

**As Introduced**

**127th General Assembly  
Regular Session  
2007-2008**

**H. B. No. 67**

**Representative Patton**

—

**A BILL**

To amend sections 3705.242, 4511.101, 5501.10, 1  
5502.03, 5502.62, 5516.01, 5516.02, 5516.06, and 2  
5735.05 and to enact sections 5502.67 and 5531.11 3  
of the Revised Code to make appropriations for, 4  
and to prescribe terms and conditions pertaining 5  
to, transportation purposes. 6

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

**Section 101.01.** That sections 3705.242, 4511.101, 5501.10, 7  
5502.03, 5502.62, 5516.01, 5516.02, 5516.06, and 5735.05 be 8  
amended and sections 5502.67 and 5531.11 of the Revised Code be 9  
enacted to read as follows: 10

**Sec. 3705.242.** (A)(1) The director of health, a person 11  
authorized by the director, a local commissioner of health, or a 12  
local registrar of vital statistics shall charge and collect a fee 13  
of one dollar and fifty cents for each certified copy of a birth 14  
record, each certification of birth, and each copy of a death 15  
record. The fee is in addition to the fee imposed by section 16  
3705.24 or any other section of the Revised Code. A local 17  
commissioner of health or local registrar of vital statistics may 18  
retain an amount of each additional fee collected, not to exceed 19  
three per cent of the amount of the additional fee, to be used for 20  
costs directly related to the collection of the fee and the 21

forwarding of the fee to the treasurer of state. The additional 22  
fees collected, but not retained, under division (A)(1) of this 23  
section shall be forwarded to the treasurer of state not later 24  
than thirty days following the end of each quarter. 25

(2) On the filing of a divorce decree under section 3105.10 26  
or a decree of dissolution under section 3105.65 of the Revised 27  
Code, a court of common pleas shall charge and collect a fee of 28  
five dollars and fifty cents. The fee is in addition to any other 29  
court costs or fees. The county clerk of courts may retain an 30  
amount of each additional fee collected, not to exceed three per 31  
cent of the amount of the additional fee, to be used for costs 32  
directly related to the collection of the fee and the forwarding 33  
of the fee to the treasurer of state. The additional fees 34  
collected, but not retained, under division (A)(2) of this section 35  
shall be forwarded to the treasurer of state not later than twenty 36  
days following the end of each month. 37

(B) The treasurer of state shall deposit the fees forwarded 38  
under this section in the state treasury to the credit of the 39  
family violence prevention fund, which is hereby created. A person 40  
or government entity that fails to forward the fees in a timely 41  
manner, as determined by the treasurer of state, shall forward to 42  
the treasurer of state, in addition to the fees, a penalty equal 43  
to ten per cent of the fees. 44

The treasurer of state shall invest the moneys in the fund. 45  
All earnings resulting from investment of the fund shall be 46  
credited to the fund, except that actual administration costs 47  
incurred by the treasurer of state in administering the fund may 48  
be deducted from the earnings resulting from investments. The 49  
amount that may be deducted shall not exceed three per cent of the 50  
total amount of fees credited to the fund in each fiscal year. The 51  
balance of the investment earnings shall be credited to the fund. 52

(C) The director of public safety shall use money credited to 53  
the fund to provide grants to family violence shelters in Ohio and 54  
to operate the division of criminal justice services. 55

**Sec. 4511.101.** (A) The director of transportation, in 56  
accordance with 23 U.S.C.A. 109(d), 131(f), and 315, as amended, 57  
shall establish a program for the placement of business logos for 58  
identification purposes on state directional signs within the 59  
rights-of-way of divided, multi-lane, limited access highways in 60  
both rural and urban areas. The director shall adopt rules in 61  
accordance with Chapter 119. of the Revised Code to implement the 62  
program. 63

(B)(1) All direct and indirect costs of the business logo 64  
sign program established pursuant to this section shall be fully 65  
paid by the businesses applying for participation in the program 66  
other than qualified attractions approved by the director under 67  
division (B)(2) of this section. At any interchange where a 68  
business logo sign is erected, such costs shall be divided equally 69  
among the participating businesses other than approved qualified 70  
attractions. The direct and indirect costs of the program shall 71  
include, but not be limited to, the cost of capital, directional 72  
signs, blanks, posts, logos, installation, repair, engineering, 73  
design, insurance, removal, replacement, and administration. 74  
Nothing in this chapter shall be construed to prohibit the 75  
director from establishing such a program. 76

(2) The director may approve the participation of a 77  
charitable organization operating a qualified attraction in the 78  
business logo sign program if the director determines that 79  
promotion or protection of the qualified attraction serves a 80  
legitimate state interest. The director may approve such 81  
participation at no cost or at a nominal fee. 82

(C) The director, in accordance with rules adopted pursuant 83

~~to Chapter 119. of the Revised Code~~ under division (A) of this 84  
section, may contract with any private person to operate, 85  
maintain, and market the business logo sign program. The rules 86  
shall describe the terms of the contract, and shall allow for a 87  
reasonable profit to be earned by the successful applicant. In 88  
awarding the contract, the director shall consider the skill, 89  
expertise, prior experience, and other qualifications of each 90  
applicant. 91

(D) As used in this section, ~~"urban:~~ 92

(1) "Charitable organization" has the same meaning as in 93  
section 1716.01 of the Revised Code. 94

(2) "Qualified attraction" includes natural wonders, and 95  
artistic, scenic, and historical attractions. 96

(3) "Urban area" means an area having a population of fifty 97  
thousand or more according to the most recent federal census and 98  
designated as such on urban maps prepared by the department. 99

(E) Neither the department nor the director shall do either 100  
of the following: 101

(1) Limit the right of any person to erect, maintain, repair, 102  
remove, or utilize any off-premises or on-premises advertising 103  
device; 104

(2) Make participation in the business logo sign program 105  
conditional upon a business agreeing to limit, discontinue, 106  
withdraw, modify, alter, or change any advertising or sign. 107

(F) The program shall permit the business logo signs of a 108  
seller of motor vehicle fuel to include on the seller's signs a 109  
marking or symbol indicating that the seller sells one or more 110  
types of alternative fuel so long as the seller in fact sells that 111  
fuel. 112

As used in this division, "alternative fuel" has the same 113

meaning as in section 125.831 of the Revised Code. 114

**Sec. 5501.10.** ~~(A)(1)~~ Within three months of the effective 115  
~~date of this act June 30, 1995,~~ the department of transportation 116  
shall establish a written policy for the classification and 117  
prioritization of all new construction plans and contracts. ~~The~~ 118

(2) Within three months of the effective date of this 119  
amendment, the department shall revise the policy required by 120  
division (A)(1) of this section. The revised policy shall require 121  
the prioritization of projects using a method that includes 122  
criteria that promote economic development, encourage the 123  
preservation and rehabilitation of existing transportation 124  
infrastructure, the expansion of capacity for all modes of public 125  
transportation, the reduction of traffic congestion in urban 126  
areas, the preservation and rehabilitation of airports, the 127  
improvement of rail freight services, the enhancement of safety, 128  
and land use decisions that reflect the requests of local 129  
communities. 130

(B) The policy shall consider all aspects of new construction 131  
planning in a manner allowing the comparison of competing 132  
projects. The director of transportation shall utilize the policy 133  
in regard to all new construction plans and contracts. 134

**Sec. 5502.03.** (A) There is hereby created in the department 135  
of public safety a division of homeland security. ~~It is the intent~~ 136  
~~of the general assembly that the creation of the division of~~ 137  
~~homeland security of the department of public safety by this~~ 138  
~~amendment does not result in an increase of funding appropriated~~ 139  
~~to the department.~~ 140

(B) The division shall do all of the following: 141

(1) Coordinate all homeland security activities of all state 142  
agencies and be the liaison between state agencies and local 143

entities for the purposes of communicating homeland security 144  
funding and policy initiatives; 145

(2) Collect, analyze, maintain, and disseminate information 146  
to support local, state, and federal law enforcement agencies, 147  
other government agencies, and private organizations in detecting, 148  
detering, preventing, preparing for, responding to, and 149  
recovering from threatened or actual terrorist events. This 150  
information is not a public record pursuant to section 149.43 of 151  
the Revised Code. 152

(3) Coordinate efforts of state and local governments and 153  
private organizations to enhance the security and protection of 154  
critical infrastructure and key assets in this state; 155

(4) Develop and coordinate policies, protocols, and 156  
strategies that may be used to prevent, detect, prepare for, 157  
respond to, and recover from terrorist acts or threats; 158

(5) Develop, update, and coordinate the implementation of an 159  
Ohio homeland security strategic plan that will guide state and 160  
local governments in the achievement of homeland security in this 161  
state. 162

(C) The director of public safety shall appoint an executive 163  
director, who shall be head of the division of homeland security 164  
and who regularly shall advise the governor and the director on 165  
matters pertaining to homeland security. The executive director 166  
shall serve at the pleasure of the director of public safety. To 167  
carry out the duties assigned under this section, the executive 168  
director, subject to the direction and control of the director of 169  
public safety, may appoint and maintain necessary staff and may 170  
enter into any necessary agreements. 171

(D) Except as otherwise provided by law, nothing in this 172  
section shall be construed to give the director of public safety 173  
or the executive director of the division of homeland security 174

authority over the incident management structure or 175  
responsibilities of local emergency response personnel. 176

**Sec. 5502.62.** (A) There is hereby created in the department 177  
of public safety a division of criminal justice services. The 178  
director of public safety, with the concurrence of the governor, 179  
shall appoint an executive director of the division of criminal 180  
justice services. The executive director shall be the head of the 181  
division. The executive director shall serve at the pleasure of 182  
the director of public safety. To carry out the duties assigned 183  
under this section and to comply with sections 5502.63 to 5502.66 184  
of the Revised Code, the executive director, subject to the 185  
direction and control of the director of public safety, may 186  
appoint and maintain any necessary staff and may enter into any 187  
necessary contracts and other agreements. The executive director 188  
of the division, and all professional and technical personnel 189  
employed within the division who are not public employees as 190  
defined in section 4117.01 of the Revised Code, shall be in the 191  
unclassified civil service, and all other persons employed within 192  
the division shall be in the classified civil service. 193

(B) Subject to division (F) of this section and subject to 194  
divisions (D) to (F) of section 5120.09 of the Revised Code 195  
insofar as those divisions relate to federal criminal justice acts 196  
that the governor requires the department of rehabilitation and 197  
correction to administer, the division of criminal justice 198  
services shall do all of the following: 199

