

**As Reported by the House Finance and Appropriations  
Committee**

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

**Sub. H. B. No. 73**

**REPRESENTATIVES Buehrer, Carey, Hoops, Goodman, Gilb, Faber, Calvert,  
Hughes, Peterson, Grendell, Webster, Womer Benjamin, Raga, Metzger, Core,  
Allen, Clancy, Flannery**

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**A B I L L**

To amend sections 151.01, 163.10, 163.22, 4503.191,	1
4513.34, 5501.17, 5501.31, 5502.12, 5516.10,	2
5517.011, 5529.03, and 5577.04, to enact new	3
section 4509.27 and sections 4501.35, 5503.12,	4
5526.01, 5526.02, 5526.03, 5526.04, 5526.05,	5
5526.06, 5526.07, and 5526.08, and to repeal	6
sections 4509.27 and 5501.18 of the Revised Code to	7
make appropriations for programs related to	8
transportation and public safety for the biennium	9
beginning July 1, 2001, and ending June 30, 2003,	10
and to provide authorization and conditions for the	11
operation of those programs.	12

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

<b>Section 1.</b> That sections 151.01, 163.10, 163.22, 4503.191,	13
4513.34, 5501.17, 5501.31, 5502.12, 5516.10, 5517.011, 5529.03,	14
and 5577.04 be amended and new section 4509.27 and sections	15
4501.35, 5503.12, 5526.01, 5526.02, 5526.03, 5526.04, 5526.05,	16
5526.06, 5526.07, and 5526.08 of the Revised Code be enacted to	17
read as follows:	18

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

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

(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.

(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.

(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  
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

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issued under section 151.06 or 151.08 of the Revised Code. 82

(8) "Net proceeds" means amounts received from the sale of 83  
obligations, excluding amounts used to refund or retire 84  
outstanding obligations, amounts required to be deposited into 85  
special funds pursuant to the applicable bond proceedings, and 86  
amounts to be used to pay financing costs. 87

(9) "Obligations" means bonds, notes, or other evidences of 88  
obligation of the state, including any appertaining interest 89  
coupons, issued pursuant to sections 151.01 to 151.08 of the 90  
Revised Code. 91

(10) "Principal amount" means the aggregate of the amount as 92  
stated or provided for in the applicable bond proceedings as the 93  
amount on which interest or interest equivalent on particular 94  
obligations is initially calculated. Principal amount does not 95  
include any premium paid to the state by the initial purchaser of 96  
the obligations. 97

(11) "Special funds" or "funds," unless the context indicates 98  
otherwise, means the bond service fund, and any other funds, 99  
including any reserve funds, created under the bond proceedings 100  
and stated to be special funds in those proceedings, including 101  
moneys and investments, and earnings from investments, credited 102  
and to be credited to the particular fund. Special funds do not 103  
include the school building program assistance fund created by 104  
section 3318.25 of the Revised Code, the higher education 105  
improvement fund created by division (F) of section 154.21 of the 106  
Revised Code, the highway capital improvement bond fund created by 107  
section 5528.53 of the Revised Code, the state parks and natural 108  
resources fund created by section 1557.02 of the Revised Code, the 109  
coal research and development fund created by section 1555.15 of 110  
the Revised Code, or other funds created by the bond proceedings 111  
that are not stated by those proceedings to be special funds. 112

(B) Subject to section 2l, 2m, 2n, or 15, and Section 17 of Article VIII, Ohio Constitution, the state, by the issuing authority, is authorized to issue and sell, as provided in sections 151.03 to 151.08 of the Revised Code, and in respective aggregate principal amounts as from time to time provided or authorized by the general assembly, general obligations of this state for the purpose of paying costs of capital facilities or projects identified by or pursuant to general assembly action.

(C) Each issue of obligations shall be authorized by resolution or order of the issuing authority. The bond proceedings shall provide for or authorize the manner for determining the principal amount or maximum principal amount of obligations of an issue, the principal maturity or maturities, the interest rate or rates, the date of and the dates of payment of interest on the obligations, their denominations, and the place or places of payment of debt service which may be within or outside the state. Unless otherwise provided by law, the latest principal maturity may not be later than the earlier of the thirty-first day of December of the twenty-fifth calendar year after the year of issuance of the particular obligations or of the twenty-fifth calendar year after the year in which the original obligation to pay was issued or entered into. Sections 9.96, 9.98, 9.981, 9.982, and 9.983 of the Revised Code apply to obligations. The purpose of the obligations may be stated in the bond proceedings in general terms, such as, as applicable, "financing or assisting in the financing of projects as provided in Section 2l of Article VIII, Ohio Constitution," "financing or assisting in the financing of highway capital improvement projects as provided in Section 2m of Article VIII, Ohio Constitution," "paying costs of capital facilities for a system of common schools throughout the state as authorized by Section 2n of Article VIII, Ohio Constitution," "paying costs of capital facilities for state-supported and

state-assisted institutions of higher education as authorized by 145  
Section 2n of Article VIII, Ohio Constitution," "paying costs of 146  
coal research and development as authorized by Section 15 of 147  
Article VIII, Ohio Constitution," or "financing or assisting in 148  
the financing of local subdivision capital improvement projects as 149  
authorized by Section 2m of Article VIII, Ohio Constitution." 150

(D) The issuing authority may appoint or provide for the 151  
appointment of paying agents, bond registrars, securities 152  
depositories, clearing corporations, and transfer agents, and may 153  
without need for any other approval retain or contract for the 154  
services of underwriters, investment bankers, financial advisers, 155  
accounting experts, marketing, remarketing, indexing, and 156  
administrative agents, other consultants, and independent 157  
contractors, including printing services, as are necessary in the 158  
judgment of the issuing authority to carry out its functions under 159  
Chapter 151. of the Revised Code. When the issuing authority is 160  
the Ohio public facilities commission, the issuing authority also 161  
may without need for any other approval retain or contract for the 162  
services of attorneys and other professionals for that purpose. 163  
Financing costs are payable, as may be provided in the bond 164  
proceedings, from the proceeds of the obligations, from special 165  
funds, or from other moneys available for the purpose. 166

(E) The bond proceedings may contain additional provisions 167  
customary or appropriate to the financing or to the obligations or 168  
to particular obligations including, but not limited to, 169  
provisions for: 170

(1) The redemption of obligations prior to maturity at the 171  
option of the state or of the holder or upon the occurrence of 172  
certain conditions, and at particular price or prices and under 173  
particular terms and conditions; 174

(2) The form of and other terms of the obligations; 175

(3) The establishment, deposit, investment, and application 176  
of special funds, and the safeguarding of moneys on hand or on 177  
deposit, in lieu of the applicability of provisions of Chapter 178  
131. or 135. of the Revised Code, but subject to any special 179  
provisions of sections 151.01 to 151.08 of the Revised Code with 180  
respect to the application of particular funds or moneys. Any 181  
financial institution that acts as a depository of any moneys in 182  
special funds or other funds under the bond proceedings may 183  
furnish indemnifying bonds or pledge securities as required by the 184  
issuing authority. 185

(4) Any or every provision of the bond proceedings being 186  
binding upon the issuing authority and upon such governmental 187  
agency or entity, officer, board, commission, authority, agency, 188  
department, institution, district, or other person or body as may 189  
from time to time be authorized to take actions as may be 190  
necessary to perform all or any part of the duty required by the 191  
provision; 192

(5) The maintenance of each pledge or instrument comprising 193  
part of the bond proceedings until the state has fully paid or 194  
provided for the payment of the debt service on the obligations or 195  
met other stated conditions; 196

(6) In the event of default in any payments required to be 197  
made by the bond proceedings, or by any other agreement of the 198  
issuing authority made as part of a contract under which the 199  
obligations were issued or secured, including a credit enhancement 200  
facility, the enforcement of those payments by mandamus, a suit in 201  
equity, an action at law, or any combination of those remedial 202  
actions; 203

(7) The rights and remedies of the holders or owners of 204  
obligations or of book-entry interests in them, and of third 205  
parties under any credit enhancement facility, and provisions for 206  
protecting and enforcing those rights and remedies, including 207

limitations on rights of individual holders or owners;	208
(8) The replacement of mutilated, destroyed, lost, or stolen obligations;	209 210
(9) The funding, refunding, or advance refunding, or other provision for payment, of obligations that will then no longer be outstanding for purposes of this section or of the applicable bond proceedings;	211 212 213 214
(10) Amendment of the bond proceedings;	215
(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.	216 217 218 219
(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.	220 221 222 223 224 225 226 227 228 229 230 231
(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,	232 233 234 235 236 237 238

conversion, and transfer. Pending preparation of final 239  
obligations, the issuing authority may provide for the issuance of 240  
interim instruments to be exchanged for the final obligations. 241

(H) Obligations may be sold at public sale or at private 242  
sale, in such manner, and at such price at, above or below par, 243  
all as determined by and provided by the issuing authority in the 244  
bond proceedings. 245

(I) Except to the extent that rights are restricted by the 246  
bond proceedings, any owner of obligations or provider of a credit 247  
enhancement facility may by any suitable form of legal proceedings 248  
protect and enforce any rights relating to obligations or that 249  
facility under the laws of this state or granted by the bond 250  
proceedings. Those rights include the right to compel the 251  
performance of all applicable duties of the issuing authority and 252  
the state. Each duty of the issuing authority and that authority's 253  
officers, staff, and employees, and of each state entity or 254  
agency, or using district or using institution, and its officers, 255  
members, staff, or employees, undertaken pursuant to the bond 256  
proceedings, is hereby established as a duty of the entity or 257  
individual having authority to perform that duty, specifically 258  
enjoined by law and resulting from an office, trust, or station 259  
within the meaning of section 2731.01 of the Revised Code. The 260  
individuals who are from time to time the issuing authority, 261  
members or officers of the issuing authority, or those members' 262  
designees acting pursuant to section 154.02 of the Revised Code, 263  
or the issuing authority's officers, staff, or employees, are not 264  
liable in their personal capacities on any obligations or 265  
otherwise under the bond proceedings. 266

(J)(1) Subject to section 2l, 2m, 2n, or 15, and Section 17, 267  
of Article VIII, Ohio Constitution and sections 151.01 to 151.08 268  
of the Revised Code, the issuing authority may, in addition to the 269  
authority referred to in division (B) of this section, authorize 270

and provide for the issuance of: 271

(a) Obligations in the form of bond anticipation notes, and 272  
may provide for the renewal of those notes from time to time by 273  
the issuance of new notes. The holders of notes or appertaining 274  
interest coupons have the right to have debt service on those 275  
notes paid solely from the moneys and special funds that are or 276  
may be pledged to that payment, including the proceeds of bonds or 277  
renewal notes or both, as the issuing authority provides in the 278  
bond proceedings authorizing the notes. Notes may be additionally 279  
secured by covenants of the issuing authority to the effect that 280  
the issuing authority and the state will do all things necessary 281  
for the issuance of bonds or renewal notes in such principal 282  
amount and upon such terms as may be necessary to provide moneys 283  
to pay when due the debt service on the notes, and apply their 284  
proceeds to the extent necessary, to make full and timely payment 285  
of debt service on the notes as provided in the applicable bond 286  
proceedings. In the bond proceedings authorizing the issuance of 287  
bond anticipation notes the issuing authority shall set forth for 288  
the bonds anticipated an estimated schedule of annual principal 289  
payments the latest of which shall be no later than provided in 290  
division (C) of this section. While the notes are outstanding 291  
there shall be deposited, as shall be provided in the bond 292  
proceedings for those notes, from the sources authorized for 293  
payment of debt service on the bonds, amounts sufficient to pay 294  
the principal of the bonds anticipated as set forth in that 295  
estimated schedule during the time the notes are outstanding, 296  
which amounts shall be used solely to pay the principal of those 297  
notes or of the bonds anticipated. 298

(b) Obligations for the refunding, including funding and 299  
retirement, and advance refunding with or without payment or 300  
redemption prior to maturity, of any obligations previously 301  
issued. Refunding obligations may be issued in amounts sufficient 302

to pay or to provide for repayment of the principal amount, 303  
including principal amounts maturing prior to the redemption of 304  
the remaining prior obligations, any redemption premium, and 305  
interest accrued or to accrue to the maturity or redemption date 306  
or dates, payable on the prior obligations, and related financing 307  
costs and any expenses incurred or to be incurred in connection 308  
with that issuance and refunding. Subject to the applicable bond 309  
proceedings, the portion of the proceeds of the sale of refunding 310  
obligations issued under division (J)(1)(b) of this section to be 311  
applied to debt service on the prior obligations shall be credited 312  
to an appropriate separate account in the bond service fund and 313  
held in trust for the purpose by the issuing authority or by a 314  
corporate trustee. Obligations authorized under this division 315  
shall be considered to be issued for those purposes for which the 316  
prior obligations were issued. 317

(2) Except as otherwise provided in sections 151.01 to 151.08 318  
of the Revised Code, bonds or notes authorized pursuant to 319  
division (J) of this section are subject to the provisions of 320  
those sections pertaining to obligations generally. 321

(3) The principal amount of refunding or renewal obligations 322  
issued pursuant to division (J) of this section shall be in 323  
addition to the amount authorized by the general assembly as 324  
referred to in division (B) of the following sections: section 325  
151.03, 151.04, 151.05, 151.06, 151.07, or 151.08 of the Revised 326  
Code. 327

(K) Obligations are lawful investments for banks, savings and 328  
loan associations, credit union share guaranty corporations, trust 329  
companies, trustees, fiduciaries, insurance companies, including 330  
domestic for life and domestic not for life, trustees or other 331  
officers having charge of sinking and bond retirement or other 332  
special funds of the state and political subdivisions and taxing 333  
districts of this state, the sinking fund, the administrator of 334

workers' compensation subject to the approval of the workers' 335  
compensation board, the state teachers retirement system, the 336  
public employees retirement system, the school employees 337  
retirement system, and the Ohio police and fire pension fund, 338  
notwithstanding any other provisions of the Revised Code or rules 339  
adopted pursuant to those provisions by any state agency with 340  
respect to investments by them, and are also acceptable as 341  
security for the repayment of the deposit of public moneys. The 342  
exemptions from taxation in Ohio as provided for in particular 343  
sections of the Ohio Constitution and section 5709.76 of the 344  
Revised Code apply to the obligations. 345

