under United States Code, Title XXIII. Fund 1516
revenues include, but are not limited to, payments received from 1517
any public or private agency in repayment of a loan previously 1518
made from the fund or pursuant to 23 U.S.C. 129(a)(7) or successor 1519
legislation; interest or other income earned on the investment of 1520
moneys in the fund; and any additional moneys made available from 1521
any sources, public or private, for the purposes for which the 1522
fund has been established. 1523

Section 4.05. DEPARTMENT OF TAXATION 1524

By June 30, 2002, the Director of Budget and Management shall 1525

transfer \$3,690,700 in cash from Fund 002, the Highway Operating Fund, to the General Revenue Fund. By June 30, 2003, the Director of Budget and Management shall transfer \$3,889,600 in cash from Fund 002, the Highway Operating Fund, to the General Revenue Fund. The transfers are for reimbursement of the services provided by the Department of Taxation pursuant to sections 5728.08, 5735.26, and 5735.29 of the Revised Code.

RENTAL PAYMENTS - OBA

The foregoing appropriation item 770-003, Administration - State - Debt Service, shall be used to pay rent to the Ohio Building Authority for various capital facilities to be constructed, reconstructed, or rehabilitated for the use of the Department of Transportation, including the department's plant and facilities at its central office, field districts, and county and outpost locations. The rental payments shall be made from revenues received from the motor vehicle fuel tax. The amounts of any bonds and notes to finance such capital facilities shall be at the request of the Director of Transportation. Notwithstanding section 152.24 of the Revised Code, the Ohio Building Authority may, with approval of the Office of Budget and Management, lease capital facilities to the Department of Transportation.

The Director of Transportation shall hold title to any land purchased and any resulting structures that are attributable to appropriation item 770-003. Notwithstanding section 152.18 of the Revised Code, the Director of Transportation shall administer any purchase of land and any contract for construction, reconstruction, and rehabilitation of facilities as a result of this appropriation.

Should the appropriation and any reappropriations from prior years in appropriation item 770-003 exceed the rental payments for fiscal year 2002 or 2003, then prior to June 30, 2003, the balance may be transferred to appropriation item 772-421, 773-431, or

779-491. Such transfer may be made upon the written request of the 1558
Director of Transportation and with the approval of the Director 1559
of Budget and Management. Transfers shall be reported to the 1560
Controlling Board at its next regularly scheduled meeting. 1561

Section 4.06. COMPOSITE BRIDGE DECKS 1562

The Governor may authorize a program to investigate the use 1563
of composite and other alternative material bridge decks both to 1564
extend scarce transportation dollars and to promote economic 1565
development in Ohio. 1566

Section 4.07. PUBLIC TRANSPORTATION HIGHWAY PURPOSE GRANTS 1567

The Director of Transportation may use revenues from the 1568
state motor vehicle fuel tax to match approved federal grants 1569
awarded to the Department of Transportation, regional transit 1570
authorities, or eligible public transportation systems, for public 1571
transportation highway purposes, or to support local or state 1572
funded projects for public transportation highway purposes. Public 1573
transportation highway purposes include: the construction or 1574
repair of high-occupancy vehicle traffic lanes, the acquisition or 1575
construction of park-and-ride facilities, the acquisition or 1576
construction of public transportation vehicle loops, the 1577
construction or repair of bridges used by public transportation 1578
vehicles or that are the responsibility of a regional transit 1579
authority or other public transportation system, or other similar 1580
construction that is designated as an eligible public 1581
transportation highway purpose. Motor vehicle fuel tax revenues 1582
may not be used for operating assistance or for the purchase of 1583
vehicles, equipment, or maintenance facilities. 1584

Section 5. DHS DEPARTMENT OF PUBLIC SAFETY 1585

Highway Safety Information and Education 1586

| | | | | | |
|---|----|------------|----|------------|------|
| State Highway Safety Fund Group | | | | 1587 | |
| 036 761-321 Operating Expense - | \$ | 2,798,221 | \$ | 3,071,756 | 1588 |
| Information and | | | | | |
| Education | | | | | |
| 036 761-402 Traffic Safety Match | \$ | 277,137 | \$ | 277,137 | 1589 |
| 831 761-610 Information and | \$ | 684,501 | \$ | 706,238 | 1590 |
| Education - Federal | | | | | |
| 83N 761-611 Elementary School Seat | \$ | 407,166 | \$ | 447,895 | 1591 |
| Belt Program | | | | | |
| 832 761-612 Traffic Safety-Federal | \$ | 12,508,783 | \$ | 12,910,149 | 1592 |
| 844 761-613 Seat Belt Education | \$ | 235,128 | \$ | 258,657 | 1593 |
| Program | | | | | |
| 846 761-625 Motorcycle Safety | \$ | 1,316,145 | \$ | 1,358,917 | 1594 |
| Education | | | | | |
| 847 761-622 Film Production | \$ | 45,259 | \$ | 46,390 | 1595 |
| Reimbursement | | | | | |
| TOTAL HSF State Highway Safety | | | | | 1596 |
| Fund Group | \$ | 18,272,340 | \$ | 19,077,139 | 1597 |
| Agency Fund Group | | | | | 1598 |
| 5J9 761-678 Federal Salvage/GSA | \$ | 204,400 | \$ | 209,510 | 1599 |
| TOTAL AGY Agency | \$ | 204,400 | \$ | 209,510 | 1600 |
| TOTAL ALL BUDGET FUND GROUPS - | | | | | 1601 |
| Highway Safety Information | | | | | 1602 |
| and Education | \$ | 18,476,740 | \$ | 19,286,649 | 1603 |
| FEDERAL HIGHWAY SAFETY PROGRAM MATCH | | | | | 1604 |
| The foregoing appropriation item 761-402, Traffic Safety | | | | | 1605 |
| Match, shall be used to provide the nonfederal portion of the | | | | | 1606 |
| federal Highway Safety Program. Upon request by the Director of | | | | | 1607 |
| Public Safety and approval by the Director of Budget and | | | | | 1608 |
| Management, appropriation item 761-402 shall be used to transfer | | | | | 1609 |
| appropriations from the Highway Safety Fund to the Traffic Safety | | | | | 1610 |
| - Federal Fund (Fund 832) at the beginning of each fiscal year on | | | | | 1611 |