(1) Serve as the state criminal justice services agency and 200  
perform criminal justice system planning in the state, including 201  
any planning that is required by any federal law; 202

(2) Collect, analyze, and correlate information and data 203  
concerning the criminal justice system in the state; 204

(3) Cooperate with and provide technical assistance to state 205

departments, administrative planning districts, metropolitan	206
county criminal justice services agencies, criminal justice	207
coordinating councils, agencies, offices, and departments of the	208
criminal justice system in the state, and other appropriate	209
organizations and persons;	210
(4) Encourage and assist agencies, offices, and departments	211
of the criminal justice system in the state and other appropriate	212
organizations and persons to solve problems that relate to the	213
duties of the division;	214
(5) Administer within the state any federal criminal justice	215
acts that the governor requires it to administer;	216
(6) Administer funds received under the "Family Violence	217
Prevention and Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A.	218
10401, as amended, with all powers necessary for the adequate	219
administration of those funds, including the authority to	220
establish a family violence prevention and services program;	221
(7) Implement the state comprehensive plans;	222
(8) Audit grant activities of agencies, offices,	223
organizations, and persons that are financed in whole or in part	224
by funds granted through the division;	225
(9) Monitor or evaluate the performance of criminal justice	226
system projects and programs in the state that are financed in	227
whole or in part by funds granted through the division;	228
(10) Apply for, allocate, disburse, and account for grants	229
that are made available pursuant to federal criminal justice acts,	230
or made available from other federal, state, or private sources,	231
to improve the criminal justice system in the state. All money	232
from such federal grants that require that the money be deposited	233
into an interest-bearing fund or account, that are intended to	234
provide funding to local criminal justice programs, and that	235
require that investment earnings be distributed for program	236

purposes shall be deposited in the state treasury to the credit of 237  
the federal justice programs funds, which are hereby created. A 238  
separate fund shall be established each federal fiscal year. All 239  
investment earnings of a federal justice programs fund shall be 240  
credited to that fund and distributed in accordance with the terms 241  
of the grant under which the money is received. If the terms under 242  
which the money is received do not require the money to be 243  
deposited into an interest-bearing fund or account, all money from 244  
such federal grants shall be deposited into the state treasury to 245  
the credit of the federal justice grants fund, which is hereby 246  
created. Money credited to the fund shall be used or distributed 247  
pursuant to the federal grant programs under which the money is 248  
received. 249

(11) Contract with federal, state, and local agencies, 250  
foundations, corporations, businesses, and persons when necessary 251  
to carry out the duties of the division; 252

(12) Oversee the activities of metropolitan county criminal 253  
justice services agencies, administrative planning districts, and 254  
criminal justice coordinating councils in the state; 255

(13) Advise the director of public safety, general assembly, 256  
and governor on legislation and other significant matters that 257  
pertain to the improvement and reform of criminal and juvenile 258  
justice systems in the state; 259

(14) Prepare and recommend legislation to the director of 260  
public safety, general assembly, and governor for the improvement 261  
of the criminal and juvenile justice systems in the state; 262

(15) Assist, advise, and make any reports that are requested 263  
or required by the governor, director of public safety, attorney 264  
general, or general assembly; 265

(16) Develop and maintain the Ohio incident-based reporting 266  
system in accordance with division (C) of this section; 267

(17) Subject to the approval of the director of public safety, adopt rules pursuant to Chapter 119. of the Revised Code;	268 269
(18)(a) Not later than June 1, 2007, and subject to the approval of the director of public safety, adopt rules for the establishment and maintenance of a mcgruff house program by any sponsoring agency. The rules shall include the following:	270 271 272 273
(i) The adoption of the mcgruff house symbol to be used exclusively in all mcgruff house programs in this state;	274 275
(ii) The requirements for any sponsoring agency to establish and maintain a mcgruff house program;	276 277
(iii) The criteria for the selection of volunteers to participate in a mcgruff house program that shall include, but not be limited to, criminal background checks of those volunteers;	278 279 280
(iv) Any other matters that the division of criminal justice services considers necessary for the establishment and maintenance of mcgruff house programs by sponsoring agencies and the participation of volunteers in those programs.	281 282 283 284
(b) The division of criminal justice services shall distribute materials and provide technical assistance to any sponsoring agency that establishes and maintains a mcgruff house program, any volunteer group or organization that provides assistance to that sponsoring agency, or any volunteer who participates in a mcgruff house program.	285 286 287 288 289 290
(C) The division of criminal justice services shall develop and maintain the Ohio incident-based reporting system to facilitate the sharing of information with the federal bureau of investigation and participating law enforcement agencies in Ohio. The Ohio incident-based reporting system shall be known as OIBRS. In connection with OIBRS, the division shall do all of the following:	291 292 293 294 295 296 297

(1) Collect and organize statistical data for reporting to	298
the national incident-based reporting system operated by the	299
federal bureau of investigation for the purpose of securing	300
federal criminal justice grants;	301
(2) Analyze and highlight mapping data for participating law	302
enforcement agencies;	303
(3) Distribute data and analyses to participating law	304
enforcement agencies;	305
(4) Encourage nonparticipating law enforcement agencies to	306
participate in OIBRS by offering demonstrations, training, and	307
technical assistance;	308
(5) Provide assistance, advice, and reports requested by the	309
governor, the general assembly, or the federal bureau of	310
investigation;	311
(6) Require every law enforcement agency that receives	312
federal criminal justice grants or state criminal justice	313
information system general revenue funds through the division to	314
participate in OIBRS or in the uniform crime reporting program of	315
the federal bureau of investigation. An agency that submits OIBRS	316
data to the Ohio local law enforcement information sharing network	317
shall be considered to be in compliance with division (C)(6) of	318
this section if both of the following apply:	319
(a) The Ohio local law enforcement information sharing	320
network is capable of collecting OIBRS data.	321
(b) The division of criminal justice services has the ability	322
to extract the OIBRS data for reporting to the national	323
incident-based reporting system in the manner required by the	324
federal bureau of investigation.	325
(D) Upon the request of the director of public safety or	326
governor, the division of criminal justice services may do any of	327

the following:	328
(1) Collect, analyze, or correlate information and data concerning the juvenile justice system in the state;	329 330
(2) Cooperate with and provide technical assistance to state departments, administrative planning districts, metropolitan county criminal justice service agencies, criminal justice coordinating councils, agency offices, and the departments of the juvenile justice system in the state and other appropriate organizations and persons;	331 332 333 334 335 336
(3) Encourage and assist agencies, offices, and departments of the juvenile justice system in the state and other appropriate organizations and persons to solve problems that relate to the duties of the division.	337 338 339 340
(E) Divisions (B), (C), and (D) of this section do not limit the discretion or authority of the attorney general with respect to crime victim assistance and criminal justice programs.	341 342 343
(F) Nothing in this section is intended to diminish or alter the status of the office of the attorney general as a criminal justice services agency or to diminish or alter the status or discourage the development and use of other law enforcement information systems in Ohio.	344 345 346 347 348
<u>Sec. 5502.67. There is hereby created in the state treasury the justice program services fund. The fund shall consist of all money collected by the division of criminal justice services for nonfederal purposes, including subscription fees for participating in the Ohio incident-based reporting system under division (C) of section 5502.62 of the Revised Code, unless otherwise designated by law. The justice program services fund shall be used to pay costs of administering the operations of the division of criminal justice services.</u>	349 350 351 352 353 354 355 356 357

Sec. 5516.01. As used in sections 5516.01 to 5516.14 of the Revised Code:

(A) "Advertising device" includes any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or any other contrivance designed, intended, or used to advertise or to give information in the nature of advertising, or any part thereof, the advertising or informative contents of which are visible from the main traveled way of any highway on the interstate system or primary system in this state.

(B) "Visible" means capable of being seen and comprehended without visual aid by a person traveling the posted speed limit on the main traveled way of the highway.

(C) "Interstate system" means that portion of the interstate system, or the national highway system, located within this state, ~~as designated by the director of transportation and approved by the secretary of transportation of the United States, pursuant to 23 U.S.C.A. 103(b) and (e).~~

(D) "Erect" means to construct or allow to be constructed, but it shall not include any activity when performed as an incident to the change of advertising message or normal maintenance of a sign or sign structure.

(E) "Maintain" means to preserve, keep in repair, continue, allow to exist, or restore.

(F) "National policy" means the provisions of 23 U.S.C.A. 131 and the national standards, criteria, and rules promulgated pursuant to such provisions.

(G) "Primary system" means ~~that portion of the state highway system or the federal-aid primary system in existence on June 1, 1991, and any highway that is not on such system but that is on the national highway system located within this state as~~

~~designated by the director and approved by the secretary of 388  
transportation of the United States, pursuant to 23 U.S.C.A. 389  
103(b). 390~~

(H) "Zoned commercial or industrial areas" means those 391  
nonagricultural areas which are reserved for business, commerce, 392  
or trade, pursuant to local zoning laws, regulations, or state 393  
laws. 394

(I) "Unzoned commercial or industrial area" means an area not 395  
zoned by state or local law, regulation, or ordinance, in which 396  
there is located one or more commercial or industrial activities. 397  
Such area may also include the lands along the highway for a 398  
distance of eight hundred fifty feet immediately adjacent to such 399  
activities. This distance shall be measured from the buildings, 400  
parking lots, storage or processing areas of the activities, and 401  
along or parallel to the near edge of the main traveled way of the 402  
highway. This distance shall not include land on the opposite side 403  
of the highway from such activities, nor land predominantly used 404  
for residential purposes. An area shall be considered 405  
predominately residential if fifty per cent or more of the eight 406  
hundred and fifty feet immediately adjacent to the activities 407  
contains land used as residential property. Each side of the 408  
highway will be considered separately in applying this definition. 409

(J) "Commercial or industrial activities" means those 410  
activities generally recognized as commercial or industrial by 411  
zoning authorities of this state. The following activities shall 412  
not be considered commercial or industrial: 413

(1) Activities relating to advertising structures; 414

(2) Agricultural, forestry, ranching, grazing, farming, and 415  
related activities, including, but not limited to, activities 416  
relating to wayside fresh produce stands; 417