(L)(1) Unless otherwise provided or provided for in any 346  
applicable bond proceedings, moneys to the credit of or in a 347  
special fund shall be disbursed on the order of the issuing 348  
authority. No such order is required for the payment, from the 349  
bond service fund or other special fund, when due of debt service 350  
or required payments under credit enhancement facilities. 351

(2) Payments received by the state under interest rate hedges 352  
entered into as credit enhancement facilities under this chapter 353  
shall be deposited to the credit of the bond service fund for the 354  
obligations to which those credit enhancement facilities relate. 355

(M) The full faith and credit, revenue, and taxing power of 357  
the state are and shall be pledged to the timely payment of debt 358  
service on outstanding obligations as it comes due, all in 359  
accordance with Section 21, 2m, 2n, or 15 of Article VIII, Ohio 360  
Constitution, and section 151.03, 151.04, 151.05, 151.06, 151.07, 361  
or 151.08 of the Revised Code. Moneys referred to in Section 5a of 362  
Article XII, Ohio Constitution, may not be pledged or used for the 363  
payment of debt service except on obligations referred to in 364  
section 151.06 of the Revised Code. The state covenants, and that 365  
covenant shall be controlling notwithstanding any other provision 366

of law, that the state and the applicable officers and agencies of 367  
the state, including the general assembly, shall, so long as any 368  
obligations are outstanding in accordance with their terms, 369  
maintain statutory authority for and cause to be levied, collected 370  
and applied sufficient pledged excises, taxes, and revenues of the 371  
state so that the revenues shall be sufficient in amounts to pay 372  
debt service when due, to establish and maintain any reserves and 373  
other requirements, and to pay financing costs, including costs of 374  
or relating to credit enhancement facilities, all as provided for 375  
in the bond proceedings. Those excises, taxes, and revenues are 376  
and shall be deemed to be levied and collected, in addition to the 377  
purposes otherwise provided for by law, to provide for the payment 378  
of debt service and financing costs in accordance with sections 379  
151.01 to 151.08 of the Revised Code and the bond proceedings. 380

(N) The general assembly may from time to time repeal or 381  
reduce any excise, tax, or other source of revenue pledged to the 382  
payment of the debt service pursuant to Section 21, 2m, 2n, or 15 383  
of Article VIII, Ohio Constitution, and sections 151.01 to 151.08 384  
of the Revised Code, and may levy, collect and apply any new or 385  
increased excise, tax, or revenue to meet the pledge, to the 386  
payment of debt service on outstanding obligations, of the state's 387  
full faith and credit, revenue and taxing power, except fees, 388  
excises or taxes referred to in Section 5a of Article XII, Ohio 389  
Constitution, for other than obligations referred to in section 390  
~~151.05~~ 151.06 of the Revised Code and except net state lottery 391  
proceeds for other than obligations referred to in section 151.03 392  
of the Revised Code. Nothing in division (N) of this section 393  
authorizes any impairment of the obligation of this state to levy 394  
and collect sufficient excises, taxes, and revenues to pay debt 395  
service on obligations outstanding in accordance with their terms. 396

(O) Each bond service fund is a trust fund and is hereby 397  
pledged to the payment of debt service on the applicable 398

obligations. Payment of that debt service shall be made or 399  
provided for by the issuing authority in accordance with the bond 400  
proceedings without necessity for any act of appropriation. The 401  
bond proceedings may provide for the establishment of separate 402  
accounts in the bond service fund and for the application of those 403  
accounts only to debt service on specific obligations, and for 404  
other accounts in the bond service fund within the general 405  
purposes of that fund. 406

(P) Subject to the bond proceedings pertaining to any 407  
obligations then outstanding in accordance with their terms, the 408  
issuing authority may in the bond proceedings pledge all, or such 409  
portion as the issuing authority determines, of the moneys in the 410  
bond service fund to the payment of debt service on particular 411  
obligations, and for the establishment and maintenance of any 412  
reserves for payment of particular debt service. 413

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

the certificate or otherwise, the office of budget and management 431  
shall at the times as provided in the bond proceedings, and 432  
consistent with any particular provisions in sections 151.03 to 433  
151.08 of the Revised Code, transfer a sufficient amount to the 434  
bond service fund from the revenues derived from excises, taxes, 435  
and other revenues, including net state lottery proceeds in the 436  
case of obligations referred to in section 151.03 of the Revised 437  
Code. 438

(R) Unless otherwise provided in any applicable bond 439  
proceedings, moneys to the credit of special funds may be invested 440  
by or on behalf of the state only in one or more of the following: 441

(1) Notes, bond, or other direct obligations of the United 442  
States or of any agency or instrumentality of the United States, 443  
or in no-front-end-load money market mutual funds consisting 444  
exclusively of those obligations, or in repurchase agreements, 445  
including those issued by any fiduciary, secured by those 446  
obligations, or in collective investment funds consisting 447  
exclusively of those obligations; 448

(2) Obligations of this state or any political subdivision of 449  
this state; 450

(3) Certificates of deposit of any national bank located in 451  
this state and any bank, as defined in section 1101.01 of the 452  
Revised Code, subject to inspection by the superintendent of 453  
financial institutions; 454

(4) The treasurer of state's pooled investment program under 455  
section 135.45 of the Revised Code. 456

The income from investments referred to in division (R) of 457  
this section shall, unless otherwise provided in sections 151.01 458  
to 151.08 of the Revised Code, be credited to special funds or 459  
otherwise as the issuing authority determines in the bond 460  
proceedings. Those investments may be sold or exchanged at times 461

as the issuing authority determines, provides for, or authorizes.

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

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

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

**Sec. 4501.35.** There is hereby created in the state treasury the film production reimbursement fund. The fund shall be used by the department of public safety for the purpose of depositing moneys received from other agencies for services and supplies provided for the production of public service announcements, media

materials, and training materials. Moneys in the fund shall be 492  
expended only for supplies and maintenance of equipment necessary 493  
to perform such services. 494

**Sec. 4503.191.** (A) The identification license plate shall be 496  
issued for a multi-year period as determined by the director of 497  
public safety, and shall be accompanied by a validation sticker, 498  
to be attached to the license plate. The validation sticker shall 499  
indicate the expiration of the registration period to which the 500  
motor vehicle for which the license plate is issued is assigned, 501  
in accordance with rules adopted by the registrar of motor 502  
vehicles. During each succeeding year of the multi-year period 503  
following the issuance of the plate and validation sticker, upon 504  
the filing of an application for registration and the payment of 505  
the tax therefor, a validation sticker alone shall be issued. The 506  
validation stickers required under this section shall be of 507  
different colors or shades each year, the new colors or shades to 508  
be selected by the director. 509

(B) ~~Identification license plates, validation stickers, and~~ 510  
~~county identification stickers~~ shall be produced by Ohio penal 511  
industries. ~~However, the registrar and Validation stickers and~~ 512  
~~county identification stickers shall be produced by Ohio penal~~ 513  
~~industries may enter into an agreement under which unless the~~ 514  
~~bureau of motor vehicles at certain times may registrar adopts~~ 515  
~~rules that permit the registrar or deputy registrars to print or~~ 516  
~~otherwise produce certain types of validation and county~~ 517  
~~identification stickers. The agreement shall specify those times~~ 518  
~~and types of stickers~~ them. 519

**Sec. 4509.27.** There is hereby created in the state treasury 520  
the security deposit fund. All security deposits that the 521  
registrar of motor vehicles requires to be paid under section 522

4509.12 of the Revised Code and that the registrar receives shall 523  
be deposited into the fund. Moneys in the fund shall be applied 524  
only to the payment of a judgment for damages arising out of an 525  
accident as provided in section 4509.28 of the Revised Code and to 526  
the return of security deposits as provided in sections 4509.25 527  
and 4509.29 of the Revised Code. All investment earnings on the 528  
cash balance in the fund shall be credited to the fund. 529

**Sec. 4513.34.** (A) The director of transportation with respect 530  
to all highways ~~which~~ that are a part of the state highway system 531  
and local authorities with respect to highways under their 532  
jurisdiction ~~may~~, upon application in writing and for good cause 533  
shown, may issue a special permit in writing authorizing the 534  
applicant to operate or move a vehicle or combination of vehicles 535  
of a size or weight of vehicle or load exceeding the maximum 536  
specified in sections 5577.01 to 5577.09 of the Revised Code, or 537  
otherwise not in conformity with sections 4513.01 to 4513.37 of 538  
the Revised Code, upon any highway under the jurisdiction of the 539  
authority granting ~~such~~ the permit. ~~Notwithstanding~~ 540

For purposes of this section, the director may designate 541  
certain state highways or portions of state highways as special 542  
economic development highways. If an application submitted to the 543  
director under this section involves travel of a nonconforming 544  
vehicle or combination of vehicles upon a special economic 545  
development highway, the director, in determining whether good 546  
cause has been shown that issuance of a permit is justified, shall 547  
consider the effect the travel of the vehicle or combination of 548  
vehicles will have on the economic development in the area in 549  
which the designated highway or portion of highway is located. 550

(B) Notwithstanding sections 715.22 and 723.01 of the Revised 551  
Code, the holder of a special permit issued by the director under 552  
this section may move the vehicle or combination of vehicles 553

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described in ~~such~~ the special permit on any highway ~~which~~ that is 554  
a part of the state highway system, when the movement is partly 555  
within and partly without the corporate limits of a municipal 556  
corporation. No local authority shall require any other permit or 557  
license or charge any license fee or other charge against the 558  
holder of a permit for the movement of a vehicle or combination of 559  
vehicles on any highway that is a part of the state highway 560  
system. ~~No~~ The director shall not require the holder of a permit 561  
issued by a local authority ~~shall be required by the director~~ to 562  
obtain a special permit for the movement of vehicles or 563  
combination of vehicles on highways within the jurisdiction of the 564  
local authority. Permits may be issued for any period of time, not 565  
to exceed one year, as the director in ~~his~~ the director's 566  
discretion or a local authority in its discretion ~~deems~~ determines 567  
advisable, or for the duration of any public construction project. 568  
569

(C) The application for a permit shall be in ~~such~~ the form ~~as~~ 570  
that the director or local authority prescribes. The director or 571  
local authority may prescribe a permit fee to be imposed and 572  
collected when any permit described in this section is issued. The 573  
permit fee may be in an amount sufficient to reimburse the 574  
director or local authority for the administrative costs incurred 575  
in issuing the permit, and also to cover the cost of the normal 576  
and expected damage caused to the roadway or a street or highway 577  
structure as the result of the operation of the nonconforming 578  
vehicle or combination of vehicles. The director, in accordance 579  
with Chapter 119. of the Revised Code, shall establish a schedule 580  
of fees for permits issued by the director under this section. 581

For the purposes of this section and of rules adopted by the 582  
director under this section, milk transported in bulk by vehicle 583  
is deemed a nondivisible load, as are three or fewer steel coils 584  
transported from point of manufacture. 585

(D) The director or local authority may issue or withhold a permit. If a permit is to be issued, the director or local authority may limit or prescribe conditions of operation for the vehicle, and may require the posting of a bond or other security conditioned upon the sufficiency of the permit fee to compensate for damage caused to the roadway or a street or highway structure. In addition, a local authority, as a condition of issuance of an overweight permit, may require the applicant to develop and enter into a mutual agreement with the local authority to compensate for or to repair excess damage caused to the roadway by travel under the permit.

For a permit that will allow travel of a nonconforming vehicle or combination of vehicles on a special economic development highway, the director, as a condition of issuance, may require the applicant to agree to make periodic payments to the department to compensate for damage caused to the roadway by travel under the permit.

(E) Every permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting the permit. No person shall violate any of the terms of a permit.

**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.

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., 617  
5527., 5528., 5529., 5531., 5533., and 5535. of the Revised Code. 618  
All such technicians employed under the authority of this section 619  
shall be eligible to receive pay during periods of on the job 620  
training or while attending special training schools conducted by 621  
the department of transportation. Such employees and appointees, 622  
in addition to their salaries, shall receive their actual 623  
necessary traveling expenses when on official business. 624

~~The director may employ consulting engineers and may enter 625  
into contracts for consulting engineering services with any 626  
qualified person, firm, partnership, corporation, or association. 627  
If the total contract price for a construction project is twenty 628  
million dollars or more, based upon preliminary estimates of the 629  
department, the director may present the preliminary estimates 630  
regarding the construction project to the controlling board for 631  
the purpose of requesting authority to enter into contracts for 632  
consulting engineering services for that particular project 633  
without the consent of the controlling board. The controlling 634  
board, in its discretion, may approve, conditionally approve, or 635  
disapprove such a request. In the awarding of such contracts, 636  
compliance with section 5525.01 of the Revised Code is not 637  
required. The director shall cause to be kept itemized records if 638  
the amounts of money spent under each contract. At least once a 639  
year, the director or his designee shall appear before the 640  
controlling board and present those records for its review. 641~~

~~The use of consulting engineers shall be restricted to: 642~~

~~(A) Locating, surveying, and the preparation of detailed 643  
plans and estimates of individual construction projects on primary 644  
routes, the cost of which exceeds one million dollars based upon 645  
preliminary estimates by the department; 646~~

~~(B) Preliminary engineering investigation and report with 647  
respect to location, grade, and estimated cost of limited access 648~~

highways, freeways, or bridges; 649

~~(C) Laying out, inspecting, and generally supervising the 650  
construction of construction projects; 651~~

~~(D) The surveying and designing and the preparation of 652  
detailed plans and specifications, and to the laying out, 653  
inspecting, and generally supervising the construction for the 654  
replacement of narrow, weak, and inadequate bridges on the state 655  
highway system; 656~~

~~(E) The preparation of all or any part of comprehensive 657  
transportation and land use studies and major thoroughfare reports 658  
for urban areas and surrounding areas affected by such urban 659  
areas; 660~~

~~(F) The surveying and designing and the preparation of 661  
detailed plans and specifications, and to the laying out, 662  
inspecting, and generally supervising the construction on the 663  
state highway system of highway lighting and traffic control 664  
projects. 665~~

~~Compensation paid for the services covered in divisions (A), 666  
(B), (C), (D), and (F) of this section shall be regarded as a part 667  
of the cost and expense of the improvements for which they were 668  
rendered and shall be paid from funds set aside for those 669  
improvements. Compensation for the services set forth in division 670  
(E) of this section shall be paid from any funds available to the 671  
department. 672~~