| | | | | |
|---|----|------------|---------------|------|
| an intrastate transfer voucher. | | | | 1612 |
| Section 5.01. BUREAU OF MOTOR VEHICLES | | | | 1613 |
| State Special Revenue Fund Group | | | | 1614 |
| 539 762-614 Motor Vehicle Dealers | \$ | 233,476 | \$ 239,902 | 1615 |
| Board | | | | |
| TOTAL SSR State Special Revenue | | | | 1616 |
| Fund Group | \$ | 233,476 | \$ 239,902 | 1617 |
| State Highway Safety Fund Group | | | | 1618 |
| 4U0 762-638 Collegiate License | \$ | 481,842 | \$ 493,888 | 1619 |
| Plate Program | | | | |
| 4U2 762-641 Football Hall of Fame | \$ | 150,000 | \$ 150,000 | 1620 |
| License Plates | | | | |
| 4W4 762-321 Operating Expense-BMV | \$ | 63,822,261 | \$ 69,503,140 | 1621 |
| 4W4 762-410 Registrations | \$ | 33,647,970 | \$ 34,988,363 | 1622 |
| Supplement | | | | |
| 5G8 762-668 Ohio CASA/GAL License | \$ | 307,200 | \$ 307,200 | 1623 |
| Plates | | | | |
| 5G9 762-669 Rotary International | \$ | 20,480 | \$ 20,480 | 1624 |
| License Plates | | | | |
| 5J0 762-670 Pro Sports Team | \$ | 1,250,000 | \$ 1,250,000 | 1625 |
| License Plates | | | | |
| 5J1 762-671 Boy Scouts License | \$ | 25,000 | \$ 25,000 | 1626 |
| Plates | | | | |
| 5J2 762-672 Girl Scouts License | \$ | 25,000 | \$ 25,000 | 1627 |
| Plates | | | | |
| 5J3 762-673 Eagle Scouts License | \$ | 25,000 | \$ 25,000 | 1628 |
| Plates | | | | |
| 5J4 762-674 FOP License Plates | \$ | 15,000 | \$ 15,000 | 1629 |
| 5J5 762-675 FOP Associates License | \$ | 30,000 | \$ 30,000 | 1630 |
| Plates | | | | |
| 5J6 762-677 Ducks Unlimited | \$ | 25,000 | \$ 25,000 | 1631 |

| | | | | | | |
|--------------------------------|---------|--|----|-------------|----|------------------|
| | | License Plates | | | | |
| 5M7 | 762-679 | FFA License Plates | \$ | 25,000 | \$ | 25,000 1632 |
| 83R | 762-639 | Local Immobilization | \$ | 970,000 | \$ | 994,250 1633 |
| | | Reimbursement | | | | |
| 835 | 762-616 | Financial | \$ | 5,534,464 | \$ | 8,911,789 1634 |
| | | Responsibility | | | | |
| | | Compliance | | | | |
| 849 | 762-627 | Automated Title | \$ | 7,771,434 | \$ | 8,185,803 1635 |
| | | Processing Board | | | | |
| TOTAL HSF | | State Highway Safety | | | | 1636 |
| Fund Group | | | \$ | 114,125,651 | \$ | 124,974,913 1637 |
| TOTAL ALL BUDGET FUND GROUPS - | | | | | | 1638 |
| Bureau of Motor Vehicles | | | \$ | 114,359,127 | \$ | 125,214,815 1639 |
| | | MOTOR VEHICLE REGISTRATION | | | | 1640 |
| | | The Registrar of Motor Vehicles may deposit revenues to meet | | | | 1641 |
| | | the cash needs of the State Bureau of Motor Vehicles Fund (Fund | | | | 1642 |
| | | 4W4) established in section 4501.25 of the Revised Code, obtained | | | | 1643 |
| | | pursuant to sections 4503.02 and 4504.02 of the Revised Code, less | | | | 1644 |
| | | all other available cash. Revenue deposited pursuant to this | | | | 1645 |
| | | section shall support, in part, appropriations for operating | | | | 1646 |
| | | expenses and defray the cost of manufacturing and distributing | | | | 1647 |
| | | license plates and license plate stickers and enforcing the law | | | | 1648 |
| | | relative to the operation and registration of motor vehicles. | | | | 1649 |
| | | Notwithstanding section 4501.03 of the Revised Code, the revenues | | | | 1650 |
| | | shall be paid into the State Bureau of Motor Vehicles Fund before | | | | 1651 |
| | | any revenues obtained pursuant to sections 4503.02 and 4504.02 of | | | | 1652 |
| | | the Revised Code are paid into any other fund. The deposit of | | | | 1653 |
| | | revenues to meet the aforementioned cash needs shall be in | | | | 1654 |
| | | approximate equal amounts on a monthly basis or as otherwise | | | | 1655 |
| | | determined by the Director of Budget and Management pursuant to a | | | | 1656 |
| | | plan submitted by the Registrar of Motor Vehicles. | | | | 1657 |
| | | CAPITAL PROJECTS | | | | 1658 |