(3) Transient or temporary activities; 418

(4) Activities not visible from the main traveled way;	419
(5) Activities located more than six hundred sixty feet from the nearest edge of the right-of-way;	420 421
(6) Activities conducted in a building principally used as a residence;	422 423
(7) Activities relating to railroad tracks and minor sidings;	424
(8) Activities relating to highways, roads, and streets.	425
(K) "Directional and official signs and notices" means those signs and notices that are required or authorized by law and conform to the rules for such signs and notices as adopted by the director in accordance with 23 C.F.R. 750.151 to 750.155.	426 427 428 429
(L) "Nonconforming advertising device" means an advertising device that was:	430 431
(1) Lawfully in existence prior to December 7, 1971;	432
(2) Lawfully on any highway made a part of the interstate system or primary highway system on or after December 7, 1971;	433 434
(3) Lawfully erected prior to any revision in the law effective December 7, 1971; or	435 436
(4) Lawfully erected but:	437
(a) No longer in compliance with the provisions of state law enacted or rules adopted at a later date; or	438 439
(b) No longer in compliance with state laws or rules due to changed conditions, including, but not limited to, zoning changes, highway relocation, highway reclassification, or changes in restrictions on sizing, lighting, spacing, or distance of advertising devices.	440 441 442 443 444
Illegally erected or maintained advertising devices are not nonconforming signs.	445 446
(M) "Scenic byway" means any linear transportation corridor	447

as designated or as may hereafter be so designated by the director 448  
under the Ohio scenic byways program as having outstanding scenic 449  
qualities. 450

(N) "Director" means the director of the Ohio department of 451  
transportation. 452

(O) "Commercial or industrial zone" means those areas 453  
established by any state, county, municipal, or other local zoning 454  
authority as being most appropriate for business, commerce, 455  
industry, or trade. Any action taken by a state, county, 456  
municipal, or other local zoning authority that is not part of 457  
comprehensive zoning and is created primarily to permit outdoor 458  
advertising devices shall not be considered a commercial or 459  
industrial zone for purposes of this chapter. 460

(P) "Last permit holder" includes any of the following: 461

(1) The most recent holder of the advertising device permit; 462

(2) A business, cooperative, corporation, enterprise, joint 463  
venture, limited liability company, partnership, sole 464  
proprietorship, or subsidiary, the viability of which is dependant 465  
on its relationship with the most recent holder of the advertising 466  
device permit; 467

(3) Any person or entity that is closely related to or 468  
closely connected with the most recent holder of the advertising 469  
device permit. 470

~~(Q) "Professional sports facility" means all or a portion of 471  
a stadium, arena, motorsports complex, or other facility, 472  
including all parking facilities, walkways, and other auxiliary 473  
facilities that may be used for or in connection with the sports 474  
facility or its operation, the primary purpose of which is to 475  
provide a site or venue for the presentation to the public of 476  
either of the following: 477~~

~~(1) Events of one or more major or minor league professional athletic or sports teams that are associated with the state or with a city or region of the state;~~ 478  
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~~(2) Motorsports events.~~ 481

**Sec. 5516.02.** No advertising device shall be erected or 482  
maintained within six hundred sixty feet of the edge of the 483  
right-of-way of a highway on the interstate system except the 484  
following: 485

(A) Directional and official signs and notices that conform 486  
to rules adopted by the director of transportation; 487

(B) Signs advertising the sale or lease of the property upon 488  
which they are located; 489

(C) Advertising devices indicating the name of the business 490  
or profession conducted on such property or that identify the 491  
goods produced, sold, or services rendered on such property, and 492  
that conform to rules adopted by the director; 493

(D) Advertising devices that are located in commercial or 494  
industrial zones traversed by segments of the interstate system 495  
within the boundaries of a municipal corporation as such 496  
boundaries existed on September 21, 1959, and that conform to 497  
rules adopted by the director; 498

~~(E) Advertising devices that are located on the premises of a professional sports facility and that conform to rules adopted by the director.~~ 499  
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**Sec. 5516.06.** No advertising device shall be erected or 502  
maintained within six hundred sixty feet of the edge of the 503  
right-of-way of a highway on the primary system except the 504  
following: 505

(A) Directional and other official signs and notices that 506

conform to rules adopted by the director of transportation;	507
(B) Signs advertising the sale or lease of the property upon which they are located;	508 509
(C) Advertising devices indicating the name of the business, activities, or profession conducted on such property or that identify the goods produced, sold, or services rendered on such property and that conform to rules adopted by the director;	510 511 512 513
(D) Precautionary signs relating to the premises;	514
(E) Signs, displays, or devices which locate, identify, mark, or warn of the presence of pipe lines, utility lines, or rail lines, and appurtenances thereof, including, but not limited to, markers used in the maintenance, operation, observation, and safety of said lines;	515 516 517 518 519
(F) Advertising devices located in zoned or unzoned industrial or commercial areas adjacent to highways on the primary system that conform to rules adopted by the director;	520 521 522
(G) Signs lawfully in existence on October 22, 1965, that the director, subject to the approval of the secretary of the United States department of transportation, has determined to be landmark signs, including signs on farm structures or natural surfaces, which are of historic or artistic significance;	523 524 525 526 527
<del>(H) Advertising devices that are located on the premises of a professional sports facility and that conform to rules adopted by the director.</del>	528 529 530
<u>Sec. 5531.11. (A) The director of transportation may enter into agreements and cooperate with the secretary of transportation or other appropriate official or agency of the United States as provided by the "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users," 119 Stat. 1144 (2005), 23 U.S.C. 325 to 327, and the "National Environmental</u>	531 532 533 534 535 536

Policy Act of 1969," 83 Stat. 852, 42 U.S.C. 4321 et seq. Pursuant 537  
to such agreements, the director may perform environmental 538  
reviews, consult, make decisions, assume specified 539  
responsibilities of the secretary, and take other necessary 540  
actions required by the agreement and authorized under such 541  
federal laws. The director may adopt rules to implement and 542  
enforce this section. Any expenditure of money by the director in 543  
connection with agreements authorized by this section shall be 544  
payable from funds available to the director. 545

(B) Notwithstanding Chapter 2743. of the Revised Code, in 546  
regard to actions of the department of transportation authorized 547  
by this section, the state hereby waives its immunity from civil 548  
liability and consents to be sued, and have its civil liability 549  
determined, in an appropriate federal court in accordance with the 550  
same rules of law applicable to suits against a federal agency. 551  
This division applies only to actions of the department authorized 552  
by this section and by 23 U.S.C. 325 to 327. 553

**Sec. 5735.05.** (A) To provide revenue for maintaining the 554  
state highway system; to widen existing surfaces on such highways; 555  
to resurface such highways; to pay that portion of the 556  
construction cost of a highway project which a county, township, 557  
or municipal corporation normally would be required to pay, but 558  
which the director of transportation, pursuant to division (B) of 559  
section 5531.08 of the Revised Code, determines instead will be 560  
paid from moneys in the highway operating fund; to enable the 561  
counties of the state properly to plan, maintain, and repair their 562  
roads and to pay principal, interest, and charges on bonds and 563  
other obligations issued pursuant to Chapter 133. of the Revised 564  
Code or incurred pursuant to section 5531.09 of the Revised Code 565  
for highway improvements; to enable the municipal corporations to 566  
plan, construct, reconstruct, repave, widen, maintain, repair, 567

clear, and clean public highways, roads, and streets, and to pay 568  
the principal, interest, and charges on bonds and other 569  
obligations issued pursuant to Chapter 133. of the Revised Code or 570  
incurred pursuant to section 5531.09 of the Revised Code for 571  
highway improvements; to enable the Ohio turnpike commission to 572  
construct, reconstruct, maintain, and repair turnpike projects; to 573  
maintain and repair bridges and viaducts; to purchase, erect, and 574  
maintain street and traffic signs and markers; to purchase, erect, 575  
and maintain traffic lights and signals; to pay the costs 576  
apportioned to the public under sections 4907.47 and 4907.471 of 577  
the Revised Code and to supplement revenue already available for 578  
such purposes; to pay the costs incurred by the public utilities 579  
commission in administering sections 4907.47 to 4907.476 of the 580  
Revised Code; to distribute equitably among those persons using 581  
the privilege of driving motor vehicles upon such highways and 582  
streets the cost of maintaining and repairing them; to pay the 583  
interest, principal, and charges on highway capital improvements 584  
bonds and other obligations issued pursuant to Section 2m of 585  
Article VIII, Ohio Constitution, and section 151.06 of the Revised 586  
Code; to pay the interest, principal, and charges on highway 587  
obligations issued pursuant to Section 2i of Article VIII, Ohio 588  
Constitution, and sections 5528.30 and 5528.31 of the Revised 589  
Code; to pay the interest, principal, and charges on major new 590  
state infrastructure bonds and other obligations of the state 591  
issued pursuant to Section 13 of Article VIII, Ohio Constitution, 592  
and section 5531.10 of the Revised Code; to provide revenue for 593  
the purposes of sections 1547.71 to 1547.78 of the Revised Code; 594  
and to pay the expenses of the department of taxation incident to 595  
the administration of the motor fuel laws, a motor fuel excise tax 596  
is hereby imposed on all motor fuel dealers upon receipt of motor 597  
fuel within this state at the rate of two cents plus the cents per 598  
gallon rate on each gallon so received, to be computed in the 599  
manner set forth in section 5735.06 of the Revised Code; provided 600

that no tax is hereby imposed upon the following transactions: 601

(1) The sale of dyed diesel fuel by a licensed motor fuel 602  
dealer from a location other than a retail service station 603  
provided the licensed motor fuel dealer places on the face of the 604  
delivery document or invoice, or both if both are used, a 605  
conspicuous notice stating that the fuel is dyed and is not for 606  
taxable use, and that taxable use of that fuel is subject to a 607  
penalty. The tax commissioner, by rule, may provide that any 608  
notice conforming to rules or regulations issued by the United 609  
States department of the treasury or the Internal Revenue Service 610  
is sufficient notice for the purposes of division (A)(1) of this 611  
section. 612

(2) The sale of K-1 kerosene to a retail service station, 613  
except when placed directly in the fuel supply tank of a motor 614  
vehicle. Such sale shall be rebuttably presumed to not be 615  
distributed or sold for use or used to generate power for the 616  
operation of motor vehicles upon the public highways or upon the 617  
waters within the boundaries of this state. 618

(3) The sale of motor fuel by a licensed motor fuel dealer to 619  
another licensed motor fuel dealer; 620

(4) The exportation of motor fuel by a licensed motor fuel 621  
dealer from this state to any other state or foreign country; 622

(5) The sale of motor fuel to the United States government or 623  
any of its agencies, except such tax as is permitted by it, where 624  
such sale is evidenced by an exemption certificate, in a form 625  
approved by the tax commissioner, executed by the United States 626  
government or an agency thereof certifying that the motor fuel 627  
therein identified has been purchased for the exclusive use of the 628  
United States government or its agency; 629