The director may contract with regional, county, or municipal 673  
planning commissions or county engineers having adequate staffs, 674  
and with planning agencies of adjacent states, for the preparation 675  
of comprehensive transportation and land use studies and major 676  
thoroughfare reports, or parts thereof, and pay the commissions, 677  
county engineers, or planning agencies of adjacent states for such 678  
work from funds available to the department. 679

Sec. 5501.31. The director of transportation shall have 680  
general supervision of all roads comprising the state highway 681  
system. The director may alter, widen, straighten, realign, 682  
relocate, establish, construct, reconstruct, improve, maintain, 683  
repair, and preserve any road or highway on the state highway 684  
system, and, in connection therewith, relocate, alter, widen, 685  
deepen, clean out, or straighten the channel of any watercourse as 686  
the director considers necessary, and purchase or appropriate 687  
property for the disposal of surplus materials or borrow pits, 688  
and, where an established road has been relocated, establish, 689  
construct, and maintain such connecting roads between the old and 690  
new location as will provide reasonable access thereto. 691

The director may purchase or appropriate property necessary 692  
for the location or construction of any culvert, bridge, or 693  
viaduct, or the approaches thereto, including any property needed 694  
to extend, widen, or alter any feeder or outlet road, street, or 695  
way adjacent to or under the bridge or viaduct when the extension, 696  
widening, or alteration of the feeder road, street, or way is 697  
necessary for the full utilization of the bridge or viaduct, or 698  
for any other highway improvement. The director ~~also~~ may purchase 699  
or appropriate, for such length of time as is necessary and 700  
desirable, any additional property required for the construction 701  
and maintenance of slopes, detour roads, sewers, roadside parks, 702  
rest areas, recreational park areas, park and ride facilities, and 703  
park and carpool or vanpool facilities, scenic view areas, 704  
drainage systems, or land to replace wetlands, incident to any 705  
highway improvement, that the director is or may be authorized to 706  
locate or construct. Title Also incident to any authorized highway 707  
improvement, the director may purchase property from a willing 708  
seller as required for the construction and maintenance of 709  
bikeways and bicycle paths or to replace, preserve, or conserve 710  
any environmental resource if the replacement, preservation, or 711

conservation is required by state or federal law. 712

Title to property purchased or appropriated by the director 713  
shall be taken in the name of the state either in fee simple or in 714  
any lesser estate or interest that the director considers 715  
necessary or proper, in accordance with forms to be prescribed by 716  
the attorney general. The deed shall contain a description of the 717  
property and be recorded in the county where the property is 718  
situated and, when recorded, shall be kept on file in the 719  
department of transportation. The property may be described by 720  
metes and bounds or by the department of transportation parcel 721  
number as shown on a right of way plan recorded in the county 722  
where the property is located. 723

Provided that when property, other than property used by a 724  
railroad for operating purposes, is acquired in connection with 725  
improvements involving projects affecting railroads wherein the 726  
department is obligated to acquire property under grade separation 727  
statutes, or on other improvements wherein the department is 728  
obligated to acquire lands under agreements with railroads, or 729  
with a public utility, political subdivision, public corporation, 730  
or private corporation owning transportation facilities for the 731  
readjustment, relocation, or improvement of their facilities, a 732  
fee simple title or an easement may be acquired by purchase or 733  
appropriation in the name of the railroad, public utility, 734  
political subdivision, public corporation, or private corporation 735  
in the discretion of the director. When the title to lands, which 736  
are required to adjust, relocate, or improve such facilities 737  
pursuant to agreements with the director, is taken in the name of 738  
the state, then, in the discretion of the director, the title to 739  
such lands may be conveyed to the railroad, public utility, 740  
political subdivision, or public corporation for which they were 741  
acquired. The conveyance shall be prepared by the attorney general 742  
and executed by the governor and bear the great seal of the state 743

of Ohio. 744

The director, in the maintenance or repair of state highways, 745  
is not limited to the use of the materials with which the 746  
highways, including the bridges and culverts thereon, were 747  
originally constructed, but may use any material that is proper or 748  
suitable. The director may aid any board of county commissioners 749  
in establishing, creating, and repairing suitable systems of 750  
drainage for all highways within the jurisdiction or control of 751  
the board and advise with it as to the establishment, 752  
construction, improvement, maintenance, and repair of the 753  
highways. 754

Chapters 5501., 5503., 5511., 5513., 5515., 5516., 5517., 755  
5519., 5521., 5523., 5525., 5527., 5528., 5529., 5531., 5533., and 756  
5535. of the Revised Code do not prohibit the federal government, 757  
or any individual or corporation, from contributing a portion of 758  
the cost of the establishment, construction, reconstruction, 759  
relocating, widening, resurfacing, maintenance, and repair of the 760  
highways. 761

Except in the case of maintaining, repairing, erecting 762  
traffic signs on, or pavement marking of state highways within 763  
villages, which is mandatory as required by section 5521.01 of the 764  
Revised Code, and except as provided in section 5501.49 of the 765  
Revised Code, no duty of constructing, reconstructing, widening, 766  
resurfacing, maintaining, or repairing state highways within 767  
municipal corporations, or the bridges and culverts thereon, shall 768  
attach to or rest upon the director, but the director may 769  
construct, reconstruct, widen, resurface, maintain, and repair the 770  
same with or without the cooperation of any municipal corporation, 771  
or with or without the cooperation of boards of county 772  
commissioners upon each municipal corporation consenting thereto. 773

**Sec. 5502.12.** The accident reports submitted pursuant to 774

section 5502.11 of the Revised Code shall be for the use of the 775  
director of public safety for purposes of statistical, safety, and 776  
other studies. The ~~director of public safety law enforcement~~ 777  
agency that submitted a report shall ~~search and~~ furnish a copy of 778  
such report and associated documents to any person claiming an 779  
interest arising out of a motor vehicle accident, or to the 780  
person's attorney, upon the payment of a nonrefundable fee ~~of~~ 781  
three that shall not exceed four dollars. With respect to 782  
accidents investigated by the state highway patrol, the director 783  
of public safety shall furnish to such person all related reports 784  
and statements upon the payment of a nonrefundable fee of four 785  
dollars. The cost of photographs shall be in addition to the 786  
nonrefundable four-dollar fee. 787

Such state highway patrol reports, statements, and 788  
photographs, in the discretion of the director of public safety, 789  
may be withheld until all criminal prosecution has been concluded; 790  
the director of public safety may require proof, satisfactory to 791  
the director, of the right of any applicant to be furnished such 792  
documents. 793

**Sec. 5503.12.** (A) The superintendent of the state highway 794  
patrol, with the approval of the director of public safety, may 795  
authorize the registrar of motor vehicles and designated deputy 796  
registrars to collect inspection and testing fees on behalf of the 797  
state highway patrol. The superintendent and the registrar jointly 798  
shall determine and designate the deputy registrars who shall 799  
collect inspection and testing fees under this section. 800

(B)(1) In addition to collecting the inspection and testing 801  
fees, the registrar and each designated deputy registrar may 802  
collect and retain a service fee in the amount specified in 803  
division (D) of section 4503.10 of the Revised Code for each 804  
inspection and testing fee collected on behalf of the state 805  
highway patrol. 806

(2) Each designated deputy registrar, upon receipt of any inspection and testing fee, shall transmit the fees to the registrar in the manner prescribed by the registrar. 807  
808  
809

(3) The registrar shall deposit the inspection and testing fees collected by and transmitted to the registrar to the credit of the fund specified by law. 810  
811  
812

(C) The superintendent, with the approval of the director, shall establish appropriate procedures to be used by the registrar and designated deputy registrars for determining proof of payment of inspection and testing fees. 813  
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(D) As used in this section, "inspection and testing fees" includes the following: 817  
818

(1) Fees for vehicle inspections conducted under sections 4505.11, 4505.111, 4513.52, 4513.53, 4519.56, 4519.61, and 4766.07 of the Revised Code; 819  
820  
821

(2) Fees for testing of commercial driver's license applicants under section 4506.09 of the Revised Code; 822  
823

(3) Except as may otherwise be specifically provided by law, any statutory fees for similar vehicle inspections or driver testing conducted by the state highway patrol that the superintendent may specify for collection under this section. 824  
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826  
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**Sec. 5516.10.** (A) No person shall do either of the following without first obtaining a permit and permit plates from the director of transportation: 828  
829  
830

(1) Erect, use, maintain, operate, construct, or cause or permit to be erected, used, maintained, operated, or constructed, any advertising device located in either of the following: 831  
832  
833

(a) Commercial or industrial zones traversed by segments of the interstate system within the boundaries of a municipal 834  
835

corporation as such boundaries existed on September 21, 1959; ~~or~~ 836

(b) ~~Located in zoned~~ Zoned or unzoned industrial or 837  
commercial areas adjacent to highways on the primary system; ~~or,~~ 838

(2) Maintain any nonconforming advertising device. 839

(B) Applications for such a permit shall be made on forms 840  
prescribed by the director, and a separate application ~~must~~ shall 841  
be submitted for each sign face. The director shall adopt rules 842  
setting forth the requirements for completion of the application 843  
process and the issuance of permits consistent with ~~the provisions~~ 844  
~~of~~ this section. 845

(1) As part of the application process, the director may 846  
require an acknowledgment to be signed by the owner or person in 847  
lawful possession or control of the proposed location of the 848  
advertising device. Such acknowledgment may include, but shall not 849  
be limited to, a statement that the applicant has the right to 850  
occupy the land at the subject location, that if at any time 851  
removal is required, the owner or person in lawful possession or 852  
control of the location may be jointly liable, and that the 853  
applicant may only occupy the land for a specified time period. If 854  
legal use of the location is terminated at any time during the 855  
permit period, the permit is subject to cancellation pursuant to 856  
section 5516.12 of the Revised Code. 857

(2) As part of the application process, the director may 858  
require an applicant or the applicant's authorized representative 859  
to certify in a notarized signed statement that the applicant has 860  
not knowingly provided materially false, misleading, or inaccurate 861  
information. 862

(3) Each application shall be accompanied by the appropriate 863  
application fee as set forth in the fee schedule established by 864  
the director. Such fee schedule shall be based on the reasonable 865  
cost of administering and processing such permits. Application 866

fees shall be nonrefundable.

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

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

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

874

875

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

876

877

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

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879

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

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

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

885

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

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(C) The issuance of a permit under this section shall not be construed to invalidate municipal ordinances requiring a permit or license or providing for an inspection fee for advertising devices, or regulating such advertising devices. The cost of the application fee for such permits or licenses issued, or the cost

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of initial inspection fees charged under municipal ordinances 897  
shall be credited against and shall reduce the cost of the permit 898  
issued by the director under this section. If a permit is issued 899  
by a zoning authority pursuant to its ordinances, rules, or 900  
regulations controlling outdoor advertising devices, a copy 901  
thereof shall be furnished to the director with any application 902  
for a new permit required by this section or within thirty days of 903  
its issuance by a zoning authority. 904

(D) Where an application is submitted for the erection, use, 905  
maintenance, operation, or construction of an advertising device, 906  
the director may conditionally approve such application as to 907  
location only, and final approval ~~will~~ shall remain pending until 908  
the advertising device is erected, used, maintained, or 909  
constructed, or becomes operational. Upon notification by the 910  
permit applicant that the erection, use, maintenance, 911  
construction, or operation of the advertising device is completed, 912  
the director shall verify that the advertising device complies 913  
with the terms and conditions of the conditional permit. Upon 914  
verification of compliance with the terms and conditions of the 915  
conditional permit, the director may approve and issue a permit 916  
and permit plates, which shall be securely and permanently 917  
attached in the corner of the face of the advertising device 918  
nearest to the highway in such a manner as to be visible from the 919  
main traveled way of the interstate or primary highway system. 920  
Replacement plates may be issued upon request and upon the payment 921  
of a replacement fee to be determined by the director. 922

(E) All permits issued pursuant to this section shall be in 923  
effect for a period of ~~one year~~ two years. Permits may be renewed 924  
upon application made on forms designated by the director and upon 925  
the payment of a nonrefundable renewal fee in an amount to be 926  
determined by the director based on the reasonable cost of 927  
administering and processing such renewal permits. Any permits 928

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that are not renewed, and any permit plates issued in connection 929  
with such permits, shall be returned to the director for 930  
cancellation by the expiration date. The director may adopt rules 931  
for the reinstatement of permits canceled as a result of 932  
nonpayment of renewal fees, and shall develop a fee schedule for 933  
late renewals. 934

(F) Where the director conditionally approves the issuance of 935  
a permit as to location only and the permit applicant fails to 936  
exercise the privilege of constructing, erecting, using, 937  
operating, or maintaining an advertising device within the period 938  
for which the permit was issued, such permit shall not be renewed 939  
unless a renewal fee is paid to extend the privilege for one 940  
additional permit period. No conditional permit shall be renewed 941  
and no extensions shall be granted after the second renewal 942  
period. 943

(G) Permits for advertising devices erected and maintained 944  
with a valid permit issued before July 1, 1997, may be renewed 945  
unless the director finds that the permit application contains 946  
materially false, misleading, or inaccurate information or the 947  
sign has been erected or maintained contrary to ~~the provisions of~~ 948  
this chapter or the rules adopted thereunder, and in such event 949  
the director may take appropriate action pursuant to section 950  
5516.12 of the Revised Code. An applicant who has a conditional 951  
permit issued by the director before ~~the effective date of this~~ 952  
~~amendment~~ June 30, 1997, and who has not yet exercised the 953  
privilege of constructing, using, operating, erecting, or 954  
maintaining an advertising device at the proposed location as of 955  
that ~~effective~~ date, shall have until December 31, 1997, to comply 956  
with the terms and conditions of the conditional permit or such 957  
permit shall be canceled. However, the applicant may request that 958  
the conditional permit be renewed by submitting a renewal 959  
application and paying a nonrefundable renewal fee to extend the 960

privilege for one additional permit period. 961

(H) Permits may be transferred from one sign owner to another 962  
upon written acknowledgment from the current permittee and the 963  
payment of a transfer fee in an amount to be determined by the 964  
director for each permit to be transferred. The new permit holder 965  
is subject to all the terms and conditions of the prior permit 966  
holder and shall be subject to ~~all provisions~~ of this chapter and 967  
the rules adopted thereunder. 968