The Registrar of Motor Vehicles may transfer revenue from the State Bureau of Motor Vehicles Fund (Fund 4W4) to the State Highway Safety Fund (Fund 036) to meet its obligations for capital projects CIR-047, Department of Public Safety Office Building, CIR-049, Warehouse Facility, and CAP-070, Canton One Stop Shop.

CUSTODIAL FUND CASH TRANSFER

On July 1, 2001, or as soon thereafter as possible, the Director of Budget and Management shall transfer the cash balance in the Treasurer of State's custodial fund that was created in former section 4509.27 of the Revised Code to the security deposit fund that is created in section 4509.27 of the Revised Code.

Section 5.02. ENFORCEMENT

State Highway Safety Fund Group

| | | | | | | |
|-----|---------|--------------------------------------|----|-------------|----|-------------|
| 036 | 764-033 | Minor Capital Projects | \$ | 2,531,302 | \$ | 1,732,358 |
| 036 | 764-321 | Operating Expense - Highway Patrol | \$ | 185,264,130 | \$ | 195,245,402 |
| 83C | 764-630 | Contraband, Forfeiture, Other | \$ | 603,296 | \$ | 622,894 |
| 83F | 764-657 | Law Enforcement Auto. Data System | \$ | 5,050,151 | \$ | 5,277,569 |
| 83G | 764-633 | OMVI Fines | \$ | 781,051 | \$ | 820,927 |
| 831 | 764-610 | Patrol/Federal | \$ | 2,210,831 | \$ | 2,336,609 |
| 831 | 764-659 | Transportation Enforcement - Federal | \$ | 3,919,153 | \$ | 4,087,361 |
| 837 | 764-602 | Turnpike Policing | \$ | 8,803,786 | \$ | 9,306,325 |
| 838 | 764-606 | Patrol Reimbursement | \$ | 216,690 | \$ | 222,108 |
| 840 | 764-607 | State Fair Security | \$ | 1,306,015 | \$ | 1,384,660 |
| 840 | 764-617 | Security and Investigations | \$ | 4,484,313 | \$ | 4,749,103 |
| 840 | 764-626 | State Fairgrounds Police Force | \$ | 783,175 | \$ | 829,631 |

| | | | | | | | |
|-----|---------|--|----|-------------|----|-------------|------|
| 840 | 764-667 | Security Assessment | \$ | 152,324 | \$ | 160,982 | 1684 |
| 841 | 764-603 | Salvage and Exchange - | \$ | 1,243,025 | \$ | 1,274,101 | 1685 |
| | | Highway Patrol | | | | | |
| | | TOTAL HSF State Highway Safety | | | | | 1686 |
| | | Fund Group | \$ | 217,349,242 | \$ | 228,050,030 | 1687 |
| | | General Services Fund Group | | | | | 1688 |
| 4S2 | 764-660 | MARCS Maintenance | \$ | 241,811 | \$ | 227,222 | 1689 |
| | | TOTAL GSF General Services | | | | | 1690 |
| | | Fund Group | \$ | 241,811 | \$ | 227,222 | 1691 |
| | | TOTAL ALL BUDGET FUND GROUPS - | | | | | 1692 |
| | | Enforcement | \$ | 217,591,053 | \$ | 228,277,252 | 1693 |
| | | COLLECTIVE BARGAINING INCREASES | | | | | 1694 |
| | | Notwithstanding division (D) of section 127.14 and division | | | | | 1695 |
| | | (B) of section 131.35 of the Revised Code, except for the General | | | | | 1696 |
| | | Revenue Fund, the Controlling Board may, upon the request of | | | | | 1697 |
| | | either the Director of Budget and Management, or the Department of | | | | | 1698 |
| | | Public Safety with the approval of the Director of Budget and | | | | | 1699 |
| | | Management, increase appropriations for any fund, as necessary for | | | | | 1700 |
| | | the Department of Public Safety, to assist in paying the costs of | | | | | 1701 |
| | | increases in employee compensation that have occurred pursuant to | | | | | 1702 |
| | | collective bargaining agreements under Chapter 4117. of the | | | | | 1703 |
| | | Revised Code and, for exempt employees, under section 124.152 of | | | | | 1704 |
| | | the Revised Code. | | | | | 1705 |
| | | Section 5.03. EMERGENCY MEDICAL SERVICES | | | | | 1706 |
| | | State Highway Safety Fund Group | | | | | 1707 |
| 83M | 765-624 | Operating Expenses - | \$ | 2,370,708 | \$ | 2,292,960 | 1708 |
| | | EMS | | | | | |
| 83P | 765-637 | EMS Grants | \$ | 5,694,384 | \$ | 5,836,744 | 1709 |
| 831 | 765-610 | EMS/Federal | \$ | 263,475 | \$ | 270,062 | 1710 |
| | | TOTAL HSF State Highway Safety | | | | | 1711 |
| | | Fund Group | \$ | 8,328,567 | \$ | 8,399,766 | 1712 |