(6) The sale of motor fuel that is in the process of 630  
transportation in foreign or interstate commerce, except insofar 631

as it may be taxable under the Constitution and statutes of the 632  
United States, and except as may be agreed upon in writing by the 633  
dealer and the commissioner; 634

(7) The sale of motor fuel when sold exclusively for use in 635  
the operation of aircraft, where such sale is evidenced by an 636  
exemption certificate prescribed by the commissioner and executed 637  
by the purchaser certifying that the motor fuel purchased has been 638  
purchased for exclusive use in the operation of aircraft; 639

(8) The sale for exportation of motor fuel by a licensed 640  
motor fuel dealer to a licensed exporter type A; 641

(9) The sale for exportation of motor fuel by a licensed 642  
motor fuel dealer to a licensed exporter type B, provided that the 643  
destination state motor fuel tax has been paid or will be accrued 644  
and paid by the licensed motor fuel dealer. 645

(10) The sale to a consumer of diesel fuel, by a motor fuel 646  
dealer for delivery from a bulk lot vehicle, for consumption in 647  
operating a vessel when the use of such fuel in a vessel would 648  
otherwise qualify for a refund under section 5735.14 of the 649  
Revised Code. 650

Division (A)(1) of this section does not apply to the sale or 651  
distribution of dyed diesel fuel used to operate a motor vehicle 652  
on the public highways or upon water within the boundaries of this 653  
state by persons permitted under regulations of the United States 654  
department of the treasury or of the Internal Revenue Service to 655  
so use dyed diesel fuel. 656

(B) The two cent motor fuel tax levied by this section is 657  
also for the purpose of paying the expenses of administering and 658  
enforcing the state law relating to the registration and operation 659  
of motor vehicles. 660

(C) After the tax provided for by this section on the receipt 661  
of any motor fuel has been paid by the motor fuel dealer, the 662

motor fuel may thereafter be used, sold, or resold by any person 663  
having lawful title to it, without incurring liability for such 664  
tax. 665

If a licensed motor fuel dealer sells motor fuel received by 666  
the licensed motor fuel dealer to another licensed motor fuel 667  
dealer, the seller may deduct on the report required by section 668  
5735.06 of the Revised Code the number of gallons so sold for the 669  
month within which the motor fuel was sold or delivered. In this 670  
event the number of gallons is deemed to have been received by the 671  
purchaser, who shall report and pay the tax imposed thereon. 672

**Section 101.02.** That existing sections 3705.242, 4511.101, 673  
5501.10, 5502.03, 5502.62, 5516.01, 5516.02, 5516.06, and 5735.05 674  
of the Revised Code are hereby repealed. 675

**Section 201.10.** Except as otherwise provided, all 676  
appropriation items in this act are hereby appropriated out of any 677  
moneys in the state treasury to the credit of the designated fund, 678  
which are not otherwise appropriated. For all appropriations made 679  
in this act, the amounts in the first column are for fiscal year 680  
2008 and the amounts in the second column are for fiscal year 681  
2009. 682

**Section 203.10.** DOT DEPARTMENT OF TRANSPORTATION 683

FUND	TITLE	FY 2008	FY 2009	
	Transportation Planning and Research			684
	Highway Operating Fund Group			685
002 771-411	Planning and Research	\$ 20,724,547	\$ 21,733,301	686
	- State			687
002 771-412	Planning and Research	\$ 29,996,363	\$ 30,264,923	688
	- Federal			689
TOTAL HOF	Highway Operating			689

Fund Group	\$	50,720,910	\$	51,998,224	690
TOTAL ALL BUDGET FUND GROUPS -					691
Transportation Planning					692
and Research	\$	50,720,910	\$	51,998,224	693
Highway Construction					694
Highway Operating Fund Group					695
002 772-421 Highway Construction -	\$	528,722,188	\$	504,184,419	696
State					
002 772-422 Highway Construction -	\$	1,103,979,148	\$	1,086,733,759	697
Federal					
002 772-424 Highway Construction -	\$	106,439,000	\$	100,379,155	698
Other					
002 772-437 GARVEE Debt Service -	\$	10,321,300	\$	19,273,500	699
State					
002 772-438 GARVEE Debt Service -	\$	113,915,900	\$	139,015,000	700
Federal					
212 772-426 Highway Infrastructure	\$	4,303,173	\$	4,018,649	701
Bank - Federal					
212 772-427 Highway Infrastructure	\$	8,268,315	\$	10,209,272	702
Bank - State					
212 772-429 Highway Infrastructure	\$	11,000,000	\$	11,499,999	703
Bank - Local					
212 772-430 Infrastructure Debt	\$	1,500,000	\$	1,500,000	704
Reserve Title 23-49					
213 772-431 Roadway Infrastructure	\$	1,000,000	\$	1,000,000	705
Bank - State					
213 772-432 Roadway Infrastructure	\$	6,000,000	\$	6,000,000	706
Bank - Local					
213 772-433 Infrastructure Debt	\$	2,000,000	\$	2,000,000	707
Reserve - State					
TOTAL HOF Highway Operating					708
Fund Group	\$	1,897,449,024	\$	1,885,813,753	709
Highway Capital Improvement Fund Group					710

042	772-723	Highway Construction -	\$	200,000,000	\$	100,000,000	711
		Bonds					
TOTAL	042	Highway Capital	\$	200,000,000	\$	100,000,000	712
		Improvement Fund Group					
		Infrastructure Bank Obligations Fund Group					713
045	772-428	Highway Infrastructure	\$	450,000,000	\$	400,000,000	714
		Bank - Bonds					
TOTAL	045	Infrastructure Bank					715
		Obligations Fund Group	\$	450,000,000	\$	400,000,000	716
TOTAL ALL BUDGET FUND GROUPS -							717
		Highway Construction	\$	2,547,449,024	\$	2,385,813,753	718
		Highway Maintenance					719
		Highway Operating Fund Group					720
002	773-431	Highway Maintenance -	\$	403,252,901	\$	417,915,187	721
		State					
TOTAL HOF Highway Operating							722
		Fund Group	\$	403,252,901	\$	417,915,187	723
							724
TOTAL ALL BUDGET FUND GROUPS -							725
		Highway Maintenance	\$	403,252,901	\$	417,915,187	726
		Public Transportation					727
		Highway Operating Fund Group					728
002	775-452	Public Transportation	\$	25,471,589	\$	30,391,763	729
		- Federal					
002	775-454	Public Transportation	\$	1,500,000	\$	1,500,000	730
		- Other					
002	775-459	Elderly and Disabled	\$	4,730,000	\$	4,730,000	731
		Special Equipment					
212	775-408	Transit Infrastructure	\$	2,500,000	\$	812,685	732
		Bank - Local					
212	775-455	Title 49	\$	476,485	\$	312,795	733
		Infrastructure Bank -					

	State				
213	775-457	Transit Infrastructure	\$	500,000	\$ 312,082 734
		Bank - State			
213	775-460	Transit Infrastructure	\$	1,000,000	\$ 1,000,000 735
		Bank - Local			
		TOTAL HOF Highway Operating			736
		Fund Group	\$	36,178,074	\$ 39,059,325 737
		TOTAL ALL BUDGET FUND GROUPS -			738
		Public Transportation	\$	36,178,074	\$ 39,059,325 739
		Rail Transportation			740
		Federal Special Revenue Group			741
3B9	776-662	Rail Transportation -	\$	10,000	\$ 10,000 742
		Federal			
		TOTAL FED Federal Special Revenue	\$	10,000	\$ 10,000 743
		Fund Group			
		Highway Operating Fund Group			744
002	776-462	Grade Crossings -	\$	15,000,000	\$ 15,000,000 745
		Federal			
		TOTAL HOF Highway Operating			746
		Fund Group	\$	15,000,000	\$ 15,000,000 747
		State Special Revenue Fund Group			748
4N4	776-663	Panhandle Lease	\$	762,500	\$ 763,700 749
		Reserve Payments			
4N4	776-664	Rail Transportation -	\$	2,111,500	\$ 2,111,500 750
		Other			
		TOTAL SSR State Special Revenue	\$	2,874,000	\$ 2,875,200 751
		Fund Group			
		TOTAL ALL BUDGET FUND GROUPS -			752
		Rail Transportation	\$	17,884,000	\$ 17,885,200 753
		Aviation			754
		State Special Revenue Fund Group			755
5W9	777-615	County Airport	\$	570,000	\$ 570,000 756

Maintenance			
TOTAL SSR State Special Revenue	\$	570,000	\$ 570,000 757
Fund Group			
Highway Operating Fund Group			758
002 777-472 Airport Improvements -	\$	405,000	\$ 405,000 759
Federal			
002 777-475 Aviation	\$	5,210,000	\$ 5,358,100 760
Administration			
213 777-477 Aviation	\$	2,000,000	\$ 3,500,000 761
Infrastructure Bank - State			
213 777-478 Aviation	\$	5,996,118	\$ 6,000,000 762
Infrastructure Bank - Local			
TOTAL HOF Highway Operating			763
Fund Group	\$	14,181,118	\$ 15,263,100 764
TOTAL ALL BUDGET FUND GROUPS -			765
Aviation	\$	14,751,118	\$ 15,833,100 766
Administration			
Highway Operating Fund Group			767
002 779-491 Administration - State	\$	120,262,864	\$ 122,601,493 768
TOTAL HOF Highway Operating			769
Fund Group	\$	120,262,864	\$ 122,601,493 770
TOTAL ALL BUDGET FUND GROUPS -			771
Administration	\$	120,262,864	\$ 122,601,493 772
Debt Service			
Highway Operating Fund Group			773
002 770-003 Administration - State	\$	10,555,300	\$ 3,614,700 774
- Debt Service			
TOTAL HOF Highway Operating			775
Fund Group	\$	10,555,300	\$ 3,614,700 776
TOTAL ALL BUDGET FUND GROUPS -			777

Debt Service	\$ 10,555,300	\$ 3,614,700	780
TOTAL Department of Transportation			781
TOTAL FED Federal Special Revenue	\$ 10,000	\$ 10,000	782
Fund Group			
TOTAL HOF Highway Operating			783
Fund Group	\$ 2,547,030,191	\$ 2,551,265,782	784
TOTAL 042 Highway Capital			785
Improvement Fund Group	\$ 200,000,000	\$ 100,000,000	786
TOTAL 045 Infrastructure Bank			787
Obligations Fund Group	\$ 450,000,000	\$ 400,000,000	788
TOTAL SSR State Special Revenue	\$ 3,444,000	\$ 3,445,200	789
Fund Group			
TOTAL ALL BUDGET FUND GROUPS	\$ 3,200,484,191	\$ 3,054,720,982	790