**Sec. 5517.011.** (A)(1) Notwithstanding section 5517.01 of the 969  
Revised Code, the director of transportation may establish a pilot 970  
program to expedite the sale and construction of no more than six 971  
special projects by combining the design and construction elements 972  
of a highway or bridge project into a single contract. Except in 973  
regard to those requirements relating to providing plans, the 974  
director shall award contracts under this section in accordance 975  
with section 5525.01 of the Revised Code. 976

(2) On or before December 31, 2000, the director shall 977  
prepare and submit to the general assembly a report evaluating the 978  
experience of the department of transportation with each project 979  
under this division and contract under division (B) of this 980  
section, including whether the department realized any cost or 981  
time savings. Regarding those projects and contracts, the report 982  
shall include a discussion of the number and cost of change 983  
orders, the quality of work performed, the number of bids 984  
received, the impact on minority and female contract 985  
participation, and other issues the director considers 986  
appropriate. The director also may make recommendations regarding 987  
the continuation of the program, including the need for any 988  
changes. 989

(3) After completion of the sixth project, no projects shall 990  
be commenced under this division unless the general assembly 991

either approves additional projects to further study the 992  
effectiveness of the procedures or makes the program permanent. 993

(B) In addition to the six projects under division (A) of 994  
this section, during the period beginning July 1, 1999, and ending 995  
June 30, 2001, and also during the period beginning July 1, 2001, 996  
and ending June 30, 2003, the director may expand the pilot 997  
program to more contracts combining the design and construction 998  
elements of highway or bridge projects. ~~The~~ For each biennium, the 999  
total dollar value of contracts made under this division shall not 1000  
exceed two hundred fifty million dollars. The director may seek 1001  
either bids or technical proposals for contracts under this 1002  
division. 1003

(1) When the director determines to award a single contract 1004  
for a design-build project under this division through the receipt 1005  
of bids, except for those requirements relating to providing 1006  
plans, the director shall award contracts in accordance with 1007  
Chapter 5525. of the Revised Code. When the director determines to 1008  
award a single contract for a design-build project under this 1009  
division through the receipt of technical proposals, the director 1010  
shall advertise and select the design-build team using a 1011  
value-based selection process combining technical qualifications 1012  
and competitive bidding elements. 1013

(2) If the director elects to utilize the competitive bid 1014  
option for design-build projects, the director shall prepare and 1015  
distribute a scope of work document upon which the bidders shall 1016  
base their bids. 1017

(3)(a) If the director elects to utilize a value-based 1018  
selection process for design-build projects through the receipt of 1019  
technical proposals, the director shall restrict usage of this 1020  
method ~~annually~~ to no more than ~~sixty~~ eighty-five million dollars 1021  
and no more than ~~three~~ two projects, whose per-project estimate 1022  
must exceed ~~ten~~ twenty million dollars. The director shall prepare 1023

conceptual documents for review by interested parties, accept 1024  
letters of interest, and select the three most qualified 1025  
design-build teams to submit a technical proposal. 1026

The criteria for selecting the three finalists shall include 1027  
the qualifications and experience of the design-build team, 1028  
including the proposed personnel to be utilized, ~~equipment usage,~~ 1029  
and general proposed project approach. The schedule of activities 1030  
and financial resources of the design-build team also shall be 1031  
factors in the selection process. In addition, the director shall 1032  
take into consideration the design-build team's affirmative action 1033  
policies and record with regard to employees and subcontracts. 1034

(b) After the director selects the three finalists, the 1035  
finalists shall prepare both a technical proposal and a price 1036  
proposal. The technical proposal shall state the finalist's 1037  
qualifications and experience, including prior performance by the 1038  
design-build team on similar projects, the identity of the members 1039  
of each team, and a detailed project approach and schedule, 1040  
~~including. The technical proposal also may include~~ innovative 1041  
design and construction techniques, aesthetics, environmental 1042  
protection, a maintenance of traffic plan, and the type and 1043  
duration of warranty coverage. The finalists shall submit the 1044  
price proposal separately as requested by the director. 1045

The director first shall review the submitted technical 1046  
proposals and ascribe a numerical score to each proposal. The 1047  
technical numerical scores shall be equated to a percentage 1048  
adjustment to be applied to the finalists' price proposals, using 1049  
a predetermined schedule of adjustment made known to the finalists 1050  
at the time of advertising. In no case shall the technical 1051  
proposal rating exceed twenty-five per cent of the value-based 1052  
technical and price selection criteria. The director shall reserve 1053  
the right to consider a technical proposal as being nonresponsive, 1054  
thereby eliminating that finalist from further consideration. 1055

1056  
1057 Upon completion of the rating of technical proposals, the  
1058 director shall apply to the price proposals the percentage  
1059 adjustments predetermined from the numerical scores assigned to  
1060 the technical proposals. Unless all proposals are rejected, the  
1061 director shall select the finalist with the lowest adjusted price.  
1062 The adjusted price shall be used for selection only. The contract  
1063 shall be based on the price proposal as submitted.

1064 The department shall compensate each responsive finalist not  
1065 selected in an amount generally equal to one-fourth of one per  
1066 cent of the unadjusted price proposal amount submitted by the  
1067 selected finalist or by an amount the director establishes at the  
1068 time of advertising. The proposals of the two unsuccessful  
1069 finalists shall become the property of the director unless an  
1070 unsuccessful finalist elects to waive the compensation. The  
1071 director shall return the proposal of any unsuccessful finalist  
1072 who waives the compensation.

Sec. 5526.01. As used in this chapter: 1073

(A) "Firm" means any person or limited liability company that 1074  
is legally engaged in rendering professional services. 1075

(B) "Federal Water Pollution Control Act" has the same 1076  
meaning as in section 6111.01 of the Revised Code. 1077

(C) "Professional services" means any of the following: 1078

(1) The practice of engineering as defined in section 4733.01 1079  
of the Revised Code; 1080

(2) The practice of surveying as defined in section 4733.01 1081  
of the Revised Code; 1082

(3) The practice of landscape architecture as defined in 1083  
section 4703.30 of the Revised Code; 1084

(4) The evaluation of environmental impacts performed in accordance with the "National Environmental Policy Act of 1969," 83 Stat. 852, 42 U.S.C. 4321, as amended, the Federal Water Pollution Control Act, or any other applicable law or regulation; 1085  
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(5) Right-of-way acquisition services such as right-of-way project management, title searches, property valuations, appraisals, appraisal reviews, negotiations, relocation services, appropriation activities, real estate closings, and property management activities that are performed for the purpose of properly acquiring private and public property rights in conjunction with public highway projects and that conform to Chapters 163. and 5501. of the Revised Code; Rules 5501:2-5-01 to 5501:2-5-06 of the Ohio Administrative Code; the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970," 84 Stat. 1894, 42 U.S.C. 4601, et seq., as amended; the "Surface Transportation and Uniform Relocation Assistance Act of 1987," Public Law No. 100-17, 101 Stat. 132; applicable provisions of Titles 23 and 49 of the Code of Federal Regulations; and any applicable policies and procedures established by the department of transportation; 1089  
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(6) Services related to the department's administration of construction contract claims, including, but not limited to, the analysis of claims, assistance in negotiations, and assistance during litigation; 1105  
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(7) Architectural services related to bridges; 1109

(8) Any other professional service that is determined by the director of transportation or any other designated officials of the department to be necessary for the provision of transportation services. 1110  
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"Professional services" does not mean the practice of architecture as regulated under Chapter 4703. of the Revised Code, 1114  
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except landscape architecture and architectural services related 1116  
to bridges as provided in divisions (C)(3) and (7) of this 1117  
section. 1118

(D) "Qualifications" means all of the following: 1119

(1) The competence of a firm to perform required professional 1120  
services as indicated by the technical training, education, and 1121  
experience of the firm's personnel, in particular the technical 1122  
training, education, and experience of the firm's personnel 1123  
assigned to perform professional services for the department; 1124

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(2) The ability of a firm in terms of its workload and the 1126  
availability of qualified personnel, equipment, and facilities to 1127  
perform the required professional services competently and 1128  
expeditiously; 1129

(3) The past performance of a firm as indicated by 1130  
evaluations of previous clients of the firm with respect to such 1131  
factors as control of costs, quality of work, and meeting of 1132  
deadlines; 1133

(4) Any other relevant factors as determined by the director. 1134

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**Sec. 5526.02.** Notwithstanding Chapter 125. and sections 1136  
153.65 to 153.71 of the Revised Code, the director of 1137  
transportation may employ or enter into contracts with any 1138  
qualified firm for professional services in accordance with this 1139  
chapter. 1140

**Sec. 5526.03.** The director of transportation shall issue 1141  
public notice of the intent of the department of transportation to 1142  
enter into a contract for professional services. The director 1143  
shall advertise the public notice via the internet or by other 1144

means to ensure that qualified firms are notified and given the opportunity to be considered for the award of the contract. The director may include more than one contract in a single public notice. The director may limit the number of contracts to which a firm may respond for the purpose of ensuring quality in the performance of those contracts. 1145  
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A public notice issued under this section shall be issued in a uniform and consistent manner, shall be issued sufficiently in advance of the time that responses must be received, and shall do both of the following: 1151  
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(A) Include a general description of the project, a statement of the specific professional services required, and a description of the qualifications required for the project; 1155  
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(B) Describe the procedures by which firms may submit statements of qualifications in order to be considered for a contract. 1158  
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**Sec. 5526.04.** The director of transportation may institute prequalification requirements for firms seeking to provide professional services and may require that each prequalified firm maintain a current statement of qualifications with the department of transportation. The prequalification requirements shall be based on the factors set forth in division (D) of section 5526.01 of the Revised Code. 1161  
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**Sec. 5526.05.** (A) For every professional service contract for which the department of transportation provides public notice under section 5526.03 of the Revised Code, the director of transportation shall evaluate the qualifications of each firm seeking to enter into the contract with the department. The director may hold discussions with any such firm for the purposes 1168  
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of obtaining more information about a statement of qualifications submitted by the firm, the scope and nature of the services that the firm would provide, and the various technical approaches that the firm may take with respect to the project to which the proposed contract applies.

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

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

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

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

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(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;

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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.

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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,

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the director shall notify the firm in writing of the termination 1204  
of negotiations and shall enter into negotiations with the firm 1205  
that is ranked next most qualified. If negotiations fail with that 1206  
firm, the director shall negotiate with each subsequently ranked 1207  
firm in order of ranking until a contract is negotiated and 1208  
entered into or until the director selects and ranks additional 1209  
firms under division (D) of this section. All negotiations shall 1210  
comply with this section and any rules adopted under this chapter. 1211

(D) If the director fails to negotiate a contract with any of 1212  
the firms selected under division (B) of this section, the 1213  
director shall select and rank additional firms based on their 1214  
qualifications. Negotiations shall continue in the same manner as 1215  
with the firms selected and ranked under division (B) of this 1216  
section until a contract is negotiated and entered into. 1217

(E) When a contract is negotiated, the director, if required 1218  
under section 127.16 of the Revised Code, shall request approval 1219  
of the controlling board to make expenditures under the contract. 1220  
However, if the director is selecting firms for a group of 1221  
contracts included in a single announcement and the approval of 1222  
the controlling board is required under that section, the director 1223  
may present the selections to the controlling board for the 1224  
board's approval prior to negotiation of the contracts. When 1225  
approving a group of contracts submitted by the director, the 1226  
board shall approve a total amount for all of the contracts rather 1227  
than individual amounts for each contract. Final negotiations of 1228  
the group of contracts may be completed after the controlling 1229  
board's approval. If the director fails to negotiate a contract 1230  
with a firm that is selected to perform one of the contracts of a 1231  
group of contracts, the director shall notify the controlling 1232  
board of the selection of an alternate firm under division (C) or 1233  
(D) of this section. 1234

If the estimated construction cost of a project is twenty 1235

million dollars or more, the director may present preliminary 1236  
estimates regarding the project to the controlling board for the 1237  
purpose of requesting authority to select firms and enter into 1238  
contracts for professional services for that project without 1239  
further consent of the controlling board. The director shall keep 1240  
itemized records of the funds that are obligated under each 1241  
contract and shall report those amounts to the controlling board 1242  
annually. 1243

**Sec. 5526.06.** (A) The director of transportation may adopt, 1244  
amend, or rescind rules in accordance with Chapter 119. of the 1245  
Revised Code for the purpose of implementing sections 5526.02 to 1246  
5526.05 of the Revised Code. 1247

(B) Sections 5526.02 to 5526.05 of the Revised Code do not 1248  
apply to any of the following: 1249

(1) A project with an estimated cost of less than fifty 1250  
thousand dollars; 1251

(2) A project that is determined by the director to be an 1252  
emergency requiring immediate action under section 5526.08 of the 1253  
Revised Code. When contracting for professional services for the 1254  
purpose of addressing the emergency, the director shall comply 1255  
with that section. 1256

(3) A project requiring special expertise where there exist 1257  
fewer than three qualified firms. 1258

**Sec. 5526.07.** (A) Except for any firm providing professional 1259  
services that relate to research or training, right-of-way 1260  
acquisition services, or services to assist the department of 1261  
transportation in the administration of contract claims, a firm 1262  
that renders professional services to the department, during the 1263  
period of the performance of professional services for the 1264  
department and for any other period of time specified in a 1265

contract with the department, shall have and maintain, or be 1266  
covered by, a professional liability insurance policy or policies 1267  
with a company or companies that are authorized to do business in 1268  
this state and that afford professional liability coverage for the 1269  
professional services rendered. The insurance shall be in an 1270  
amount considered sufficient by the director of transportation. 1271

(B) The requirement to have or be covered by professional 1273  
liability insurance under division (A) of this section may be 1274  
waived by the director for good cause. 1275

Sec. 5526.08. The director of transportation may declare an 1276  
emergency if circumstances exist that threaten life, safety, or 1277  
health or if a situation arises that would greatly increase the 1278  
costs of a project if not addressed. The director shall declare an 1279  
emergency by preparing a written statement of the circumstances 1280  
that exist that warrant the declaration. Notwithstanding section 1281  
127.16 of the Revised Code, the director may then select a firm 1282  
with appropriate qualifications and negotiate a contract for the 1283  
immediate performance of emergency professional services. Not 1284  
later than thirty days after the professional services have been 1285  
performed, the director shall submit a written report to the 1286  
controlling board indicating the amount of the emergency contract, 1287  
the services performed by the firm, and the circumstances giving 1288  
rise to the emergency. 1289