| | | | | |
|---|----|------------|---------------|------|
| TOTAL ALL BUDGET FUND GROUPS - | | | | 1713 |
| Emergency Medical Services | \$ | 8,328,567 | \$ 8,399,766 | 1714 |
| Section 5.04. INVESTIGATIVE UNIT | | | | 1716 |
| State Highway Safety Fund Group | | | | 1717 |
| 831 767-610 Liquor Enforcement - | \$ | 483,710 | \$ 514,184 | 1718 |
| Federal | | | | |
| 831 769-610 Food Stamp Trafficking | \$ | 974,809 | \$ 1,022,315 | 1719 |
| Enforcement - Federal | | | | |
| TOTAL HSF State Highway Safety | | | | 1720 |
| Fund Group | \$ | 1,458,519 | \$ 1,536,499 | 1721 |
| Liquor Control Fund Group | | | | 1722 |
| 043 767-321 Liquor Enforcement - | \$ | 8,739,650 | \$ 9,233,527 | 1723 |
| Operations | | | | |
| TOTAL LCF Liquor Control Fund | | | | 1724 |
| Group | \$ | 8,739,650 | \$ 9,233,527 | 1725 |
| State Special Revenue Fund Group | | | | 1726 |
| 622 767-615 Investigative | \$ | 394,255 | \$ 404,111 | 1727 |
| Contraband and | | | | |
| Forfeiture | | | | |
| TOTAL SSR State Special Revenue | | | | 1728 |
| Fund Group | \$ | 394,255 | \$ 404,111 | 1729 |
| TOTAL ALL BUDGET FUND GROUPS - | | | | 1730 |
| Special Enforcement | \$ | 10,592,424 | \$ 11,174,137 | 1731 |
| Section 5.05. EMERGENCY MANAGEMENT | | | | 1733 |
| Federal Special Revenue Fund Group | | | | 1734 |
| 3N5 763-644 U.S. DOE Agreement | \$ | 200,000 | \$ 215,000 | 1735 |
| 329 763-645 Individual/Family | \$ | 296,100 | \$ 303,504 | 1736 |
| Grant - Fed | | | | |
| 337 763-609 Federal Disaster | \$ | 6,100,000 | \$ 2,000,000 | 1737 |
| Relief | | | | |

| | | | | | | | |
|----------------------------------|-----------------------|--|----|------------|----|------------|------|
| 339 | 763-647 | Emergency Management | \$ | 8,525,000 | \$ | 9,725,000 | 1738 |
| | | Assistance and | | | | | |
| | | Training | | | | | |
| TOTAL FED | Federal Special | | | | | | 1739 |
| Revenue Fund Group | | | \$ | 15,121,100 | \$ | 12,243,504 | 1740 |
| General Services Fund Group | | | | | | | 1741 |
| 4V3 | 763-662 | Storms/NOAA | \$ | 175,772 | \$ | 182,685 | 1742 |
| | | Maintenance | | | | | |
| 533 | 763-601 | State Disaster Relief | \$ | 8,500,000 | \$ | 7,500,000 | 1743 |
| TOTAL GSF | General Services | | | | | | 1744 |
| Fund Group | | | \$ | 8,675,772 | \$ | 7,682,685 | 1745 |
| State Special Revenue Fund Group | | | | | | | 1746 |
| 4Y0 | 763-654 | EMA Utility Payment | \$ | 146,657 | \$ | 146,657 | 1747 |
| 4Y1 | 763-655 | Salvage & Exchange-EMA | \$ | 28,285 | \$ | 28,992 | 1748 |
| 657 | 763-652 | Utility Radiological | \$ | 874,602 | \$ | 927,241 | 1749 |
| | | Safety | | | | | |
| 681 | 763-653 | SARA Title III HAZMAT | \$ | 190,000 | \$ | 190,000 | 1750 |
| | | Planning | | | | | |
| TOTAL SSR | State Special Revenue | | | | | | 1751 |
| Fund Group | | | \$ | 1,239,544 | \$ | 1,292,890 | 1752 |
| TOTAL ALL BUDGET FUND GROUPS - | | | | | | | 1753 |
| Emergency Management | | | \$ | 25,036,416 | \$ | 21,219,079 | 1754 |
| | | SARA TITLE III HAZMAT PLANNING | | | | | 1755 |
| | | The SARA Title III HAZMAT Planning Fund (Fund 681) shall | | | | | 1756 |
| | | receive grant funds from the Emergency Response Commission to | | | | | 1757 |
| | | implement the Emergency Management Agency's responsibilities under | | | | | 1758 |
| | | Chapter 3750. of the Revised Code. | | | | | 1759 |
| | | STATE DISASTER RELIEF | | | | | 1760 |
| | | The foregoing appropriation item 763-601, State Disaster | | | | | 1761 |
| | | Relief, may accept transfers of cash and appropriations from | | | | | 1762 |
| | | Controlling Board appropriation items to reimburse eligible local | | | | | 1763 |