**Section 203.20. ISSUANCE OF BONDS** 792

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 \$290,000,000 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 \$1,200,000,000 811  
original principal amount of such obligations are outstanding at 812  
any one time. 813

**Section 203.30. MAINTENANCE INTERSTATE HIGHWAYS** 814

The Director of Transportation may remove snow and ice and 815  
maintain, repair, improve, or provide lighting upon interstate 816  
highways that are located within the boundaries of municipal 817  
corporations, adequate to meet the requirements of federal law. 818  
When agreed in writing by the Director of Transportation and the 819  
legislative authority of a municipal corporation and 820  
notwithstanding sections 125.01 and 125.11 of the Revised Code, 821  
the Department of Transportation may reimburse a municipal 822  
corporation for all or any part of the costs, as provided by such 823  
agreement, incurred by the municipal corporation in maintaining, 824  
repairing, lighting, and removing snow and ice from the interstate 825  
system. 826

**Section 203.40. TRANSFER OF FUND 002 APPROPRIATIONS: PLANNING** 827  
**AND RESEARCH, HIGHWAY CONSTRUCTION, HIGHWAY MAINTENANCE, RAIL,** 828  
**AVIATION, AND ADMINISTRATION** 829

The Director of Budget and Management may approve requests 830  
from the Department of Transportation for transfer of Fund 002 831  
appropriations for highway planning and research (appropriation 832  
items 771-411 and 771-412), highway construction (appropriation 833  
items 772-421, 772-422, 772-424, 772-437, and 772-438), highway 834  
maintenance (appropriation item 773-431), rail grade crossings 835  
(appropriation item 776-462), aviation (appropriation item 836  
777-475), and administration (appropriation item 779-491). The 837  
Director may not make transfers out of debt service appropriation 838  
items unless the Director determines that the appropriated amounts 839  
exceed the actual and projected debt service requirements. 840

Transfers of appropriations may be made upon the written request 841  
of the Director of Transportation and with the approval of the 842  
Director of Budget and Management. The transfers shall be reported 843  
to the Controlling Board at the next regularly scheduled meeting 844  
of the board. 845

This transfer authority is intended to provide for emergency 846  
situations and flexibility to meet unforeseen conditions that 847  
could arise during the budget period. It also is intended to allow 848  
the department to optimize the use of available resources and 849  
adjust to circumstances affecting the obligation and expenditure 850  
of federal funds. 851

TRANSFER OF APPROPRIATIONS: FEDERAL HIGHWAY AND FEDERAL 852  
TRANSIT 853

The Director of Budget and Management may approve written 854  
requests from the Director of Transportation for the transfer of 855  
appropriations between appropriation items 772-422, Highway 856  
Construction - Federal, and 775-452, Public Transportation - 857  
Federal, based upon transit capital projects meeting Federal 858  
Highway Administration and Federal Transit Administration funding 859  
guidelines. The transfers shall be reported to the Controlling 860  
Board at its next regularly scheduled meeting. 861

TRANSFER OF APPROPRIATIONS: STATE INFRASTRUCTURE BANK 862

The Director of Budget and Management may approve requests 863  
from the Department of Transportation for transfer of 864  
appropriations and cash of the Infrastructure Bank funds created 865  
in section 5531.09 of the Revised Code, including transfers 866  
between fiscal years 2008 and 2009. The transfers shall be 867  
reported to the Controlling Board at its next regularly scheduled 868  
meeting. 869

The Director of Budget and Management may approve requests 870

from the Department of Transportation for transfer of 871  
appropriations and cash from the Highway Operating Fund (Fund 002) 872  
to the Infrastructure Bank funds created in section 5531.09 of the 873  
Revised Code. The Director of Budget and Management may transfer 874  
from the Infrastructure Bank funds to the Highway Operating Fund 875  
up to the amounts originally transferred to the Infrastructure 876  
Bank funds under this section. However, the director may not make 877  
transfers between modes and transfers between different funding 878  
sources. The transfers shall be reported to the Controlling Board 879  
at its next regularly scheduled meeting. 880

INCREASE APPROPRIATION AUTHORITY: STATE FUNDS 881

In the event that receipts or unexpended balances credited to 882  
the Highway Operating Fund exceed the estimates upon which the 883  
appropriations have been made in this act, upon the request of the 884  
Director of Transportation, the Controlling Board may increase 885  
appropriation authority in the manner prescribed in section 131.35 886  
of the Revised Code. 887

INCREASE APPROPRIATION AUTHORITY: FEDERAL AND LOCAL FUNDS 888

In the event that receipts or unexpended balances credited to 889  
the Highway Operating Fund or apportionments or allocations made 890  
available from the federal and local government exceed the 891  
estimates upon which the appropriations have been made in this 892  
act, upon the request of the Director of Transportation, the 893  
Controlling Board may increase appropriation authority in the 894  
manner prescribed in section 131.35 of the Revised Code. 895

REAPPROPRIATIONS 896

Upon approval of the Director of Budget and Management, all 897  
appropriations of the Highway Operating Fund (Fund 002), the 898  
Highway Capital Improvement Fund (Fund 042), and the 899  
Infrastructure Bank funds created in section 5531.09 of the 900

Revised Code remaining unencumbered on June 30, 2007, are hereby 901  
reappropriated for the same purpose in fiscal year 2008. 902

Upon approval of the Director of Budget and Management, all 903  
appropriations of the Highway Operating Fund (Fund 002), the 904  
Highway Capital Improvement Fund (Fund 042), and the 905  
Infrastructure Bank funds created in section 5531.09 of the 906  
Revised Code remaining unencumbered on June 30, 2008, are hereby 907  
reappropriated for the same purpose in fiscal year 2009. 908

Any balances of prior years' appropriations to the Highway 909  
Operating Fund (Fund 002), the Highway Capital Improvement Fund 910  
(Fund 042), and the Infrastructure Bank funds created in section 911  
5531.09 of the Revised Code that are unencumbered on June 30, 912  
2007, subject to the availability of revenue as determined by the 913  
Director of Transportation, are hereby reappropriated for the same 914  
purpose in fiscal year 2008 upon the request of the Director of 915  
Transportation and with the approval of the Director of Budget and 916  
Management. The reappropriations shall be reported to the 917  
Controlling Board. 918

Any balances of prior years' appropriations to the Highway 919  
Operating Fund (Fund 002), the Highway Capital Improvement Fund 920  
(Fund 042), and the Infrastructure Bank funds created in section 921  
5531.09 of the Revised Code that are unencumbered on June 30, 922  
2008, subject to the availability of revenue as determined by the 923  
Director of Transportation, are hereby reappropriated for the same 924  
purpose in fiscal year 2009 upon the request of the Director of 925  
Transportation and with the approval of the Director of Budget and 926  
Management. The reappropriations shall be reported to the 927  
Controlling Board. 928

**Section 203.50. PUBLIC ACCESS ROADS FOR STATE FACILITIES** 929

Of the foregoing appropriation item 772-421, Highway 930

Construction - State, \$5,000,000 shall be used in each fiscal year 931  
during the fiscal year 2008-2009 biennium by the Department of 932  
Transportation for the construction, reconstruction, or 933  
maintenance of public access roads, including support features, to 934  
and within state facilities owned or operated by the Department of 935  
Natural Resources. 936

Notwithstanding section 5511.06 of the Revised Code, of the 937  
foregoing appropriation item 772-421, Highway Construction - 938  
State, \$2,228,000 in each fiscal year of the fiscal year 2008-2009 939  
biennium shall be used by the Department of Transportation for the 940  
construction, reconstruction, or maintenance of park drives or 941  
park roads within the boundaries of metropolitan parks. 942

Included in the foregoing appropriation item 772-421, Highway 943  
Construction - State, the department may perform related road work 944  
on behalf of the Ohio Expositions Commission at the state 945  
fairgrounds, including reconstruction or maintenance of public 946  
access roads and support features, to and within fairground 947  
facilities as requested by the commission and approved by the 948  
Director of Transportation. 949

LIQUIDATION OF UNFORESEEN LIABILITIES 950

Any appropriation made to the Department of Transportation, 951  
Highway Operating Fund, not otherwise restricted by law, is 952  
available to liquidate unforeseen liabilities arising from 953  
contractual agreements of prior years when the prior year 954  
encumbrance is insufficient. 955

**Section 203.60. RENTAL PAYMENTS - OBA** 957

The foregoing appropriation item 770-003, Administration - 958  
State - Debt Service, shall be used to pay rent to the Ohio 959  
Building Authority for the period July 1, 2007, to June 30, 2009, 960  
under the primary leases and agreements for various transportation 961

related capital facilities financed by obligations issued under 962  
Chapter 152. of the Revised Code. The rental payments shall be 963  
made from revenues received from the motor vehicle fuel tax. The 964  
amounts of any bonds and notes to finance such capital facilities 965  
shall be at the request of the Director of Transportation. 966  
Notwithstanding section 152.24 of the Revised Code, the Ohio 967  
Building Authority may, with approval of the Office of Budget and 968  
Management, lease capital facilities to the Department of 969  
Transportation. 970

The Director of Transportation shall hold title to any land 971  
purchased and any resulting structures that are attributable to 972  
appropriation item 770-003. Notwithstanding section 152.18 of the 973  
Revised Code, the Director of Transportation shall administer any 974  
purchase of land and any contract for construction, 975  
reconstruction, and rehabilitation of facilities as a result of 976  
this appropriation. 977

Should the appropriation and any reappropriations from prior 978  
years in appropriation item 770-003 exceed the rental payments for 979  
fiscal year 2008 or 2009, then prior to June 30, 2009, the balance 980  
may be transferred to appropriation item 772-421, Highway 981  
Construction - State, 773-431, Highway Maintenance - State, or 982  
779-491, Administration - State, upon the written request of the 983  
Director of Transportation and with the approval of the Director 984  
of Budget and Management. The transfer shall be reported to the 985  
Controlling Board at its next regularly scheduled meeting. 986