Sec. 5529.03. (A)(1) The director of transportation may 1290  
acquire by gift, purchase, or appropriation, any interest, estate, 1291  
or right in and to real property adjacent to highways of this 1292  
state as necessary for the restoration, preservation, and 1293  
enhancement of scenic beauty adjacent to ~~said~~ those highways, or 1294  
for the establishment of publicly owned and controlled rest and 1295

recreation areas and sanitary and other facilities within or 1296  
adjacent to the right-of-way of ~~said those~~ highways to accommodate 1297  
the traveling public. Nothing in this section authorizes the 1298  
director to appropriate fee simple title to real property further 1299  
than three hundred feet from the nearest edge of the highway 1300  
right-of-way. 1301

(2) Division (A)(1) of this section does not apply to the 1302  
purchase or appropriation of any interest in property under 1303  
section 5501.31 of the Revised Code that is required for land to 1304  
replace wetlands or to the purchase of property under that section 1305  
to replace, preserve, or conserve any environmental resource. 1306

(B) The director may convey or lease any such property 1307  
adjacent to the highway right-of-way to any person or entity in 1308  
the manner and subject to such reservations, conditions, 1309  
covenants, or other contractual arrangements as the director 1310  
determines will not substantially interfere with the scenic 1311  
character or beauty of the area traversed by the highway. 1312

(C) The director may employ consulting engineers and enter 1313  
into contracts for consulting engineering services with any 1314  
qualified person, or firm, ~~partnership, corporation, or~~ 1315  
~~association~~ to prepare plans and estimates and generally supervise 1316  
the construction and landscaping for scenic enhancement and 1317  
roadside beautification projects, and in the awarding of such 1318  
contracts compliance with sections 5501.17 and 5525.01 of the 1319  
Revised Code is not required. 1320

(D) Any instrument by which real property is acquired 1321  
pursuant to this section shall identify the agency of the state 1322  
that has the use and benefit of the real property as specified in 1323  
section 5301.012 of the Revised Code. 1324

**Sec. 5577.04.** (A) The maximum wheel load of any one wheel of 1325  
any vehicle, trackless trolley, load, object, or structure 1326

operated or moved upon improved public highways, streets, bridges, 1327  
or culverts shall not exceed six hundred fifty pounds per inch 1328  
width of pneumatic tire, measured as prescribed by section 5577.03 1329  
of the Revised Code. 1330

(B) The weight of vehicle and load imposed upon ~~the~~ a road 1331  
surface that is part of the interstate system by vehicles with 1332  
pneumatic tires shall not exceed any of the following weight 1333  
limitations: 1334

(1) On any one axle, twenty thousand pounds; 1335

(2) On any tandem axle, thirty-four thousand pounds; 1336

(3) On any two or more consecutive axles, the maximum weight 1337  
as determined by application of the formula provided in division 1338  
(C) of this section. 1339

(C) For purposes of division (B)(3) of this section, the 1340  
maximum gross weight on any two or more consecutive axles shall be 1341  
determined by application of the following formula: 1342

$$W = 500((LN/N-1) + 12N + 36). \quad 1343$$

In this formula, W equals the overall gross weight on any 1344  
group of two or more consecutive axles to the nearest five hundred 1345  
pounds, L equals the distance in rounded whole feet between the 1346  
extreme of any group of two or more consecutive axles, and N 1347  
equals the number of axles in the group under consideration. 1348  
However, two consecutive sets of tandem axles may carry a gross 1349  
load of thirty-four thousand pounds each, provided the overall 1350  
distance between the first and last axles of such consecutive sets 1351  
of tandem axles is thirty-six feet or more. 1352

(D) ~~Through June 30, 1996, as an alternative to~~ Except as 1353  
provided in division ~~(B)(I)~~ of this section, the weight of vehicle 1354  
and load imposed upon a road surface that is not part of the 1355  
interstate system by vehicles with pneumatic tires shall not 1356

exceed any of the following weight limitations:	1357
(1) On any one axle, twenty thousand pounds;	1358
(2) On any two successive axles:	1359
(a) Spaced four feet or less apart, and weighed	1360
simultaneously, twenty-four thousand pounds;	1361
(b) Spaced more than four feet apart, and weighed	1362
simultaneously, thirty-four thousand pounds, plus one thousand	1363
pounds per foot or fraction thereof, over four feet, not to exceed	1364
forty thousand pounds <sup>+</sup> .	1365
(3) On any three successive load-bearing axles designed to	1366
equalize the load between such axles and spaced so that each such	1367
axle of the three-axle group is more than four feet from the next	1368
axle in the three-axle group and so that the spacing between the	1369
first axle and the third axle of the three-axle group is no more	1370
than nine feet, and with such load-bearing three-axle group	1371
weighed simultaneously as a unit:	1372
(a) Forty-eight thousand pounds, with the total weight of	1373
vehicle and load not exceeding thirty-eight thousand pounds plus	1374
an additional nine hundred pounds for each foot of spacing between	1375
the front axle and the rearmost axle of the vehicle;	1376
(b) As an alternative to division (D)(3)(a) of this section,	1377
forty-two thousand five hundred pounds, if part of a six-axle	1378
vehicle combination with at least twenty feet of spacing between	1379
the front axle and rearmost axle, with the total weight of vehicle	1380
and load not exceeding fifty-four thousand pounds plus an	1381
additional six hundred pounds for each foot of spacing between the	1382
front axle and the rearmost axle of the vehicle.	1383
(4) The total weight of vehicle and load utilizing any	1384
combination of axles, other than as provided for three-axle groups	1385
in division (D) of this section, shall not exceed thirty-eight	1386
thousand pounds plus an additional nine hundred pounds for each	1387

foot of spacing between the front axle and rearmost axle of the 1388  
vehicle. 1389

(E) Notwithstanding divisions (B) and (D) of this section, 1390  
the maximum overall gross weight of vehicle and load imposed upon 1391  
the road surface shall not exceed eighty thousand pounds. 1392

(F) Notwithstanding any other provision of law, when a 1393  
vehicle is towing another vehicle, such drawbar or other 1394  
connection shall be of a length such as will limit the spacing 1395  
between nearest axles of the respective vehicles to a distance not 1396  
in excess of twelve feet and six inches. 1397

(G) As used in division (B) of this section, "tandem axle" 1398  
means two or more consecutive axles whose centers may be included 1399  
between parallel transverse vertical planes spaced more than forty 1400  
inches but not more than ninety-six inches apart, extending across 1401  
the full width of the vehicle. 1402

(H) This section does not apply to passenger bus type 1403  
vehicles operated by a regional transit authority pursuant to 1404  
sections 306.30 to 306.54 of the Revised Code. 1405

(I) ~~It is the intent of the general assembly that through~~ 1406  
~~June 30, 1996, either~~ Either division (B) or (D) of this section 1407  
~~shall apply~~ applies to the weight of a vehicle and its load 1408  
imposed upon any road surface that is not a part of the interstate 1409  
system by vehicles with pneumatic tires. ~~It is the further intent~~ 1410  
~~of the general assembly that, as~~ As between divisions (B) and (D) 1411  
of this section, only the division that yields the highest total 1412  
gross vehicle weight limit shall be applied to any particular such 1413  
vehicle. Once that division is determined, only the limits 1414  
contained in the subdivisions of that division shall apply to that 1415  
vehicle. 1416

**Section 2.** That existing sections 151.01, 163.10, 163.22, 1417

## As Reported by the House Finance and Appropriations Committee

4503.191, 4513.34, 5501.17, 5501.31, 5502.12, 5516.10, 5517.011, 1418  
 5529.03, and 5577.04 and sections 4509.27 and 5501.18 of the 1419  
 Revised Code are hereby repealed. 1420

**Section 3.** Except as otherwise provided, all appropriation 1421  
 items in this act are hereby appropriated out of any moneys in the 1422  
 state treasury to the credit of the designated fund, which are not 1423  
 otherwise appropriated. For all appropriations made in this act, 1424  
 the amounts in the first column are for fiscal year 2002 and the 1425  
 amounts in the second column are for fiscal year 2003. 1426

**Section 4.** DOT DEPARTMENT OF TRANSPORTATION 1427

FUND	TITLE		FY 2002		FY 2003	
	Transportation Planning and Research					1428
	Highway Operating Fund Group					1429
002 771-411	Planning and Research	\$	13,724,000	\$	13,408,210	1430
	- State					1431
002 771-412	Planning and Research	\$	32,190,000	\$	32,460,000	1432
	- Federal					1433
	TOTAL HOF Highway Operating					1434
	Fund Group	\$	45,914,000	\$	45,868,210	1435
	TOTAL ALL BUDGET FUND GROUPS -					1436
	Transportation Planning					1437
	and Research	\$	45,914,000	\$	45,868,210	1438
	Highway Construction					1439
	Highway Operating Fund Group					1440
002 772-421	Highway Construction -	\$	441,812,485	\$	374,269,261	1441
	State					1442
002 772-422	Highway Construction -	\$	834,567,650	\$	834,230,370	1443
	Federal					1444
002 772-424	Highway Construction -	\$	50,000,000	\$	50,000,000	1445
	Other					1446
212 770-005	Infrastructure Debt	\$	28,870,000	\$	45,650,000	1447

## As Reported by the House Finance and Appropriations Committee

	Service - Federal					
212	772-423	Infrastructure Lease	\$	12,534,300	\$ 12,537,800	1444
		Payments - Federal				
212	772-426	Highway Infrastructure	\$	2,500,000	\$ 2,500,000	1445
		Bank - Federal				
212	772-427	Highway Infrastructure	\$	11,700,000	\$ 11,200,000	1446
		Bank - State				
	TOTAL HOF Highway Operating					1447
	Fund Group		\$	1,381,984,435	\$ 1,330,387,431	1448
	Highway Capital Improvement Fund Group					1449
042	772-723	Highway Construction -	\$	225,000,000	\$ 102,500,000	1450
		Bonds				
	TOTAL 042 Capital Highway					1451
	Improvement Fund Group		\$	225,000,000	\$ 102,500,000	1452
	Infrastructure Bank Obligations					1453
	Fund Group					
045	772-428	Highway Infrastructure	\$	300,000,000	\$ 30,000,000	1454
		Bank - Bonds				
	TOTAL 045 Infrastructure Bank					1455
	Obligations Fund Group		\$	300,000,000	\$ 30,000,000	1456
	TOTAL ALL BUDGET FUND GROUPS -					1457
	Highway Construction		\$	1,908,208,870	\$ 1,464,099,110	1458
		Highway Maintenance				1459
	Highway Operating Fund Group					1460
002	773-431	Highway Maintenance -	\$	372,636,000	\$ 381,176,000	1461
		State				
	TOTAL HOF Highway Operating					1462
	Fund Group		\$	372,636,000	\$ 381,176,000	1463
	TOTAL ALL BUDGET FUND GROUPS -					1464
	Highway Maintenance		\$	372,636,000	\$ 381,176,000	1465
		Intermodal Transportation				1466
	State Special Revenue Fund Group					1467

## As Reported by the House Finance and Appropriations Committee

4Y2 774-446	Congestion Mitigation	\$	50,000	\$	50,000	1468
	Revolving Fund					
TOTAL SSR	State Special Revenue					1469
Fund Group		\$	50,000	\$	50,000	1470
TOTAL ALL BUDGET FUND GROUPS	-					1471
Intermodal Transportation		\$	50,000	\$	50,000	1472
	Public Transportation					1473
Highway Operating Fund Group						1474
002 775-452	Public Transportation	\$	27,000,000	\$	27,000,000	1475
	- Federal					
002 775-454	Public Transportation	\$	1,500,000	\$	1,500,000	1476
	- Other					
002 775-459	Elderly and Disabled	\$	4,230,000	\$	4,230,000	1477
	Special Equipment -					
	Federal					
TOTAL HOF Highway Operating						1478
Fund Group		\$	32,730,000	\$	32,730,000	1479
TOTAL ALL BUDGET FUND GROUPS	-					1480
Public Transportation		\$	32,730,000	\$	32,730,000	1481
	Rail Transportation					1482
Highway Operating Fund Group						1483
002 776-462	Grade Crossings -	\$	15,000,000	\$	15,000,000	1484
	Federal					
TOTAL HOF Highway Operating						1485
Fund Group		\$	15,000,000	\$	15,000,000	1486
State Special Revenue Fund Group						1487
4A3 776-665	Railroad Crossing	\$	1,200,000	\$	0	1488
	Safety Devices					
TOTAL SSR State Special Revenue		\$	1,200,000	\$	0	1489
Fund Group						
TOTAL ALL BUDGET FUND GROUPS	-					1490
Rail Transportation		\$	16,200,000	\$	15,000,000	1491

	Aviation			1492
Highway Operating Fund Group				1493
002 777-472 Airport Improvements -	\$ 405,000	\$ 405,000		1494
Federal				
002 777-475 Aviation	\$ 4,092,010	\$ 4,158,690		1495
Administration				
TOTAL HOF Highway Operating				1496
Fund Group	\$ 4,497,010	\$ 4,563,690		1497
TOTAL ALL BUDGET FUND GROUPS -				1498
Aviation	\$ 4,497,010	\$ 4,563,690		1499
Administration				1500
State Special Revenue Fund Group				1501
4T5 770-609 Administration	\$ 5,000	\$ 5,000		1502
Memorial Fund				
TOTAL SSR State Special Revenue				1503
Fund Group	\$ 5,000	\$ 5,000		1504
Highway Operating Fund Group				1505
002 779-491 Administration - State	\$ 109,042,000	\$ 110,431,850		1506
TOTAL HOF Highway Operating				1507
Fund Group	\$ 109,042,000	\$ 110,431,850		1508
TOTAL ALL BUDGET FUND GROUPS -				1509
Administration	\$ 109,047,000	\$ 110,436,850		1510
Debt Service				1511
Highway Operating Fund Group				1512
002 770-003 Administration - State	\$ 14,799,000	\$ 14,403,400		1513
- Debt Service				
TOTAL HOF Highway Operating				1514
Fund Group	\$ 14,799,000	\$ 14,403,400		1515
TOTAL ALL BUDGET FUND GROUPS -				1516
Debt Service	\$ 14,799,000	\$ 14,403,400		1517
TOTAL Department of Transportation				1518
TOTAL HOF Highway Operating				1519

As Reported by the House Finance and Appropriations Committee

Fund Group	\$ 1,976,602,445	\$ 1,934,560,581	1520
TOTAL 042 Highway Capital			1521
Improvement Fund Group	\$ 225,000,000	\$ 102,500,000	1522
TOTAL 045 Infrastructure Bank			1523
Obligations Fund Group	\$ 300,000,000	\$ 30,000,000	1524
TOTAL SSR State Special Revenue			1525
Fund Group	\$ 1,255,000	\$ 55,000	1526
TOTAL ALL BUDGET FUND GROUPS	\$ 2,502,857,445	\$ 2,067,115,581	1527

**Section 4.01. ISSUANCE OF BONDS** 1529

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 any one time.