governments and private nonprofit organizations for costs related 1764
to disasters that have been declared by local governments or the 1765
Governor. The Ohio Emergency Management Agency shall publish and 1766
make available an application packet outlining eligible items and 1767
application procedures for entities requesting state disaster 1768
relief. 1769

Individuals may be eligible for reimbursement of costs 1770
related to disasters that have been declared by the Governor and 1771
the Small Business Administration. The funding in appropriation 1772
item 763-601, State Disaster Relief, shall be used in accordance 1773
with the principles of the federal Individual and Family Grant 1774
Program, which provides grants to households that have been 1775
affected by a disaster to replace basic living items. The Ohio 1776
Emergency Management Agency shall publish and make available an 1777
application procedure for individuals requesting assistance under 1778
the state Individual Assistance Program. 1779

Section 5.06. ADMINISTRATION 1780

| | | | | | |
|------------------------------------|----|-----------|----|-----------|------|
| State Highway Safety Fund Group | | | | 1781 | |
| 036 766-321 Operating Expense - | \$ | 4,146,125 | \$ | 4,233,612 | 1782 |
| Administration | | | | | |
| 830 761-603 Salvage and Exchange - | \$ | 21,531 | \$ | 22,070 | 1783 |
| Administration | | | | | |
| TOTAL HSF State Highway Safety | | | | | 1784 |
| Fund Group | \$ | 4,167,656 | \$ | 4,255,682 | 1785 |
| General Services Fund Group | | | | | 1786 |
| 4S3 766-661 Hilltop Utility | \$ | 562,100 | \$ | 576,153 | 1787 |
| Reimbursement | | | | | |
| TOTAL GSF General Services | | | | | 1788 |
| Fund Group | \$ | 562,100 | \$ | 576,153 | 1789 |
| TOTAL ALL BUDGET FUND GROUPS - | | | | | 1790 |
| Administration | \$ | 4,729,756 | \$ | 4,831,835 | 1791 |

| | |
|--|------|
| Section 5.07. DEBT SERVICE | 1793 |
| State Highway Safety Fund Group | 1794 |
| 036 761-401 Lease Rental Payments \$ 12,157,000 \$ 12,735,500 | 1795 |
| TOTAL HSF State Highway Safety | 1796 |
| Fund Group \$ 12,157,000 \$ 12,735,500 | 1797 |
| TOTAL ALL BUDGET FUND GROUPS - | 1798 |
| Debt Service \$ 12,157,000 \$ 12,735,500 | 1799 |
| OBA BOND AUTHORITY/LEASE RENTAL PAYMENTS | 1800 |
| The foregoing appropriation item 761-401, Lease Rental | 1801 |
| Payments, shall be used for payments to the Ohio Building | 1802 |
| Authority for the period July 1, 2001, to June 30, 2003, pursuant | 1803 |
| to the primary leases and agreements for buildings made under | 1804 |
| Chapter 152. of the Revised Code that are pledged for bond service | 1805 |
| charges on related obligations issued pursuant to Chapter 152. of | 1806 |
| the Revised Code. Notwithstanding section 152.24 of the Revised | 1807 |
| Code, the Ohio Building Authority may, with approval of the | 1808 |
| Director of Budget and Management, lease capital facilities to the | 1809 |
| Department of Public Safety. | 1810 |
| HILLTOP TRANSFER | 1811 |
| The Director of Public Safety shall determine, per an | 1812 |
| agreement with the Director of Transportation, the share of each | 1813 |
| debt service payment made out of appropriation item 761-401, Lease | 1814 |
| Rental Payments, that relates to the Department of | 1815 |
| Transportation's portion of the Hilltop Building Project, and | 1816 |
| shall certify to the Director of Budget and Management the amounts | 1817 |
| of this share. The Director of Budget and Management shall | 1818 |
| transfer such shares from the Highway Operating Fund (Fund 002) to | 1819 |
| the Highway Safety Fund (Fund 036). | 1820 |
| Section 5.08. REVENUE DISTRIBUTION | 1821 |