**Section 203.70. PUBLIC TRANSPORTATION HIGHWAY PURPOSE GRANTS** 987

The Director of Transportation may use revenues from the 988  
state motor vehicle fuel tax to match approved federal grants 989  
awarded to the Department of Transportation, regional transit 990  
authorities, or eligible public transportation systems, for public 991  
transportation highway purposes, or to support local or state 992

funded projects for public transportation highway purposes. Public 993  
transportation highway purposes include: the construction or 994  
repair of high-occupancy vehicle traffic lanes, the acquisition or 995  
construction of park-and-ride facilities, the acquisition or 996  
construction of public transportation vehicle loops, the 997  
construction or repair of bridges used by public transportation 998  
vehicles or that are the responsibility of a regional transit 999  
authority or other public transportation system, or other similar 1000  
construction that is designated as an eligible public 1001  
transportation highway purpose. Motor vehicle fuel tax revenues 1002  
may not be used for operating assistance or for the purchase of 1003  
vehicles, equipment, or maintenance facilities. 1004

MONTHLY TRANSFERS TO GASOLINE EXCISE TAX FUND 1005

The Director of Budget and Management shall transfer cash in 1006  
equal monthly increments totaling \$188,169,480 in each fiscal year 1007  
of the 2008-2009 biennium from the Highway Operating Fund, created 1008  
in section 5735.291 of the Revised Code, to the Gasoline Excise 1009  
Tax Fund created in division (A) of section 5735.27 of the Revised 1010  
Code. The monthly amounts transferred under this section shall be 1011  
distributed as follows: 42.86 per cent shall be distributed among 1012  
the municipal corporations within the state under division (A)(2) 1013  
of section 5735.27 of the Revised Code; 37.14 per cent shall be 1014  
distributed among the counties within the state under division 1015  
(A)(3) of section 5735.27 of the Revised Code; and 20 per cent 1016  
shall be distributed among the townships within the state under 1017  
division (A)(5)(b) of section 5735.27 of the Revised Code. 1018

**Section 205.10.** DHS DEPARTMENT OF PUBLIC SAFETY 1019

Highway Safety Information and Education 1020

State Highway Safety Fund Group 1021

036 761-321 Operating Expense - \$ 3,645,598 \$ 3,645,598 1022

Information and

		Education					
036	761-402	Traffic Safety Match	\$	277,137	\$	277,137	1023
83N	761-611	Elementary School Seat	\$	375,000	\$	375,000	1024
		Belt Program					
831	761-610	Information and	\$	468,982	\$	468,982	1025
		Education - Federal					
832	761-612	Traffic Safety-Federal	\$	16,577,565	\$	16,577,565	1026
844	761-613	Seat Belt Education	\$	395,700	\$	411,528	1027
		Program					
846	761-625	Motorcycle Safety	\$	3,698,084	\$	4,010,865	1028
		Education					
		TOTAL HSF State Highway Safety					1029
		Fund Group	\$	25,438,066	\$	25,766,675	1030
		Agency Fund Group					1031
5J9	761-678	Federal Salvage/GSA	\$	1,500,000	\$	1,500,000	1032
		TOTAL AGY Agency	\$	1,500,000	\$	1,500,000	1033
		TOTAL ALL BUDGET FUND GROUPS -					1034
		Highway Safety Information					1035
		and Education	\$	26,938,066	\$	27,266,675	1036
		FEDERAL HIGHWAY SAFETY PROGRAM MATCH					1037
		The foregoing appropriation item 761-402, Traffic Safety					1038
		Match, shall be used to provide the nonfederal portion of the					1039
		federal Highway Safety Program. Upon request by the Director of					1040
		Public Safety and approval by the Director of Budget and					1041
		Management, appropriation item 761-402 shall be used to transfer					1042
		cash from the Highway Safety Fund to the Traffic Safety - Federal					1043
		Fund (Fund 832) at the beginning of each fiscal year on an					1044
		intrastate transfer voucher.					1045
		<b>Section 207.10. BUREAU OF MOTOR VEHICLES</b>					1046
		State Special Revenue Fund Group					1047
539	762-614	Motor Vehicle Dealers	\$	200,000	\$	200,000	1048

Board				
TOTAL SSR State Special Revenue				1049
Fund Group	\$	200,000	\$ 200,000	1050
State Highway Safety Fund Group				1051
4W4 762-321 Operating Expense-BMV	\$	90,394,299	\$ 85,145,103	1052
4W4 762-410 Registrations	\$	32,480,610	\$ 32,480,610	1053
Supplement				
5V1 762-682 License Plate	\$	2,100,000	\$ 2,100,000	1054
Contributions				
83R 762-639 Local Immobilization	\$	750,000	\$ 750,000	1055
Reimbursement				
835 762-616 Financial	\$	5,843,830	\$ 6,063,600	1056
Responsibility				
Compliance				
849 762-627 Automated Title	\$	23,487,248	\$ 19,240,839	1057
Processing Board				
TOTAL HSF State Highway Safety				1058
Fund Group	\$	155,055,987	\$ 145,780,152	1059
TOTAL ALL BUDGET FUND GROUPS -				1060
Bureau of Motor Vehicles	\$	155,255,987	\$ 145,980,152	1061
MOTOR VEHICLE REGISTRATION				1062
The Registrar of Motor Vehicles may deposit revenues to meet				1063
the cash needs of the State Bureau of Motor Vehicles Fund (Fund				1064
4W4) established in section 4501.25 of the Revised Code, obtained				1065
under sections 4503.02 and 4504.02 of the Revised Code, less all				1066
other available cash. Revenue deposited pursuant to this section				1067
shall support, in part, appropriations for operating expenses and				1068
defray the cost of manufacturing and distributing license plates				1069
and license plate stickers and enforcing the law relative to the				1070
operation and registration of motor vehicles. Notwithstanding				1071
section 4501.03 of the Revised Code, the revenues shall be paid				1072
into the State Bureau of Motor Vehicles Fund before any revenues				1073

obtained pursuant to sections 4503.02 and 4504.02 of the Revised Code are paid into any other fund. The deposit of revenues to meet the aforementioned cash needs shall be in approximate equal amounts on a monthly basis or as otherwise determined by the Director of Budget and Management pursuant to a plan submitted by the Registrar of Motor Vehicles.

CAPITAL PROJECTS

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

**Section 209.10.** ENFORCEMENT

State Highway Safety Fund Group				1087	
036 764-033 Minor Capital Projects	\$	1,250,000	\$	1,250,000	1088
036 764-321 Operating Expense - Highway Patrol	\$	253,967,276	\$	267,539,597	1089
036 764-605 Motor Carrier Enforcement Expenses	\$	3,061,817	\$	3,340,468	1090
83C 764-630 Contraband, Forfeiture, Other	\$	622,894	\$	622,894	1091
83F 764-657 Law Enforcement Automated Data System	\$	7,945,555	\$	8,275,898	1092
83G 764-633 OMVI Enforcement/Education	\$	650,000	\$	650,000	1093
83J 764-693 Highway Patrol Justice Contraband	\$	2,100,000	\$	2,100,000	1094
83T 764-694 Highway Patrol Treasury Contraband	\$	21,000	\$	21,000	1095
831 764-610 Patrol - Federal	\$	2,455,484	\$	2,455,484	1096
831 764-659 Transportation	\$	5,665,690	\$	6,132,592	1097

	Enforcement - Federal				
831 769-631	Homeland Security -	\$	1,500,000	\$	1,552,500
	Federal				1098
837 764-602	Turnpike Policing	\$	10,893,146	\$	11,553,959
838 764-606	Patrol Reimbursement	\$	175,000	\$	175,000
840 764-607	State Fair Security	\$	1,396,283	\$	1,396,283
840 764-617	Security and	\$	6,231,916	\$	6,155,385
	Investigations				
840 764-626	State Fairgrounds	\$	788,375	\$	788,375
	Police Force				
840 769-632	Homeland Security -	\$	1,913,276	\$	1,989,807
	Operating				1104
841 764-603	Salvage and Exchange -	\$	1,339,399	\$	1,339,399
	Highway Patrol				1105
TOTAL HSF	State Highway Safety				1106
Fund Group		\$	301,977,111	\$	317,338,641
					1107
General Services	Fund Group				1108
4S2 764-660	MARCS Maintenance	\$	335,862	\$	389,149
TOTAL GSF	General Services				1109
Fund Group		\$	335,862	\$	389,149
					1110
TOTAL ALL BUDGET	FUND GROUPS -				1111
Enforcement		\$	302,312,973	\$	317,727,790
					1112
	COLLECTIVE BARGAINING INCREASES				1113
	Notwithstanding division (D) of section 127.14 and division				1114
	(B) of section 131.35 of the Revised Code, except for the General				1115
	Revenue Fund, the Controlling Board may, upon the request of				1116
	either the Director of Budget and Management, or the Department of				1117
	Public Safety with the approval of the Director of Budget and				1118
	Management, increase appropriations for any fund, as necessary for				1119
	the Department of Public Safety, to assist in paying the costs of				1120
	increases in employee compensation that have occurred pursuant to				1121
	collective bargaining agreements under Chapter 4117. of the				1122
					1123

Revised Code and, for exempt employees, under section 124.152 of 1124  
the Revised Code. 1125

TRAFFIC SAFETY OPERATING FUND 1126

On July 1, 2007, or as soon thereafter as possible, the 1127  
Director of Budget and Management shall transfer the cash balance 1128  
in the Traffic Safety Operating Fund (Fund 5AY) to the Highway 1129  
Safety Fund (Fund 036). The Director of Budget and Management 1130  
shall cancel any existing encumbrances against appropriation item 1131  
764-688, Traffic Safety Operating, and re-establish them against 1132  
appropriation item 764-321, Operating Expense - Highway Patrol. 1133  
The amounts of the re-established encumbrances are hereby 1134  
appropriated. Upon completion of these transfers, the Traffic 1135  
Safety Operating Fund (Fund 5AY) is hereby abolished. 1136

CASH TRANSFER TO THE STATE HIGHWAY SAFETY FUND 1137

Effective July 1, 2007, the Treasurer of State, prior to 1138  
making any of the distributions listed in sections 5735.23, 1139  
5735.26, 5735.291, and 5735.30 of the Revised Code, shall deposit 1140  
the first \$1,600,000 received each month to the credit of the 1141  
State Highway Safety Fund (Fund 036). 1142