HIGHWAY OBLIGATIONS - AUTHORIZATION 1551

The amount of authorization to issue and sell obligations 1552  
granted by prior acts of the General Assembly pursuant to Section 1553  
2i of Article VIII, Ohio Constitution, and section 5528.30 of the 1554  
Revised Code is reduced from \$1,854,695,000 to \$1,745,000,000. 1555

**Section 4.02. MAINTENANCE INTERSTATE HIGHWAYS** 1556

The Director of Transportation may remove snow and ice and 1557  
maintain, repair, improve, or provide lighting upon interstate 1558  
highways that are located within the boundaries of municipal 1559  
corporations, adequate to meet the requirements of federal law. 1560  
When agreed in writing by the Director of Transportation and the 1561  
legislative authority of a municipal corporation and 1562  
notwithstanding sections 125.01 and 125.11 of the Revised Code, 1563  
the Department of Transportation may reimburse the municipal 1564  
corporation for all or any part of the costs, as provided by such 1565  
agreement, incurred by the municipal corporation in maintaining, 1566  
repairing, lighting, and removing snow and ice from the interstate 1567  
system. 1568

**Section 4.03. TRANSFER OF FUND 002 APPROPRIATIONS - PLANNING** 1569  
**AND RESEARCH, HIGHWAY CONSTRUCTION, HIGHWAY MAINTENANCE, AVIATION,** 1570  
**AND ADMINISTRATION** 1571

The Director of Budget and Management may approve requests 1572  
from the Department of Transportation for transfer of 1573  
appropriations for highway planning and research (appropriation 1574  
items 771-411 and 771-412), highway construction (appropriation 1575  
items 772-421, 772-422, and 772-424), highway maintenance 1576  
(appropriation item 773-431), aviation (appropriation item 1577  
777-475), and highway administration (appropriation item 779-491). 1578  
Transfers of appropriations may be made upon the written request 1579  
of the Director of Transportation and with the approval of the 1580  
Director of Budget and Management. Such transfers shall be 1581

reported to the Controlling Board at the next regularly scheduled meeting of the board. 1582  
1583

This transfer authority is intended to provide for emergency situations and flexibility to meet unforeseen conditions that could arise during the budget period. It also is intended to allow the department to optimize the use of available resources and adjust to circumstances affecting the obligation and expenditure of federal funds. 1584  
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TRANSFER OF APPROPRIATIONS - FEDERAL HIGHWAY AND FEDERAL TRANSIT 1590  
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The Director of Budget and Management may approve requests from the Department of Transportation for the transfer of appropriations between appropriation items 772-422, Highway Construction - Federal, and 775-452, Public Transportation - Federal, based upon transit capital projects meeting Federal Highway Administration and Federal Transit Administration funding guidelines. Transfers between these appropriation items may be made upon the written request of the Director of Transportation and with the approval of the Director of Budget and Management. Such transfers shall be reported to the Controlling Board at its next regularly scheduled meeting. 1592  
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TRANSFER OF APPROPRIATIONS - STATE INFRASTRUCTURE BANK 1603

The Director of Budget and Management may approve requests from the Department of Transportation for transfer of appropriations and cash of the Infrastructure Bank funds created in section 5531.09 of the Revised Code, including transfers between fiscal years 2002 and 2003. Such transfers shall be reported to the Controlling Board at its next regularly scheduled meeting. However, the director may not make transfers out of debt service and lease payment appropriation items unless the director determines that the appropriated amounts exceed the actual and 1604  
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projected debt, rental, or lease payments. 1613

The Director of Budget and Management may approve requests 1614  
from the Department of Transportation for transfer of 1615  
appropriations and cash from the Highway Operating Fund (Fund 002) 1616  
to the Infrastructure Bank funds created in section 5531.09 of the 1617  
Revised Code. The Director of Budget and Management may transfer 1618  
from the Infrastructure Bank funds to the Highway Operating Fund 1619  
up to the amounts originally transferred to the Infrastructure 1620  
Bank funds under this section. Such transfers shall be reported to 1621  
the Controlling Board at its next regularly scheduled meeting. 1622  
However, the director may not make transfers between modes and 1623  
transfers between different funding sources. 1624

INCREASE APPROPRIATION AUTHORITY - STATE FUNDS 1625

In the event that receipts or unexpended balances credited to 1626  
the Highway Operating Fund exceed the estimates upon which the 1627  
appropriations have been made in this act, upon the request of the 1628  
Director of Transportation, the Controlling Board may increase 1629  
appropriation authority in the manner prescribed in section 131.35 1630  
of the Revised Code. 1631

INCREASE APPROPRIATION AUTHORITY - FEDERAL AND LOCAL FUNDS 1632

In the event that receipts or unexpended balances credited to 1633  
the Highway Operating Fund or apportionments or allocations made 1634  
available from the federal and local government exceed the 1635  
estimates upon which the appropriations have been made in this 1636  
act, upon the request of the Director of Transportation, the 1637  
Controlling Board may increase appropriation authority in the 1638  
manner prescribed in section 131.35 of the Revised Code. 1639

REAPPROPRIATIONS 1640

All appropriations of the Highway Operating Fund (Fund 002), 1641  
the Highway Capital Improvement Fund (Fund 042), and the 1642  
Infrastructure Bank funds created in section 5531.09 of the 1643

Revised Code remaining unencumbered on June 30, 2001, and the  
unexpended balance of prior years' appropriations that  
subsequently become unencumbered after June 30, 2001, subject to  
the availability of revenue as determined by the Director of  
Transportation, are hereby reappropriated for the same purpose in  
fiscal year 2002 upon the request of the Director of  
Transportation and with the approval of the Director of Budget and  
Management. Such reappropriations shall be reported to the  
Controlling Board at its next regularly scheduled meeting.

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

**Section 4.04. PUBLIC ACCESS ROADS FOR STATE FACILITIES**

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

Notwithstanding section 5511.06 of the Revised Code, of the  
foregoing appropriation item 772-421, Highway Construction -  
State, \$2,228,000 in each fiscal year of the 2001-2003 biennium  
shall be used by the Department of Transportation for the  
construction, reconstruction, or maintenance of park drives or  
park roads within the boundaries of metropolitan parks.

Included in the foregoing appropriation item 772-421, Highway

## As Reported by the House Finance and Appropriations Committee

Construction - State, the department may perform related road work 1675  
 on behalf of the Ohio Expositions Commission at the state 1676  
 fairgrounds, including reconstruction or maintenance of public 1677  
 access roads, including support features, to and within the 1678  
 facilities as requested by the commission and approved by the 1679  
 Director of Transportation. 1680

## LIQUIDATION OF UNFORESEEN LIABILITIES 1681

Any appropriation made to the Department of Transportation, 1682  
 Highway Operating Fund, not otherwise restricted by law, is 1683  
 available to liquidate unforeseen liabilities arising from 1684  
 contractual agreements of prior years when the prior year 1685  
 encumbrance is insufficient. 1686

## CONGESTION MITIGATION 1687

The foregoing appropriation item 774-446, Congestion 1688  
 Mitigation Revolving Fund, shall be used to make loans or grants 1689  
 for the construction, reconstruction, resurfacing, restoring, 1690  
 rehabilitation, or replacement of public or private transportation 1691  
 facilities as eligible under United States Code, Title XXIII. Fund 1692  
 revenues include, but are not limited to, payments received from 1693  
 any public or private agency in repayment of a loan previously 1694  
 made from the fund or pursuant to 23 U.S.C. 129(a)(7) or successor 1695  
 legislation; interest or other income earned on the investment of 1696  
 moneys in the fund; and any additional moneys made available from 1697  
 any sources, public or private, for the purposes for which the 1698  
 fund has been established. 1699

## RUMBLE STRIPS AT RAILROAD CROSSINGS 1700

The foregoing appropriation item 776-665, Railroad Crossing 1701  
 Safety Devices, shall be used to award grants or pay 1702  
 reimbursements to political subdivisions or state agencies for the 1703  
 costs of putting rumble strips at active railroad crossings 1704  
 without gates or lights. The maximum amount of a grant or 1705

## As Reported by the House Finance and Appropriations Committee

reimbursement payment is \$1,500 for any single crossing. Each 1706  
political subdivision or state agency with jurisdiction over a 1707  
crossing with a daily traffic count of at least five hundred motor 1708  
vehicles and at least six trains shall apply to the Department for 1709  
a grant or reimbursement for the costs of putting rumble strips at 1710  
that crossing, and shall install the strips before the end of 1711  
fiscal year 2003. However, the Department may grant a waiver from 1712  
this requirement for good cause shown. The Department shall use 1713  
the portion of the appropriation item in excess of the amount 1714  
needed for the mandated crossings to award grants or pay 1715  
reimbursements for other crossings in the order in which 1716  
applications for those crossings are received. A political 1717  
subdivision or state agency with jurisdiction over a mandated 1718  
crossing may include in its application a request for a grant or 1719  
reimbursement for the costs for nonmandated crossings over which 1720  
it also has jurisdiction. 1721

If rumble strips are not appropriate for a crossing, the 1722  
Department may allow the political subdivision or state agency 1723  
with jurisdiction over the crossing to use the funding for a 1724  
safety device or technology more appropriate for the crossing. 1725

The Department shall notify each political subdivision or 1726  
state agency with jurisdiction over a mandated crossing of the 1727  
requirements of this section and that funding is available for the 1728  
costs of putting rumble strips at the crossing. The Department 1729  
also shall notify associations representing political subdivisions 1730  
of the availability of the funding. 1731

The Department shall not reimburse political subdivisions or 1732  
state agencies for the costs of rumble strips already located at 1733  
crossings on July 1, 2001, unless the existing rumble strips must 1734  
be replaced due to deterioration to the point of serving no useful 1735  
purpose. 1736

The Department shall spend no more than five per cent of the 1737

appropriation item on Department administrative expenses. 1738

The Department shall issue a report on or before January 1, 1739  
2003, describing the activities carried out by the Department to 1740  
comply with the provisions of this section. The report shall 1741  
include the number of mandated crossings at which rumble strip 1742  
installation has been completed, the total number of crossings at 1743  
which installation was completed, the cost of each installation to 1744  
date, the number of active crossings without gates or lights that 1745  
still do not have rumble strips, and a geographic breakdown of 1746  
where the crossings are that have and have not yet received rumble 1747  
strips. 1748

All appropriations in Fund 4A3, appropriation item 776-665, 1749  
Railroad Crossing Safety Devices, remaining unencumbered on June 1750  
30, 2002, are hereby reappropriated for the same purpose in fiscal 1751  
year 2003. The Department shall report all such reappropriations 1752  
to the Controlling Board. 1753

**Section 4.05. DEPARTMENT OF TAXATION** 1754

By June 30, 2002, the Director of Budget and Management shall 1755  
transfer \$3,690,700 in cash from Fund 002, the Highway Operating 1756  
Fund, to the General Revenue Fund. By June 30, 2003, the Director 1757  
of Budget and Management shall transfer \$3,889,600 in cash from 1758  
Fund 002, the Highway Operating Fund, to the General Revenue Fund. 1759  
The transfers are for reimbursement of the services provided by 1760  
the Department of Taxation pursuant to sections 5728.08, 5735.26, 1761  
and 5735.29 of the Revised Code. 1762

**RENTAL PAYMENTS - OBA** 1763

The foregoing appropriation item 770-003, Administration - 1764  
State - Debt Service, shall be used to pay rent to the Ohio 1765  
Building Authority for various capital facilities to be 1766  
constructed, reconstructed, or rehabilitated for the use of the 1767

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 Director of Transportation and with the approval of the Director of Budget and Management. Transfers shall be reported to the Controlling Board at its next regularly scheduled meeting.