| | | | | | |
|---|----|-------------|----|-------------|------|
| Holding Account Redistribution Fund Group | | | | 1822 | |
| R24 762-619 Unidentified Motor | \$ | 1,750,000 | \$ | 1,750,000 | 1823 |
| Vehicle Receipts | | | | | |
| R27 764-608 Patrol Fee Refunds | \$ | 35,000 | \$ | 35,000 | 1824 |
| R52 762-623 Security Deposits | \$ | 250,000 | \$ | 250,000 | 1825 |
| TOTAL 090 Holding Account | | | | 1826 | |
| Redistribution Fund Group | \$ | 2,035,000 | \$ | 2,035,000 | 1827 |
| TOTAL ALL BUDGET FUND GROUPS - | | | | 1828 | |
| Revenue Distribution | \$ | 2,035,000 | \$ | 2,035,000 | 1829 |
| TOTAL Department of Public Safety | | | | 1830 | |
| TOTAL HSF State Highway Safety | | | | 1831 | |
| Fund Group | \$ | 375,858,975 | \$ | 399,029,529 | 1832 |
| TOTAL SSR State Special Revenue | | | | 1833 | |
| Fund Group | \$ | 1,867,275 | \$ | 1,936,903 | 1834 |
| TOTAL LCF Liquor Control | | | | 1835 | |
| Fund Group | \$ | 8,739,650 | \$ | 9,233,527 | 1836 |
| TOTAL GSF General Services | | | | 1837 | |
| Fund Group | \$ | 9,479,683 | \$ | 8,486,060 | 1838 |
| TOTAL FED Federal Revenue Special | | | | 1839 | |
| Fund Group | \$ | 15,121,100 | \$ | 12,243,504 | 1840 |
| TOTAL AGY Agency Fund Group | \$ | 204,400 | \$ | 209,510 | 1841 |
| TOTAL 090 Holding Account | | | | 1842 | |
| Redistribution | | | | | |
| Fund Group | \$ | 2,035,000 | \$ | 2,035,000 | 1843 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 413,306,083 | \$ | 433,174,033 | 1844 |

Section 5.09. TRANSFER OF FUNDS 1846

The Director of Budget and Management, pursuant to a plan 1847
submitted by the Department of Public Safety or as otherwise 1848
determined by the director, shall set a monthly cash transfer 1849
schedule to meet the cash needs of the State Highway Safety Fund 1850
(Fund 036) established in section 4501.06 of the Revised Code, 1851
less all other available cash. 1852

The director shall transfer to the Highway Safety Fund from 1853
the Highway Operating Fund (Fund 002) established in section 1854
5735.291 of the Revised Code such cash at such times as determined 1855
by the transfer schedule. 1856

CASH BALANCE FUND REVIEW 1857

Not later than the first day of April in each fiscal year of 1858
the biennium, the Director of Budget and Management shall review 1859
the cash balances for each fund, except the State Highway Safety 1860
Fund (Fund 036), in the State Highway Safety Fund Group and shall 1861
recommend to the Controlling Board an amount to be transferred to 1862
the credit of the State Highway Safety Fund, or the Bureau of 1863
Motor Vehicles Fund, as appropriate. 1864

Section 6. DEV DEPARTMENT OF DEVELOPMENT 1865

State Special Revenue Fund Group 1866

| | | | | | |
|----------------------------------|----|------------|----|------------|------|
| 4W0 195-629 Roadwork Development | \$ | 12,699,900 | \$ | 12,699,900 | 1867 |
|----------------------------------|----|------------|----|------------|------|

| | | | | | |
|---------------------------------|--|--|--|--|------|
| TOTAL SSR State Special Revenue | | | | | 1868 |
|---------------------------------|--|--|--|--|------|

| | | | | | |
|------------|----|------------|----|------------|------|
| Fund Group | \$ | 12,699,900 | \$ | 12,699,900 | 1869 |
|------------|----|------------|----|------------|------|

| | | | | | |
|------------------------------|----|------------|----|------------|------|
| TOTAL ALL BUDGET FUND GROUPS | \$ | 12,699,900 | \$ | 12,699,900 | 1870 |
|------------------------------|----|------------|----|------------|------|

ROADWORK DEVELOPMENT FUND 1871

The Roadwork Development Fund shall be used for road 1872
improvements associated with economic development opportunities 1873
that will retain or attract businesses for Ohio. "Road 1874
improvements" are improvements to public roadway facilities 1875
located on, or serving or capable of serving, a project site. 1876

The Department of Transportation, under the direction of the 1877
Department of Development, shall provide these funds in accordance 1878
with all guidelines and requirements established for Department of 1879
Development appropriation item 195-412, Business Development, 1880
including Controlling Board review and approval as well as the 1881
requirements for usage of gas tax revenue prescribed in Section 5a 1882

of Article XII, Ohio Constitution. Should the Department of 1883
Development require the assistance of the Department of 1884
Transportation to bring a project to completion, the Department of 1885
Transportation shall use the authority under Title LV of the 1886
Revised Code to provide such assistance and enter into contracts 1887
on behalf of the Department of Development. In addition, these 1888
funds may be used in conjunction with appropriation item 195-412, 1889
Business Development, or any other state funds appropriated for 1890
infrastructure improvements. 1891

The Director of Budget and Management, pursuant to a plan 1892
submitted by the Department of Development or as otherwise 1893
determined by the Director of Budget and Management, shall set a 1894
cash transfer schedule to meet the cash needs of the Department of 1895
Development's Roadwork Development Fund (Fund 4W0), less any other 1896
available cash. The director shall transfer to the Roadwork 1897
Development Fund from the Highway Operating Fund (Fund 002), 1898
established in section 5735.291 of the Revised Code, such amounts 1899
at such times as determined by the transfer schedule. 1900