**Section 211.10. EMERGENCY MEDICAL SERVICES** 1143

State Highway Safety Fund Group 1144

83M 765-624 Operating Expenses - \$ 2,587,627 \$ 2,587,627 1145

Trauma and EMS

83P 765-637 Trauma and EMS \$ 4,429,290 \$ 4,562,912 1146

831 765-610 EMS/Federal \$ 582,007 \$ 582,007 1147

TOTAL HSF State Highway Safety 1148

Fund Group \$ 7,598,924 \$ 7,732,546 1149

TOTAL ALL BUDGET FUND GROUPS - 1150

Emergency Medical Services \$ 7,598,924 \$ 7,732,546 1151

CASH TRANSFERS OF SEAT BELT FINE REVENUES 1152

Notwithstanding any other provision of law to the contrary, 1153  
the Controlling Board, upon request of the Director of Public 1154  
Safety, may approve the transfer of cash between the following 1155  
four funds that receive fine revenues from enforcement of the 1156  
mandatory seat belt law: the Trauma and Emergency Medical Services 1157  
Fund (Fund 83M), the Elementary School Program Fund (Fund 83N), 1158  
the Trauma and Emergency Medical Services Grants Fund (Fund 83P), 1159  
and the Seat Belt Education Fund (Fund 844). 1160

**Section 213.10. INVESTIGATIVE UNIT** 1161

State Highway Safety Fund Group 1162

831 767-610 Liquor Enforcement - \$ 514,184 \$ 514,184 1163  
Federal

831 769-610 Food Stamp Trafficking \$ 1,032,135 \$ 1,032,135 1164  
Enforcement - Federal

TOTAL HSF State Highway Safety 1165  
Fund Group \$ 1,546,319 \$ 1,546,319 1166

Liquor Control Fund Group 1167

043 767-321 Liquor Enforcement - \$ 11,435,527 \$ 11,546,052 1168  
Operations

TOTAL LCF Liquor Control Fund 1169  
Group \$ 11,435,527 \$ 11,546,052 1170

State Special Revenue Fund Group 1171

5B9 766-632 Private Investigator \$ 1,288,730 \$ 1,289,883 1172  
and Security Guard  
Provider

5CM 767-691 Federal Investigative \$ 642,175 \$ 642,175 1173  
Seizure

622 767-615 Investigative \$ 375,000 \$ 375,000 1174  
Contraband and  
Forfeiture

850 767-628 Investigative Unit \$ 100,000 \$ 100,000 1175

Salvage				
TOTAL SSR State Special Revenue				1176
Fund Group	\$	2,405,905	\$ 2,407,058	1177
TOTAL ALL BUDGET FUND GROUPS -				1178
Special Enforcement	\$	15,387,750	\$ 15,499,429	1179
LEASE RENTAL PAYMENTS FOR CAP-076, INVESTIGATIVE UNIT MARCS				1180
EQUIPMENT				1181
The Director of Public Safety, using intrastate transfer				1182
vouchers, shall make cash transfers to the State Highway Safety				1183
Fund (Fund 036) from other funds to reimburse the State Highway				1184
Safety Fund for the share of lease rental payments to the Ohio				1185
Building Authority that are associated with appropriation item				1186
CAP-076, Investigative Unit MARCS Equipment.				1187
<b>Section 215.10. EMERGENCY MANAGEMENT</b>				1188
Federal Special Revenue Fund Group				1189
3N5 763-644 U.S. Department of	\$	175,000	\$ 175,000	1190
Energy Agreement				
329 763-645 Individual Household	\$	13,831,920	\$ 13,848,251	1191
Grants - Fed				
337 763-609 Federal Disaster	\$	27,700,200	\$ 27,707,636	1192
Relief				
339 763-647 Emergency Management	\$	85,121,692	\$ 85,265,885	1193
Assistance and				
Training				
TOTAL FED Federal Special				1194
Revenue Fund Group	\$	126,828,812	\$ 126,996,772	1195
State Special Revenue Fund Group				1196
4V3 763-662 EMA Service and	\$	650,000	\$ 650,000	1197
Reimbursement				
657 763-652 Utility Radiological	\$	1,260,000	\$ 1,260,000	1198
Safety				

681 763-653 SARA Title III HAZMAT	\$	271,510	\$	271,510	1199
Planning					
TOTAL SSR State Special Revenue					1200
Fund Group	\$	2,181,510	\$	2,181,510	1201
TOTAL ALL BUDGET FUND GROUPS -					1202
Emergency Management	\$	129,010,322	\$	128,814,272	1203
STATE DISASTER RELIEF					1204
The appropriation item 763-601, State Disaster Relief (Fund					1205
533), may accept transfers of cash and appropriations from					1206
Controlling Board appropriation items for Ohio Emergency					1207
Management Agency disaster response costs and disaster program					1208
management costs, and may also be used for the following purposes:					1209
(A) To accept transfers of cash and appropriations from					1210
Controlling Board appropriation items for Ohio Emergency					1211
Management Agency public assistance and mitigation program match					1212
costs to reimburse eligible local governments and private					1213
nonprofit organizations for costs related to disasters;					1214
(B) To accept and transfer cash to reimburse the costs					1215
associated with Emergency Management Assistance Compact (EMAC)					1216
deployments;					1217
(C) To accept disaster related reimbursement from federal,					1218
state, and local governments. The Director of Budget and					1219
Management may transfer cash from reimbursements received by this					1220
fund to other funds of the state from which transfers were					1221
originally approved by the Controlling Board.					1222
(D) To accept transfers of cash and appropriations from					1223
Controlling Board appropriation items to fund the State Disaster					1224
Relief Program, for disasters that have been declared by the					1225
Governor, and the State Individual Assistance Program for					1226
disasters that have been declared by the Governor and the federal					1227
Small Business Administration. The Ohio Emergency Management					1228

Agency shall publish and make available application packets	1229
outlining procedures for the State Disaster Relief Program and the	1230
State Individual Assistance Program.	1231
 SARA TITLE III HAZMAT PLANNING	1232
 The SARA Title III HAZMAT Planning Fund (Fund 681) is	1233
entitled to receive grant funds from the Emergency Response	1234
Commission to implement the Emergency Management Agency's	1235
responsibilities under Chapter 3750. of the Revised Code.	1236
 <b>Section 217.10. CRIMINAL JUSTICE SERVICES</b>	1237
 General Services Fund Group	1238
4P6 768-601 Justice Program \$ 100,000 \$ 100,000	1239
Services	
TOTAL GSF General Services Fund \$ 100,000 \$ 100,000	1240
Group	
 Federal Special Revenue Fund Group	1241
3AY 768-606 Federal Justice Grants \$ 13,019,284 \$ 13,060,000	1242
3L5 768-604 Justice Program \$ 11,880,083 \$ 12,056,300	1243
TOTAL FED Federal Special Revenue \$ 24,899,367 \$ 25,116,300	1244
Fund Group	
 State Special Revenue Fund Group	1245
5BK 768-687 Criminal Justice \$ 400,000 \$ 400,000	1246
Services Operating	
5BK 768-689 Family Violence \$ 750,000 \$ 750,000	1247
Shelter Programs	
TOTAL SSR Special Revenue Fund \$ 1,150,000 \$ 1,150,000	1248
Group	
TOTAL ALL BUDGET FUND GROUPS - \$ 26,149,367 \$ 26,366,300	1249
Criminal Justice Services	
 TRANSFER OF THE OFFICE OF CRIMINAL JUSTICE SERVICES TO THE	1250
DEPARTMENT OF PUBLIC SAFETY	1251

Business commenced but not completed by the Office of 1252  
Criminal Justice Services on July 1, 2005, shall be completed by 1253  
the Division of Criminal Justice Services, in the same manner, and 1254  
with the same effect, as if completed by the Office of Criminal 1255  
Justice Services. No validation, cure, right, privilege, remedy, 1256  
obligation, or liability is lost or impaired by reason of the 1257  
transfer required by this section but shall be administered by the 1258  
Division of Criminal Justice Services. 1259

FUND CLARIFICATIONS 1260

The fund created by the amendment in this act to section 1261  
5502.62 of the Revised Code is the same fund, with a new name, as 1262  
the Justice Programs Fund (Fund 3L5). The fund created by section 1263  
5502.67 of the Revised Code is the same fund, with a new name, as 1264  
the General Services Fund (Fund 4P6). 1265

**Section 219.10. ADMINISTRATION** 1266

State Highway Safety Fund Group 1267

036 766-321 Operating Expense - \$ 4,461,836 \$ 4,461,836 1268

Administration

830 761-603 Salvage and Exchange - \$ 20,000 \$ 20,000 1269

Administration

TOTAL HSF State Highway Safety 1270

Fund Group \$ 4,481,836 \$ 4,481,836 1271

General Services Fund Group 1272

4S3 766-661 Hilltop Utility \$ 500,000 \$ 500,000 1273

Reimbursement

TOTAL GSF General Services 1274

Fund Group \$ 500,000 \$ 500,000 1275

TOTAL ALL BUDGET FUND GROUPS - 1276

Administration \$ 4,981,836 \$ 4,981,836 1277

**Section 221.10. DEBT SERVICE** 1279

State Highway Safety Fund Group				1280	
036 761-401 Lease Rental Payments	\$	13,929,500	\$	14,017,100	1281
TOTAL HSF State Highway Safety				1282	
Fund Group	\$	13,929,500	\$	14,017,100	1283
TOTAL ALL BUDGET FUND GROUPS -				1284	
Debt Service	\$	13,929,500	\$	14,017,100	1285
OBA BOND AUTHORITY/LEASE RENTAL PAYMENTS				1286	
The foregoing appropriation item 761-401, Lease Rental				1287	
Payments, shall be used for payments to the Ohio Building				1288	
Authority for the period July 1, 2007, to June 30, 2009, under the				1289	
primary leases and agreements for public safety related buildings				1290	
financed by obligations issued under Chapter 152. of the Revised				1291	
Code. Notwithstanding section 152.24 of the Revised Code, the Ohio				1292	
Building Authority may, with approval of the Director of Budget				1293	
and Management, lease capital facilities to the Department of				1294	
Public Safety.				1295	
HILLTOP TRANSFER				1296	
The Director of Public Safety shall determine, per an				1297	
agreement with the Director of Transportation, the share of each				1298	
debt service payment made out of appropriation item 761-401, Lease				1299	
Rental Payments, that relates to the Department of				1300	
Transportation's portion of the Hilltop Building Project, and				1301	
shall certify to the Director of Budget and Management the amounts				1302	
of this share. The Director of Budget and Management shall				1303	
transfer the amounts of such shares from the Highway Operating				1304	
Fund (Fund 002) to the Highway Safety Fund (Fund 036).				1305	
<b>Section 223.10. REVENUE DISTRIBUTION</b>				1306	
Holding Account Redistribution Fund Group				1307	
R24 762-619 Unidentified Motor	\$	1,885,000	\$	1,885,000	1308
Vehicle Receipts					