**Section 4.06. COMPOSITE BRIDGE DECKS**

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

**Section 4.07. PUBLIC TRANSPORTATION HIGHWAY PURPOSE GRANTS**

## As Reported by the House Finance and Appropriations Committee

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

	<b>Section 5. DHS DEPARTMENT OF PUBLIC SAFETY</b>				1815	
	Highway Safety Information and Education				1816	
	State Highway Safety Fund Group				1817	
036	761-321 Operating Expense -	\$	2,798,221	\$	3,071,756	1818
	Information and					
	Education					
036	761-402 Traffic Safety Match	\$	277,137	\$	277,137	1819
831	761-610 Information and	\$	684,501	\$	706,238	1820
	Education - Federal					
83N	761-611 Elementary School Seat	\$	407,166	\$	447,895	1821
	Belt Program					
832	761-612 Traffic Safety-Federal	\$	12,508,783	\$	12,910,149	1822
844	761-613 Seat Belt Education	\$	235,128	\$	258,657	1823
	Program					
846	761-625 Motorcycle Safety	\$	1,316,145	\$	1,358,917	1824

Education				
847	761-622	Film Production	\$ 45,259	\$ 46,390 1825
Reimbursement				
TOTAL HSF State Highway Safety				1826
Fund Group		\$ 18,272,340	\$ 19,077,139	1827
Agency Fund Group				1828
5J9	761-678	Federal Salvage/GSA	\$ 204,400	\$ 209,510 1829
TOTAL AGY Agency		\$ 204,400	\$ 209,510	1830
TOTAL ALL BUDGET FUND GROUPS -				1831
Highway Safety Information				1832
and Education		\$ 18,476,740	\$ 19,286,649	1833
FEDERAL HIGHWAY SAFETY PROGRAM MATCH				1834
The foregoing appropriation item 761-402, Traffic Safety				1835
Match, shall be used to provide the nonfederal portion of the				1836
federal Highway Safety Program. Upon request by the Director of				1837
Public Safety and approval by the Director of Budget and				1838
Management, appropriation item 761-402 shall be used to transfer				1839
appropriations from the Highway Safety Fund to the Traffic Safety				1840
- Federal Fund (Fund 832) at the beginning of each fiscal year on				1841
an intrastate transfer voucher.				1842
<b>Section 5.01. BUREAU OF MOTOR VEHICLES</b>				1843
State Special Revenue Fund Group				1844
539	762-614	Motor Vehicle Dealers	\$ 233,476	\$ 239,902 1845
Board				
TOTAL SSR State Special Revenue				1846
Fund Group		\$ 233,476	\$ 239,902	1847
State Highway Safety Fund Group				1848
4U0	762-638	Collegiate License	\$ 481,842	\$ 493,888 1849
Plate Program				
4U2	762-641	Football Hall of Fame	\$ 150,000	\$ 150,000 1850
License Plates				

## As Reported by the House Finance and Appropriations Committee

4W4	762-321	Operating Expense-BMV	\$	63,822,261	\$	69,503,140	1851
4W4	762-410	Registrations Supplement	\$	33,647,970	\$	34,988,363	1852
5G8	762-668	Ohio CASA/GAL License Plates	\$	307,200	\$	307,200	1853
5G9	762-669	Rotary International License Plates	\$	20,480	\$	20,480	1854
5J0	762-670	Pro Sports Team License Plates	\$	1,250,000	\$	1,250,000	1855
5J1	762-671	Boy Scouts License Plates	\$	25,000	\$	25,000	1856
5J2	762-672	Girl Scouts License Plates	\$	25,000	\$	25,000	1857
5J3	762-673	Eagle Scouts License Plates	\$	25,000	\$	25,000	1858
5J4	762-674	FOP License Plates	\$	15,000	\$	15,000	1859
5J5	762-675	FOP Associates License Plates	\$	30,000	\$	30,000	1860
5J6	762-677	Ducks Unlimited License Plates	\$	25,000	\$	25,000	1861
5M7	762-679	FFA License Plates	\$	25,000	\$	25,000	1862
83R	762-639	Local Immobilization Reimbursement	\$	970,000	\$	994,250	1863
835	762-616	Financial Responsibility Compliance	\$	5,534,464	\$	8,911,789	1864
849	762-627	Automated Title Processing Board	\$	7,771,434	\$	8,185,803	1865
TOTAL HSF		State Highway Safety Fund Group	\$	114,125,651	\$	124,974,913	1866
TOTAL ALL BUDGET FUND GROUPS -							1868
Bureau of Motor Vehicles			\$	114,359,127	\$	125,214,815	1869
		MOTOR VEHICLE REGISTRATION					1870

The Registrar of Motor Vehicles may deposit revenues to meet 1871  
the cash needs of the State Bureau of Motor Vehicles Fund (Fund 1872  
4W4) established in section 4501.25 of the Revised Code, obtained 1873  
pursuant to sections 4503.02 and 4504.02 of the Revised Code, less 1874  
all other available cash. Revenue deposited pursuant to this 1875  
section shall support, in part, appropriations for operating 1876  
expenses and defray the cost of manufacturing and distributing 1877  
license plates and license plate stickers and enforcing the law 1878  
relative to the operation and registration of motor vehicles. 1879  
Notwithstanding section 4501.03 of the Revised Code, the revenues 1880  
shall be paid into the State Bureau of Motor Vehicles Fund before 1881  
any revenues obtained pursuant to sections 4503.02 and 4504.02 of 1882  
the Revised Code are paid into any other fund. The deposit of 1883  
revenues to meet the aforementioned cash needs shall be in 1884  
approximate equal amounts on a monthly basis or as otherwise 1885  
determined by the Director of Budget and Management pursuant to a 1886  
plan submitted by the Registrar of Motor Vehicles. 1887

CAPITAL PROJECTS 1888

The Registrar of Motor Vehicles may transfer revenue from the 1889  
State Bureau of Motor Vehicles Fund (Fund 4W4) to the State 1890  
Highway Safety Fund (Fund 036) to meet its obligations for capital 1891  
projects CIR-047, Department of Public Safety Office Building, 1892  
CIR-049, Warehouse Facility, and CAP-070, Canton One Stop Shop. 1893

CUSTODIAL FUND CASH TRANSFER 1894

On July 1, 2001, or as soon thereafter as possible, the 1895  
Director of Budget and Management shall transfer the cash balance 1896  
in the Treasurer of State's custodial fund that was created in 1897  
former section 4509.27 of the Revised Code to the security deposit 1898  
fund that is created in section 4509.27 of the Revised Code. 1899

**Section 5.02. ENFORCEMENT** 1900

## As Reported by the House Finance and Appropriations Committee

State Highway Safety Fund Group				1901	
036 764-033 Minor Capital Projects	\$	2,531,302	\$	1,732,358	1902
036 764-321 Operating Expense - Highway Patrol	\$	185,264,130	\$	195,245,402	1903
83C 764-630 Contraband, Forfeiture, Other	\$	603,296	\$	622,894	1904
83F 764-657 Law Enforcement Auto. Data System	\$	5,050,151	\$	5,277,569	1905
83G 764-633 OMVI Fines	\$	781,051	\$	820,927	1906
831 764-610 Patrol/Federal	\$	2,210,831	\$	2,336,609	1907
831 764-659 Transportation Enforcement - Federal	\$	3,919,153	\$	4,087,361	1908
837 764-602 Turnpike Policing	\$	8,803,786	\$	9,306,325	1909
838 764-606 Patrol Reimbursement	\$	216,690	\$	222,108	1910
840 764-607 State Fair Security	\$	1,306,015	\$	1,384,660	1911
840 764-617 Security and Investigations	\$	4,484,313	\$	4,749,103	1912
840 764-626 State Fairgrounds Police Force	\$	783,175	\$	829,631	1913
840 764-667 Security Assessment	\$	152,324	\$	160,982	1914
841 764-603 Salvage and Exchange - Highway Patrol	\$	1,243,025	\$	1,274,101	1915
TOTAL HSF State Highway Safety Fund Group	\$	217,349,242	\$	228,050,030	1916
General Services Fund Group				1918	
4S2 764-660 MARCS Maintenance	\$	241,811	\$	227,222	1919
TOTAL GSF General Services Fund Group	\$	241,811	\$	227,222	1920
TOTAL ALL BUDGET FUND GROUPS - Enforcement	\$	217,591,053	\$	228,277,252	1921
COLLECTIVE BARGAINING INCREASES				1922	
Notwithstanding division (D) of section 127.14 and division				1923	

## As Reported by the House Finance and Appropriations Committee

(B) of section 131.35 of the Revised Code, except for the General Revenue Fund, the Controlling Board may, upon the request of either the Director of Budget and Management, or the Department of Public Safety with the approval of the Director of Budget and Management, increase appropriations for any fund, as necessary for the Department of Public Safety, to assist in paying the costs of increases in employee compensation that have occurred pursuant to collective bargaining agreements under Chapter 4117. of the Revised Code and, for exempt employees, under section 124.152 of the Revised Code.

**Section 5.03. EMERGENCY MEDICAL SERVICES** 1936

State Highway Safety Fund Group				1937	
83M 765-624 Operating Expenses -	\$	2,370,708	\$	2,292,960	1938
EMS					
83P 765-637 EMS Grants	\$	5,694,384	\$	5,836,744	1939
831 765-610 EMS/Federal	\$	263,475	\$	270,062	1940
TOTAL HSF State Highway Safety Fund Group	\$	8,328,567	\$	8,399,766	1941
TOTAL ALL BUDGET FUND GROUPS - Emergency Medical Services	\$	8,328,567	\$	8,399,766	1942

**Section 5.04. INVESTIGATIVE UNIT** 1946

State Highway Safety Fund Group				1947	
831 767-610 Liquor Enforcement -	\$	483,710	\$	514,184	1948
Federal					
831 769-610 Food Stamp Trafficking	\$	974,809	\$	1,025,732	1949
Enforcement - Federal					
TOTAL HSF State Highway Safety Fund Group	\$	1,458,519	\$	1,539,916	1950
Liquor Control Fund Group					1951
043 767-321 Liquor Enforcement -	\$	8,739,650	\$	9,266,891	1952

## As Reported by the House Finance and Appropriations Committee

Operations			
TOTAL LCF Liquor Control Fund			1954
Group	\$	8,739,650	\$ 9,266,891 1955
State Special Revenue Fund Group			1956
622 767-615 Investigative	\$	394,255	\$ 404,111 1957
Contraband and			
Forfeiture			
TOTAL SSR State Special Revenue			1958
Fund Group	\$	394,255	\$ 404,111 1959
TOTAL ALL BUDGET FUND GROUPS -			1960
Special Enforcement	\$	10,592,424	\$ 11,210,918 1961
<b>Section 5.05. EMERGENCY MANAGEMENT</b>			
Federal Special Revenue Fund Group			1963
3N5 763-644 U.S. DOE Agreement	\$	200,000	\$ 215,000 1964
329 763-645 Individual/Family	\$	296,100	\$ 303,504 1965
Grant - Fed			
337 763-609 Federal Disaster	\$	6,100,000	\$ 2,000,000 1966
Relief			
339 763-647 Emergency Management	\$	8,525,000	\$ 9,725,000 1967
Assistance and			
Training			
TOTAL FED Federal Special			1968
Revenue Fund Group	\$	15,121,100	\$ 12,243,504 1969
General Services Fund Group			1970
4V3 763-662 Storms/NOAA	\$	175,772	\$ 182,685 1971
Maintenance			
533 763-601 State Disaster Relief	\$	8,500,000	\$ 7,500,000 1972
TOTAL GSF General Services			1973
Fund Group	\$	8,675,772	\$ 7,682,685 1974
State Special Revenue Fund Group			1975
4Y0 763-654 EMA Utility Payment	\$	146,657	\$ 146,657 1976

As Reported by the House Finance and Appropriations Committee

4Y1 763-655	Salvage & Exchange-EMA	\$	28,285	\$	28,992	1978
657 763-652	Utility Radiological	\$	874,602	\$	927,241	1979
	Safety					
681 763-653	SARA Title III HAZMAT	\$	190,000	\$	190,000	1980
	Planning					
TOTAL SSR	State Special Revenue					1981
Fund Group		\$	1,239,544	\$	1,292,890	1982
TOTAL ALL BUDGET FUND GROUPS	-					1983
Emergency Management		\$	25,036,416	\$	21,219,079	1984
	SARA TITLE III HAZMAT PLANNING					1985
	The SARA Title III HAZMAT Planning Fund (Fund 681) shall					1986
	receive grant funds from the Emergency Response Commission to					1987
	implement the Emergency Management Agency's responsibilities under					1988
	Chapter 3750. of the Revised Code.					1989
	STATE DISASTER RELIEF					1990
	The foregoing appropriation item 763-601, State Disaster					1991
	Relief, may accept transfers of cash and appropriations from					1992
	Controlling Board appropriation items to reimburse eligible local					1993
	governments and private nonprofit organizations for costs related					1994
	to disasters that have been declared by local governments or the					1995
	Governor. The Ohio Emergency Management Agency shall publish and					1996
	make available an application packet outlining eligible items and					1997
	application procedures for entities requesting state disaster					1998
	relief.					1999
	Individuals may be eligible for reimbursement of costs					2000
	related to disasters that have been declared by the Governor and					2001
	the Small Business Administration. The funding in appropriation					2002
	item 763-601, State Disaster Relief, shall be used in accordance					2003
	with the principles of the federal Individual and Family Grant					2004
	Program, which provides grants to households that have been					2005
	affected by a disaster to replace basic living items. The Ohio					2006
	Emergency Management Agency shall publish and make available an					2007

application procedure for individuals requesting assistance under 2008  
the state Individual Assistance Program. 2009

**Section 5.06. ADMINISTRATION** 2010

State Highway Safety Fund Group 2011

036 766-321 Operating Expense - \$ 4,146,125 \$ 4,233,612 2012  
Administration

830 761-603 Salvage and Exchange - \$ 21,531 \$ 22,070 2013  
Administration

TOTAL HSF State Highway Safety 2014

Fund Group \$ 4,167,656 \$ 4,255,682 2015

General Services Fund Group 2016

4S3 766-661 Hilltop Utility \$ 562,100 \$ 576,153 2017  
Reimbursement

TOTAL GSF General Services 2018

Fund Group \$ 562,100 \$ 576,153 2019

TOTAL ALL BUDGET FUND GROUPS - 2020

Administration \$ 4,729,756 \$ 4,831,835 2021

**Section 5.07. DEBT SERVICE** 2023

State Highway Safety Fund Group 2024

036 761-401 Lease Rental Payments \$ 12,157,000 \$ 12,735,500 2025

TOTAL HSF State Highway Safety 2026

Fund Group \$ 12,157,000 \$ 12,735,500 2027

TOTAL ALL BUDGET FUND GROUPS - 2028

Debt Service \$ 12,157,000 \$ 12,735,500 2029

**OBA BOND AUTHORITY/LEASE RENTAL PAYMENTS** 2030

The foregoing appropriation item 761-401, Lease Rental 2031

Payments, shall be used for payments to the Ohio Building 2032

Authority for the period July 1, 2001, to June 30, 2003, pursuant 2033

to the primary leases and agreements for buildings made under 2034

Chapter 152. of the Revised Code that are pledged for bond service 2035  
charges on related obligations issued pursuant to Chapter 152. of 2036  
the Revised Code. Notwithstanding section 152.24 of the Revised 2037  
Code, the Ohio Building Authority may, with approval of the 2038  
Director of Budget and Management, lease capital facilities to the 2039  
Department of Public Safety. 2040

HILLTOP TRANSFER 2041

The Director of Public Safety shall determine, per an 2042  
agreement with the Director of Transportation, the share of each 2043  
debt service payment made out of appropriation item 761-401, Lease 2044  
Rental Payments, that relates to the Department of 2045  
Transportation's portion of the Hilltop Building Project, and 2046  
shall certify to the Director of Budget and Management the amounts 2047  
of this share. The Director of Budget and Management shall 2048  
transfer such shares from the Highway Operating Fund (Fund 002) to 2049  
the Highway Safety Fund (Fund 036). 2050