Section 7. PWC PUBLIC WORKS COMMISSION 1901

Local Transportation Improvements Fund Group 1902

| | | | | | |
|------------------------------|----|---------|----|---------|------|
| 052 150-402 LTIP - Operating | \$ | 401,481 | \$ | 426,089 | 1903 |
|------------------------------|----|---------|----|---------|------|

| | | | | | |
|----------------------------------|----|------------|----|------------|------|
| 052 150-701 Local Transportation | \$ | 74,000,000 | \$ | 76,000,000 | 1904 |
|----------------------------------|----|------------|----|------------|------|

Improvement Program

TOTAL 052 Local Transportation 1905

| | | | | | |
|-------------------------|----|------------|----|------------|------|
| Improvements Fund Group | \$ | 74,401,481 | \$ | 76,426,089 | 1906 |
|-------------------------|----|------------|----|------------|------|

Local Infrastructure Improvements Fund Group 1907

| | | | | | |
|--------------------------------|----|---------|----|-----------|------|
| 038 150-321 Operating Expenses | \$ | 958,456 | \$ | 1,016,207 | 1908 |
|--------------------------------|----|---------|----|-----------|------|

TOTAL LIF Local Infrastructure 1909

| | | | | | |
|-------------------------|----|---------|----|-----------|------|
| Improvements Fund Group | \$ | 958,456 | \$ | 1,016,207 | 1910 |
|-------------------------|----|---------|----|-----------|------|

| | | | | | |
|------------------------------|----|------------|----|------------|------|
| TOTAL ALL BUDGET FUND GROUPS | \$ | 75,359,937 | \$ | 77,442,296 | 1911 |
|------------------------------|----|------------|----|------------|------|

DISTRICT ADMINISTRATION COSTS 1912

The Director of the Public Works Commission may create a 1913
district administration costs program and fund the program each 1914
fiscal year from interest earnings of up to \$760,000 per fiscal 1915
year, which are credited to both the State Capital Improvements 1916
Fund created in section 164.08 of the Revised Code and the Local 1917
Transportation Improvement Program Fund created in section 164.14 1918
of the Revised Code. This total amount is based upon the total 1919
interest credited to both funds. The district administration costs 1920
program shall be used to pay or reimburse the nineteen public 1921
works districts for the direct costs of district administration. 1922
Districts choosing to participate in the program shall expend 1923
moneys received from interest earnings credited to the State 1924
Capital Improvements Fund only for the direct costs of district 1925
administration of the State Capital Improvements Fund and moneys 1926
received from interest earnings credited to the Local 1927
Transportation Improvement Program Fund only for the direct costs 1928
of district administration of the Local Transportation Improvement 1929
Program Fund. Each public works district may apply to use up to 1930
\$40,000 per fiscal year of its district allocations under sections 1931
164.08 and 164.14 of the Revised Code for the direct costs of 1932
district administration as authorized by this section. 1933

The director, by rule, shall define allowable and 1934
nonallowable costs for the purpose of the District Administration 1935
Costs Program. Nonallowable costs include indirect costs, elected 1936
official salaries and benefits, and project-specific costs. No 1937
district public works committee may participate in the District 1938
Administration Costs Program without the approval of those costs 1939
by the district public works committee pursuant to section 164.04 1940
of the Revised Code. 1941

REAPPROPRIATIONS 1942

All capital appropriations from the Local Transportation 1943
Improvement Program Fund (Fund 052) in Am. Sub. H.B. 163 of the 1944

123rd General Assembly remaining unencumbered as of June 30, 2001, 1945
are reappropriated for use during the period July 1, 2001, through 1946
June 30, 2002, for the same purpose. 1947

Notwithstanding division (B) of section 127.14 of the Revised 1948
Code, all capital appropriations and reappropriations from the 1949
Local Transportation Improvement Program Fund (Fund 052) in this 1950
act remaining unencumbered as of June 30, 2002, are reappropriated 1951
for use during the period July 1, 2002, through June 30, 2003, for 1952
the same purpose, subject to the availability of revenue as 1953
determined by the Director of the Public Works Commission. 1954

Section 8. PROVISIONS OF LAW GENERALLY APPLICABLE TO 1955
APPROPRIATIONS 1956

Law contained in the main operating appropriations act of the 1957
124th General Assembly that is generally applicable to the 1958
appropriations made in the main operating appropriations act also 1959
is generally applicable to the appropriations made in this act. 1960

Section 9. LEASE PAYMENTS TO OPFC, OBA, AND TREASURER 1961

Certain appropriations are in this act for the purpose of 1962
lease payments to the Ohio Building Authority or to the Treasurer 1963
of State pursuant to leases and agreements relating to bonds or 1964
notes issued by the Ohio Building Authority or the Treasurer of 1965
State or previously by the Ohio Public Facilities Commission, 1966
pursuant to the Ohio Constitution and acts of the General 1967
Assembly. If it is determined that additional appropriations are 1968
necessary for this purpose, such amounts are hereby appropriated. 1969

Section 10. TRANSPORTATION BUILDING FUND 1970

All items set forth in this section are hereby appropriated 1971
out of any moneys in the state treasury to the credit of the 1972
Transportation Building Fund (Fund 029), which is hereby created. 1973