R52 762-623 Security Deposits	\$	350,000	\$	350,000	1309
TOTAL 090 Holding Account					1310
Redistribution Fund Group	\$	2,235,000	\$	2,235,000	1311
TOTAL ALL BUDGET FUND GROUPS -					1312
Revenue Distribution	\$	2,235,000	\$	2,235,000	1313
TOTAL Department of Public Safety					1314
TOTAL HSF State Highway Safety					1315
Fund Group	\$	510,392,243	\$	516,891,069	1316
TOTAL SSR State Special Revenue					1317
Fund Group	\$	5,937,415	\$	5,938,568	1318
TOTAL LCF Liquor Control					1319
Fund Group	\$	11,435,527	\$	11,546,052	1320
TOTAL GSF General Services					1321
Fund Group	\$	935,862	\$	989,149	1322
TOTAL FED Federal Special Revenue					1323
Fund Group	\$	151,728,179	\$	152,113,072	1324
TOTAL AGY Agency Fund Group	\$	1,500,000	\$	1,500,000	1325
TOTAL 090 Holding Account					1326
Redistribution Fund Group	\$	2,235,000	\$	2,235,000	1327
TOTAL ALL BUDGET FUND GROUPS	\$	684,164,226	\$	691,212,910	1328

**Section 225.10. CASH BALANCE FUND REVIEW** 1330

Not later than the first day of April in each fiscal year of 1331  
the biennium, the Director of Budget and Management shall review 1332  
the cash balances for each fund, except the State Highway Safety 1333  
Fund (Fund 036) and the Bureau of Motor Vehicles Fund (Fund 4W4), 1334  
in the State Highway Safety Fund Group, and shall recommend to the 1335  
Controlling Board an amount to be transferred to the credit of the 1336  
State Highway Safety Fund or the Bureau of Motor Vehicles Fund, as 1337  
appropriate. 1338

**Section 227.10. DEV DEPARTMENT OF DEVELOPMENT** 1339

State Special Revenue Fund Group 1340

4W0 195-629 Roadwork Development	\$	18,699,900	\$	18,699,900	1341
TOTAL SSR State Special Revenue					1342
Fund Group	\$	18,699,900	\$	18,699,900	1343
TOTAL ALL BUDGET FUND GROUPS	\$	18,699,900	\$	18,699,900	1344

ROADWORK DEVELOPMENT FUND 1345

The Roadwork Development Fund shall be used for road 1346  
improvements associated with economic development opportunities 1347  
that will retain or attract businesses for Ohio. "Road 1348  
improvements" are improvements to public roadway facilities 1349  
located on, or serving or capable of serving, a project site. 1350

The Department of Transportation, under the direction of the 1351  
Department of Development, shall provide these funds in accordance 1352  
with all guidelines and requirements established for Department of 1353  
Development appropriation item 195-412, Business Development, 1354  
including Controlling Board review and approval as well as the 1355  
requirements for usage of gas tax revenue prescribed in Section 5a 1356  
of Article XII, Ohio Constitution. Should the Department of 1357  
Development require the assistance of the Department of 1358  
Transportation to bring a project to completion, the Department of 1359  
Transportation shall use its authority under Title LV of the 1360  
Revised Code to provide such assistance and enter into contracts 1361  
on behalf of the Department of Development. In addition, these 1362  
funds may be used in conjunction with appropriation item 195-412, 1363  
Business Development, or any other state funds appropriated for 1364  
infrastructure improvements. 1365

The Director of Budget and Management, pursuant to a plan 1366  
submitted by the Department of Development or as otherwise 1367  
determined by the Director of Budget and Management, shall set a 1368  
cash transfer schedule to meet the cash needs of the Department of 1369  
Development's Roadwork Development Fund (Fund 4W0), less any other 1370  
available cash. The Director shall transfer to the Roadwork 1371  
Development Fund from the Highway Operating Fund (Fund 002), 1372

established in section 5735.291 of the Revised Code, such amounts 1373  
at such times as determined by the transfer schedule. 1374

**Section 229.10. PWC PUBLIC WORKS COMMISSION 1375**

Local Transportation Improvements Fund Group 1376

052 150-402 Local Transportation \$ 291,537 \$ 306,178 1377  
Improvement Program -  
Operating

052 150-701 Local Transportation \$ 67,500,000 \$ 67,500,000 1378  
Improvement Program

TOTAL 052 Local Transportation 1379

Improvements Fund Group \$ 66,294,245 \$ 66,306,509 1380

Local Infrastructure Improvements Fund Group 1381

038 150-321 State Capital \$ 879,237 \$ 918,912 1382  
Improvements Program -  
Operating Expenses

TOTAL LIF Local Infrastructure 1383

Improvements Fund Group \$ 879,237 \$ 918,912 1384

TOTAL ALL BUDGET FUND GROUPS \$ 67,185,569 \$ 67,225,906 1385

**DISTRICT ADMINISTRATION COSTS 1386**

The Director of the Public Works Commission is authorized to 1387  
create a District Administration Costs Program from interest 1388  
earnings of the Capital Improvements Fund and Local Transportation 1389  
Improvement Program Fund proceeds. The program shall be used to 1390  
provide for the direct costs of district administration of the 1391  
nineteen public works districts. Districts choosing to participate 1392  
in the program shall only expend Capital Improvements Fund moneys 1393  
for Capital Improvements Fund costs and Local Transportation 1394  
Improvement Program Fund moneys for Local Transportation 1395  
Improvement Program Fund costs. The account shall not exceed 1396  
\$1,235,000 per fiscal year. Each public works district may be 1397  
eligible for up to \$65,000 per fiscal year from its district 1398

allocation as provided in sections 164.08 and 164.14 of the Revised Code.

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 under 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. 68 of the 126th General Assembly remaining unencumbered as of June 30, 2007, are reappropriated for use during the period July 1, 2007, through June 30, 2008, for the same purpose.

Notwithstanding division (B) of section 127.14 of the Revised Code, all capital appropriations and reappropriations from the Local Transportation Improvement Program Fund (Fund 052) in this act remaining unencumbered as of June 30, 2008, are reappropriated for use during the period July 1, 2008, through June 30, 2009, for the same purposes, subject to the availability of revenue as determined by the Director of the Public Works Commission.

**Section 303.10.** PROVISIONS OF LAW GENERALLY APPLICABLE TO APPROPRIATIONS

Law contained in the main operating appropriations act of the 126th General Assembly that is generally applicable to the appropriations made in the main operating appropriations act also is generally applicable to the appropriations made in this act.

**Section 305.10.** LEASE PAYMENTS TO OBA AND TREASURER

Certain appropriations are in this act for the purpose of 1429  
lease payments to the Ohio Building Authority or to the Treasurer 1430  
of State under leases and agreements relating to bonds or notes 1431  
issued by the Ohio Building Authority or the Treasurer of State 1432  
under the Ohio Constitution and acts of the General Assembly. If 1433  
it is determined that additional appropriations are necessary for 1434  
this purpose, such amounts are hereby appropriated. 1435

**Section 550.10.** FEDERAL JUSTICE GRANTS FUND 1436

The Federal Justice Grants Fund created by the amendment by 1437  
this act of section 5502.62 of the Revised Code is the same fund, 1438  
with a new name, as the Justice Programs Fund (Fund 3L5). 1439

**Section 550.20.** JUSTICE PROGRAM SERVICES FUND 1440

The Justice Program Services Fund created by section 5502.67 1441  
of the Revised Code is the same fund, with a new name, as the 1442  
General Services Fund (Fund 4P6). 1443

**Section 557.10.** Notwithstanding Chapter 5735. of the Revised 1444  
Code, the following shall apply for the period of July 1, 2007, 1445  
through June 30, 2009: 1446

(A) For the discount under section 5735.06 of the Revised 1447  
Code, if the monthly report is timely filed and the tax is timely 1448  
paid, 1.0 percent of the total number of gallons of motor fuel 1449  
received by the motor fuel dealer within the state during the 1450  
preceding calendar month, less the total number of gallons 1451  
deducted under divisions (B)(1)(a) and (b) of section 5735.06 of 1452  
the Revised Code, less 0.65 percent of the total number of gallons 1453  
of motor fuel that were sold to a retail dealer during the 1454  
preceding calendar month. 1455

(B) For the semiannual periods ending December 31, 2007, June 1456  
30, 2008, December 31, 2008, and June 30, 2009, the refund 1457

provided to retail dealers under section 5735.141 of the Revised Code shall be 0.65 percent of the Ohio motor fuel taxes paid on fuel purchased during those semiannual periods.

**Section 603.10.** The items of law contained in this act, and their applications, are severable. If any item of law contained in this act, or if any application of any item of law contained in this act, is held invalid, the invalidity does not affect other items of law contained in this act and their applications that can be given effect without the invalid item of law or application.

**Section 609.10.** 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 611.10.** (A)(1) Insofar as the items of law in the uncodified sections of law contained in this act appropriate money for the current expenses of state government, earmark this class of appropriations, or depend for their implementation upon an appropriation of this class, the items of law are not subject to

the referendum. To that extent therefore, under Ohio Constitution, 1488  
Article II, Section 1c and section 1.471 of the Revised Code, 1489  
these items of law go into immediate effect when this act becomes 1490  
law. 1491

(2) Insofar as the items of law in the uncodified sections of 1492  
law contained in this act appropriate money other than for the 1493  
current expenses of state government, earmark this class of 1494  
appropriations, or depend for their implementation upon an 1495  
appropriation of this class, the items of law are subject to the 1496  
referendum. To that extent therefore, under Ohio Constitution, 1497  
Article II, Section 1d and section 1.471 of the Revised Code, 1498  
these items of law take effect on the ninety-first day after this 1499  
act is filed with the Secretary of State. If, however, a 1500  
referendum petition is filed against such an item of law, the item 1501  
of law, unless rejected at the referendum, takes effect at the 1502  
earliest time permitted by law. 1503

(B) This section is not subject to the referendum. Therefore, 1504  
under Ohio Constitution, Article II, Section 1d and section 1.471 1505  
of the Revised Code, this section goes into immediate effect when 1506  
this act becomes law. 1507

**Section 611.20.** Sections 550.10, 550.20, and 557.10 of this 1508  
act and the items of law of which they are composed are subject to 1509  
the referendum. Therefore, under Ohio Constitution, Article II, 1510  
Section 1c and section 1.471 of the Revised Code, the sections and 1511  
items of law take effect on the ninety-first day after this act is 1512  
filed with the Secretary of State. If, however, a referendum 1513  
petition is filed against any such section or against any such 1514  
item of law, the section or item of law, unless rejected at the 1515  
referendum, takes effect at the earliest time permitted by law. 1516