**Section 5.08. REVENUE DISTRIBUTION** 2051

Holding Account Redistribution Fund Group 2052

R24 762-619 Unidentified Motor	\$	1,750,000	\$	1,750,000	2053
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Vehicle Receipts

R27 764-608 Patrol Fee Refunds	\$	35,000	\$	35,000	2054
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R52 762-623 Security Deposits	\$	250,000	\$	250,000	2055
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TOTAL 090 Holding Account 2056

Redistribution Fund Group	\$	2,035,000	\$	2,035,000	2057
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TOTAL ALL BUDGET FUND GROUPS - 2058

Revenue Distribution	\$	2,035,000	\$	2,035,000	2059
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TOTAL Department of Public Safety 2060

TOTAL HSF State Highway Safety 2061

Fund Group	\$	375,858,975	\$	399,032,946	2062
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TOTAL SSR State Special Revenue 2063

Fund Group	\$	1,867,275	\$	1,936,903	2064
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TOTAL LCF Liquor Control				2065	
Fund Group	\$	8,739,650	\$	9,266,891	2066
TOTAL GSF General Services				2067	
Fund Group	\$	9,479,683	\$	8,486,060	2068
TOTAL FED Federal Revenue Special				2069	
Fund Group	\$	15,121,100	\$	12,243,504	2070
TOTAL AGY Agency Fund Group	\$	204,400	\$	209,510	2071
TOTAL 090 Holding Account Redistribution				2072	
Fund Group	\$	2,035,000	\$	2,035,000	2073
TOTAL ALL BUDGET FUND GROUPS	\$	413,306,083	\$	433,210,814	2074

**Section 5.09. TRANSFER OF FUNDS** 2076

The Director of Budget and Management, pursuant to a plan 2077  
submitted by the Department of Public Safety or as otherwise 2078  
determined by the director, shall set a monthly cash transfer 2079  
schedule to meet the cash needs of the State Highway Safety Fund 2080  
(Fund 036) established in section 4501.06 of the Revised Code, 2081  
less all other available cash. 2082

The director shall transfer to the Highway Safety Fund from 2083  
the Highway Operating Fund (Fund 002) established in section 2084  
5735.291 of the Revised Code such cash at such times as determined 2085  
by the transfer schedule. 2086

**CASH BALANCE FUND REVIEW** 2087

Not later than the first day of April in each fiscal year of 2088  
the biennium, the Director of Budget and Management shall review 2089  
the cash balances for each fund, except the State Highway Safety 2090  
Fund (Fund 036), in the State Highway Safety Fund Group and shall 2091  
recommend to the Controlling Board an amount to be transferred to 2092  
the credit of the State Highway Safety Fund, or the Bureau of 2093  
Motor Vehicles Fund, as appropriate. 2094

Section 6. DEV DEPARTMENT OF DEVELOPMENT 2095

State Special Revenue Fund Group 2096

4W0 195-629 Roadwork Development \$ 12,699,900 \$ 12,699,900 2097

TOTAL SSR State Special Revenue 2098

Fund Group \$ 12,699,900 \$ 12,699,900 2099

TOTAL ALL BUDGET FUND GROUPS \$ 12,699,900 \$ 12,699,900 2100

ROADWORK DEVELOPMENT FUND 2101

The Roadwork Development Fund shall be used for road 2102

improvements associated with economic development opportunities 2103

that will retain or attract businesses for Ohio. "Road 2104

improvements" are improvements to public roadway facilities 2105

located on, or serving or capable of serving, a project site. 2106

The Department of Transportation, under the direction of the 2107

Department of Development, shall provide these funds in accordance 2108

with all guidelines and requirements established for Department of 2109

Development appropriation item 195-412, Business Development, 2110

including Controlling Board review and approval as well as the 2111

requirements for usage of gas tax revenue prescribed in Section 5a 2112

of Article XII, Ohio Constitution. Should the Department of 2113

Development require the assistance of the Department of 2114

Transportation to bring a project to completion, the Department of 2115

Transportation shall use the authority under Title LV of the 2116

Revised Code to provide such assistance and enter into contracts 2117

on behalf of the Department of Development. In addition, these 2118

funds may be used in conjunction with appropriation item 195-412, 2119

Business Development, or any other state funds appropriated for 2120

infrastructure improvements. 2121

The Director of Budget and Management, pursuant to a plan 2122

submitted by the Department of Development or as otherwise 2123

determined by the Director of Budget and Management, shall set a 2124

cash transfer schedule to meet the cash needs of the Department of 2125

Development's Roadwork Development Fund (Fund 4W0), less any other 2126  
available cash. The director shall transfer to the Roadwork 2127  
Development Fund from the Highway Operating Fund (Fund 002), 2128  
established in section 5735.291 of the Revised Code, such amounts 2129  
at such times as determined by the transfer schedule. 2130

TRANSPORTATION IMPROVEMENT DISTRICTS 2131

Of the foregoing appropriation item 195-629, Roadwork 2132  
Development, \$250,000 each fiscal year of the biennium shall be 2133  
paid by the Director of Development to each of the transportation 2134  
improvement districts of Butler, Hamilton, Medina, and Stark 2135  
counties, as provided for in section 5540.151 of the Revised Code. 2136  
The transportation improvement districts may use the payments for 2137  
any purpose authorized under Chapter 5540. of the Revised Code, 2138  
including administrative activities and the purchase of property 2139  
and rights for the construction, maintenance, or operation of a 2140  
project. These payments shall not be subject to the restrictions 2141  
of appropriation item 195-629. 2142

**Section 7. PWC PUBLIC WORKS COMMISSION** 2143

Local Transportation Improvements Fund Group 2144

052 150-402 LTIP - Operating	\$	401,481	\$	426,089	2145
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052 150-701 Local Transportation	\$	74,000,000	\$	76,000,000	2146
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Improvement Program

TOTAL 052 Local Transportation 2147

Improvements Fund Group	\$	74,401,481	\$	76,426,089	2148
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Local Infrastructure Improvements Fund Group 2149

038 150-321 Operating Expenses	\$	958,456	\$	1,016,207	2150
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TOTAL LIF Local Infrastructure 2151

Improvements Fund Group	\$	958,456	\$	1,016,207	2152
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TOTAL ALL BUDGET FUND GROUPS	\$	75,359,937	\$	77,442,296	2153
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DISTRICT ADMINISTRATION COSTS 2154

## As Reported by the House Finance and Appropriations Committee

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

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

## REAPPROPRIATIONS

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

123rd General Assembly remaining unencumbered as of June 30, 2001, 2187  
are reappropriated for use during the period July 1, 2001, through 2188  
June 30, 2002, for the same purpose. 2189

Notwithstanding division (B) of section 127.14 of the Revised 2190  
Code, all capital appropriations and reappropriations from the 2191  
Local Transportation Improvement Program Fund (Fund 052) in this 2192  
act remaining unencumbered as of June 30, 2002, are reappropriated 2193  
for use during the period July 1, 2002, through June 30, 2003, for 2194  
the same purpose, subject to the availability of revenue as 2195  
determined by the Director of the Public Works Commission. 2196

**Section 8. PROVISIONS OF LAW GENERALLY APPLICABLE TO** 2197  
**APPROPRIATIONS** 2198

Law contained in the main operating appropriations act of the 2199  
124th General Assembly that is generally applicable to the 2200  
appropriations made in the main operating appropriations act also 2201  
is generally applicable to the appropriations made in this act. 2202

**Section 9. LEASE PAYMENTS TO OBA AND TREASURER** 2203

Certain appropriations are in this act for the purpose of 2204  
lease payments to the Ohio Building Authority or to the Treasurer 2205  
of State pursuant to leases and agreements relating to bonds or 2206  
notes issued by the Ohio Building Authority or the Treasurer of 2207  
State pursuant to the Ohio Constitution and acts of the General 2208  
Assembly. If it is determined that additional appropriations are 2209  
necessary for this purpose, such amounts are hereby appropriated. 2210

**Section 10. TRANSPORTATION BUILDING FUND** 2211

All items set forth in this section are hereby appropriated 2212  
out of any moneys in the state treasury to the credit of the 2213  
Transportation Building Fund (Fund 029), which is hereby created. 2214  
Revenues to the Transportation Building Fund consist of proceeds 2215

of obligations authorized to pay costs of capital facilities as 2216  
defined in section 152.09 of the Revised Code for the Department 2217  
of Transportation. 2218

DOT DEPARTMENT OF TRANSPORTATION 2219

CAP-001	Transportation Buildings Capital	\$	250,000	2220
	Improvements			
TOTAL	Department of Transportation	\$	250,000	2221
TOTAL	Transportation Building Fund	\$	250,000	2222

Expenditures from appropriations contained in this section 2223  
shall be accounted for as though made in Am. Sub. H.B. 640 of the 2224  
123rd General Assembly. The appropriations made in this section 2225  
are subject to all provisions of Am. Sub. H.B. 640 of the 123rd 2226  
General Assembly that are generally applicable to such 2227  
appropriations. 2228

**Section 11. STUDY OF ROAD AND BRIDGE FUNDING MANDATES** 2229

The staff of the Legislative Service Commission, upon the 2230  
approval of the Commission, shall conduct a study to: 2231

(A) Identify federal and state statutory and administrative 2232  
mandates on the use of road and bridge funding available to local 2233  
governments; 2234

(B) Suggest ways that these mandates could be modified or 2235  
lifted to facilitate the most efficient and productive use of the 2236  
funding. 2237

The emphasis of the study shall be on funding distributed 2238  
through the Ohio Department of Transportation. The study also 2239  
shall discuss ways that the Department and local officials could 2240  
cooperate to implement "best practices" and other techniques 2241  
designed to maximize the productive use of the funds. 2242

If approved by the Commission, the commission staff shall 2243  
submit a report on the study to the General Assembly not more than 2244

one year after the effective date of this section.	2245
<b>Section 12. MOTOR FUEL TAX TASK FORCE</b>	2246
(A) There is hereby created the Motor Fuel Tax Task Force.	2247
The task force shall study the adequacy and distribution of the	2248
motor fuel tax and the method of funding the State Highway Patrol.	2249
The task force shall issue a report of its findings to the General	2250
Assembly and the Governor on December 2, 2002. The task force	2251
shall include in the report a recommendation for a direct funding	2252
source for the State Highway Patrol. Upon issuing its report, the	2253
task force shall cease to exist.	2254
(B) The task force shall consist of the following members:	2255
(1) Three members of the House of Representatives appointed	2256
by the Speaker of the House, no more than two of whom shall be	2257
from the same political party as the Speaker;	2258
(2) Three members of the Senate appointed by the President of	2259
the Senate, no more than two of whom shall be from the same	2260
political party as the President;	2261
(3) The Director of Public Safety or the Director's designee;	2262
	2263
(4) The Director of Transportation or the Director's	2264
designee;	2265
(5) The Tax Commissioner or the Commissioner's designee;	2266
(6) Two persons appointed by the Speaker of the House of	2267
Representatives to represent the general public;	2268
(7) Two persons appointed by the President of the Senate to	2269
represent the general public;	2270
(8) Six members appointed jointly by the Speaker of the House	2271
of Representatives and the President of the Senate, one from each	2272
of six lists of three individuals recommended by the County	2273

Commissioners Association of Ohio, the Ohio Municipal League, the  
Ohio Township Association, the County Engineers Association of  
Ohio, the Ohio Public Expenditure Council, and the State Highway  
Patrol troopers' collective bargaining unit, respectively.

A vacancy on the task force shall be filled in the manner  
provided for the original appointment.

(C) The Speaker of the House of Representatives and the  
President of the Senate each shall appoint a co-chairperson of the  
task force from among the appointees who are members of their  
respective chambers. The co-chairpersons shall call the first  
meeting of the task force within thirty days after the last member  
is appointed.

(D) The Legislative Service Commission shall provide staff  
services for the task force.

**Section 13.** 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 14.** 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 15.** 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 16.** 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. 2334

**Section 17.** The items in the uncodified sections of law 2335  
contained in this act that appropriate money for the current 2336  
expenses of state government, earmark this class of 2337  
appropriations, or depend for their implementation upon an 2338  
appropriation for the current expenses of state government are not 2339  
subject to the referendum. Therefore, under Ohio Constitution, 2340  
Article II, Section 1d and section 1.471 of the Revised Code, 2341  
these items go into immediate effect when this act becomes law. 2342

The items in the uncodified sections of law contained in this 2343  
act that appropriate money other than for the current expenses of 2344  
state government, earmark this class of appropriations, or do not 2345  
depend for their implementation upon an appropriation for the 2346  
current expenses of state government are subject to the 2347  
referendum. Therefore, under Ohio Constitution, Article II, 2348  
Section 1c and section 1.471 of the Revised Code, these items take 2349  
effect on the ninety-first day after this act is filed with the 2350  
Secretary of State. If, however, a referendum petition is filed 2351  
against such an item, the item, unless rejected at the referendum, 2352  
takes effect at the earliest time permitted by law. 2353

This section is not subject to the referendum. Therefore, 2354  
under Ohio Constitution, Article II, Section 1d and section 1.471 2355  
of the Revised Code, this section goes into immediate effect when 2356  
this act becomes law. 2357

**Section 18.** An item, other than an amending, enacting, or 2358  
repealing clause, that composes the whole or part of an uncodified 2359  
section contained in this act has no effect after June 30, 2003, 2360  
unless its context clearly indicates otherwise. 2361

**Section 19.** Section 5501.31 of the Revised Code is amended by 2362  
this act and also by Sub. S.B. 295 of the 123rd General Assembly 2363  
(effective April 5, 2001). The amendments of Sub. S.B. 295 are 2364  
included in this act to confirm the intention to retain them, but 2365  
are not intended to be effective until April 5, 2001. 2366

**Section 20.** If any item of law that constitutes the whole or 2367  
part of a codified or uncodified section of law contained in this 2368  
act, or if any application of any item of law that constitutes the 2369  
whole or part of a codified or uncodified section of law contained 2370  
in this act, is held invalid, the invalidity does not affect other 2371  
items of law or applications of items of law that can be given 2372  
effect without the invalid item of law or application. To this 2373  
end, the items of law of which the codified and uncodified 2374  
sections contained in this act are composed, and their 2375  
applications, are independent and severable. 2376