Revenues to the Transportation Building Fund consist of proceeds
of obligations authorized to pay costs of capital facilities as
defined in section 152.09 of the Revised Code for the Department
of Transportation.

| | | | |
|----------------------------------|----------------------------------|------------|------|
| DOT DEPARTMENT OF TRANSPORTATION | | | 1978 |
| CAP-001 | Transportation Buildings Capital | \$ 250,000 | 1979 |
| | Improvements | | |
| TOTAL | Department of Transportation | \$ 250,000 | 1980 |
| TOTAL | Transportation Building Fund | \$ 250,000 | 1981 |

Expenditures from appropriations contained in this section
shall be accounted for as though made in Am. Sub. H.B. 640 of the
123rd General Assembly. The appropriations made in this section
are subject to all provisions of Am. Sub. H.B. 640 of the 123rd
General Assembly that are generally applicable to such
appropriations.

Section 11. Except as otherwise specifically provided in this
act, the codified sections of law amended or enacted in this act,
and the items of law of which the codified sections of law amended
or enacted in this act are composed, are subject to the
referendum. Therefore, under Ohio Constitution, Article II,
Section 1c and section 1.471 of the Revised Code, the codified
sections of law amended or enacted by this act, and the items of
law of which the codified sections of law as amended or enacted by
this act are composed, take effect on the ninety-first day after
this act is filed with the Secretary of State. If, however, a
referendum petition is filed against any such codified section of
law as amended or enacted by this act, or against any item of law
of which any such codified section of law as amended or enacted by
this act is composed, the codified section of law as amended or
enacted, or item of law, unless rejected at the referendum, takes
effect at the earliest time permitted by law.

Section 12. The repeal by this act of a codified section of law is subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the repeal by this act of a codified section of law takes effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against any such repeal, the repeal, unless rejected at the referendum, takes effect at the earliest time permitted by law. ("repeal," as contemplated by this section, does not include a repeal that is part of a repeal and re-enactment.)

Section 13. Sections 4501.35 and 4509.27 of the Revised Code as enacted or repealed and re-enacted by this act, and the items of law of which such sections as enacted or repealed and re-enacted by this act are composed, are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, such sections as enacted or repealed and re-enacted by this act, and the items of law of which such sections as enacted or repealed and re-enacted by this act are composed, go into immediate effect when this act becomes law.

Section 14. If the amendment or enactment in this act of a codified section of law is subject to the referendum, the corresponding indications in the amending, enacting, or existing repeal clauses commanding the amendment or enactment also are subject to the referendum, along with the amendment or enactment. If the enactment or repeal and re-enactment by this act of a codified or uncodified section of law is not subject to the referendum, the corresponding indications in the enacting or repeal clauses commanding the enactment or repeal and re-enactment also are not subject to the referendum, the same as the enactment

or repeal and re-enactment. 2034

Section 15. The items in the uncodified sections of law 2035
contained in this act that appropriate money for the current 2036
expenses of state government, earmark this class of 2037
appropriations, or depend for their implementation upon an 2038
appropriation for the current expenses of state government are not 2039
subject to the referendum. Therefore, under Ohio Constitution, 2040
Article II, Section 1d and section 1.471 of the Revised Code, 2041
these items go into immediate effect when this act becomes law. 2042

The items in the uncodified sections of law contained in this 2043
act that appropriate money other than for the current expenses of 2044
state government, earmark this class of appropriations, or do not 2045
depend for their implementation upon an appropriation for the 2046
current expenses of state government are subject to the 2047
referendum. Therefore, under Ohio Constitution, Article II, 2048
Section 1c and section 1.471 of the Revised Code, these items take 2049
effect on the ninety-first day after this act is filed with the 2050
Secretary of State. If, however, a referendum petition is filed 2051
against such an item, the item, unless rejected at the referendum, 2052
takes effect at the earliest time permitted by law. 2053

This section is not subject to the referendum. Therefore, 2054
under Ohio Constitution, Article II, Section 1d and section 1.471 2055
of the Revised Code, this section goes into immediate effect when 2056
this act becomes law. 2057

Section 16. An item, other than an amending, enacting, or 2058
repealing clause, that composes the whole or part of an uncodified 2059
section contained in this act has no effect after June 30, 2003, 2060
unless its context clearly indicates otherwise. 2061

Section 17. Section 5501.31 of the Revised Code is amended by 2062
this act and also by Sub. S.B. 295 of the 123rd General Assembly 2063
(effective April 5, 2001). The amendments of Sub. S.B. 295 are 2064
included in this act to confirm the intention to retain them, but 2065
are not intended to be effective until April 5, 2001. 2066

Section 18. If any item of law that constitutes the whole or 2067
part of a codified or uncodified section of law contained in this 2068
act, or if any application of any item of law that constitutes the 2069
whole or part of a codified or uncodified section of law contained 2070
in this act, is held invalid, the invalidity does not affect other 2071
items of law or applications of items of law that can be given 2072
effect without the invalid item of law or application. To this 2073
end, the items of law of which the codified and uncodified 2074
sections contained in this act are composed, and their 2075
applications, are independent and severable. 2076